



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

June 28, 2013

Forest Supervisor  
Bridger-Teton National Forest  
PO Box 1889  
Jackson, WY 83001

To whom it may concern,

The Wyoming Department of Agriculture (WDA) appreciates the opportunity to provide comments on the Bridger-Teton National Forest (BTNF) Draft Snake River Headwaters Comprehensive River Management Plan (CRMP) and Snake River Headwaters Forest Plan Amendment/Environmental Assessment (EA).

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 Plan/EA impacts our agriculture industry, our natural resources, and the welfare of our citizens, 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 greatly appreciates BTNF's cooperation in including us as a cooperating agency and making a concerted effort to implement our comments into the EA and the CRMP. We offer the following comments to the EA and CRMP:

### **Review Range of Alternatives**

We understand the No Action Alternative is "current management," and Alternative 2, the Proposed Action, implements the intent of the Craig Thomas Snake Headwaters Legacy Act of 2008. We question if the range of alternatives is broad enough. If the Proposed Action is not selected, the No Action will not meet the Congressional delegation legal requirements. We ask the BTNF to consider if the two alternatives are a reasonable range.

### **Environmental Assessment**

#### **General Comments:**

- Page 2-30: Alternative 2, Fencing and Safe Road Crossings Guideline: "*Fences should be modified to meet Wyoming Game and Fish Department wildlife-friendly guidelines or removed.*" We do not support modifying or removing fences without site-specific occurrences indicating the fences are inhibiting safe wildlife passage. We also do not support livestock grazing permittees taking on the responsibility for fence modifications or removal. Most permittees are required to maintain fences as part of their permits. We recommend the following wording:

#### *Equal Opportunity in Employment and Services*

##### **BOARD MEMBERS**

Jana Ginter, *District 1* • Jim Hodder, *District 2* • Shaun Sims, *District 3* • John Moore, *District 4* • Alison Lass, *District 5*  
Bryan Brost, *District 6* • Jim Price, Jr., *District 7*

##### **YOUTH BOARD MEMBERS**

Patrick Zimmerer, *Southeast* • Richard Schlenker, *Northwest* • John Hansen, *Southwest* • Cameron Smith, *Northeast*

“Utilize Wyoming Game and Fish Department wildlife-friendly fence guidelines to modify or remove fencing after a site-specific study determines the fence inhibits wildlife migration. BTNF will cooperatively work with affected livestock grazing permittees prior to the fence study, modification or removal. BTNF will not require permittees to remove or modify any fencing.”

- Page 2-31: Alternative 2, Road Density Guideline: *“A transportation system should be provided that is the minimum necessary for adequate access to popular recreation site, private lands, and to meet resource management needs.”* Range improvement projects such as water wells, fences, or even doctoring livestock are not considered “resources.” WDA insists the alternative does not inhibit livestock grazing permittees from managing range improvement projects or managing livestock herds. We recommend the following wording:

“A transportation system should be developed to ensure there is adequate access to popular recreation sites, private lands, to manage forest resources, or other approved forest land uses.”

We also recommend the EA/CRMP clearly states, travel for livestock management including range improvement projects is allowed in permits and an approved administrative use.

- Page 2-34: Proposed Standards, Grazing: *“Not applicable in this river corridor, though some trailing takes place.”* The current standard states, *“Allowed, subject to riparian area and utilization standards in the Forest Plan.”* We recommend all grazing language references the Forest Plan. As proposed, the EA lacks the data, maps, or allotment boundaries to validate whether there are allotments impacted in the DFC 3B segment.
- Page 2- 37: General Comment: WDA is concerned the proposed language throughout the EA, including the DFC 3C is broadly written allowing the reader to interpret the management going beyond the ¼ mile buffer. We recommend reviewing and clarifying any change of management impacted from the EA ensure the area is only within the ¼ mile buffer area.
- Page 2 – 39: Proposed Standards, Water Resource Projects: *“Bank stabilization projects allowed only if necessary to correct human-caused resource damage, using natural materials consistent with site characteristics.”* WDA strongly disagrees with the BTNF restricting them to only “human-caused” resource damage. For example, if a major storm event washed the banks away, or a major landslide occurred, which could impact water rights, fisheries, vegetation, to name a few, the BTNF could not address the issue because it was not “human caused.” WDA recommends the following wording:

“Consider bank stabilization projects on a case-by-case basis and utilize natural materials consistent with site characteristics when appropriate to ensure existing water rights and fisheries remain intact.”
- Page 3 – 19 to 20, Range Resources, first paragraph: *Rangelands are managed under permit to ranches, associations, and individuals, with permit conditions designed for long-term maintenance of the forage resource for both livestock and wildlife.* Is the purpose of this section to provide background information of current conditions for range or for livestock grazing? The title “Range Resources” is misleading, when the entire section only discusses livestock grazing. We recommend

providing a more comprehensive picture of rangeland uses, including wildlife, recreation, livestock grazing, etc.

*“Range and watershed conditions must be maintained through this partnership between permittees and the administering agency.”* Is the administering agency, the Forest Service? When water specific conditions or water quality are discussed, the EA must reference the State Department of Environmental Quality as having primacy over Wyoming’s waters. The DEQ does not partner with grazing permittees and does not issue permits for grazing. We recommend removing water conditions from the section and only discuss broad background information for range.

*“Range management is currently directed by Forest-wide standards. Current Forest Plan standards limit utilization levels to no more than 60% in upland areas or 65% in riparian areas, under rotational grazing systems, for range in satisfactory condition. Site-specific utilization levels will be prescribed during Allotment Management Plan (AMP) revision. Revisions have yet to occur in all areas subject to this designation, with many Allotment Management Plans being over 10 years old at time of designation.”* We ask the BTNF state current, factual information; the number of AMPs completed or the number of AMPs needing revised.

We strongly recommend removing the entire first paragraph on page 3-20. The first sentence states, *“During monitoring and evaluation a Utilization Guideline may be changed...”* We are uncertain if “Utilization Guideline” is a document. We would discourage discussing or generalizing what may occur at the site specific, allotment-by-allotment basis. For example, *“Throughout much of the designation within the Jackson Ranger District, utilization rates have been lowered to 50% in permittee’s Annual Operating Instructions.”*

WDA appreciates BTNF’s previous efforts to remove any reference to setting utilization standards outside the Forest Plan. We reiterate our comments by removing the fore mentioned statement. Additionally, this sentence discusses BTNF setting utilization levels in Annual Operating Instructions, while the previous paragraph states *“Site-specific utilization levels will be prescribed during Allotment Management Plan (AMP) revision.”*

The second half of the paragraph starting with *“River values such as stream banks...”* seems to address riparian issues and bank stabilization, which does not appropriately fall under range resources. We believe the BTNF is attempting to capture how livestock grazing impacts resources in the WSR designated areas. We recommend removing the second part of the paragraph and simply state the facts; livestock grazing is a permitted use, which the Forest Plan guides. The AMP and AOI address site specific monitoring needs, methods, goals, and objectives.

- Page 3-21, Roads and Facilities: The first paragraph states, *Roads, utility corridors, agricultural activities, private homes, resorts, gravel removal, irrigation diversions, and recreation facilities have all created lasting imprints on the landscape.”* We recommend removing the paragraph and the list, as the list provided is not comprehensive and the statement is biased. We encourage BTNF review the document and remove any statements with personal biases.

- Page 4-2: Goal 4.7(b): “*Retain or enhance riparian vegetation, stream-channel stability, sensitive soils, and water quality where livestock are present.*” WDA strongly discourages the BTNF to utilize this goal as written in Alternative 2. Recreation users, such as fishing, camping and hiking, as well as wildlife can and do impact the resources. We recommend the following goal: “Retain or enhance riparian vegetation, stream-channel stability, sensitive soils, and water quality.”
- Page 4 - 4, Water Quantity: The section discusses existing diversions and water rights. We are unaware of existing diversions within the Wild and Scenic Class rivers, but if there are any, WDA insists BTNF honors any and all existing diversions and impoundments within the WSR corridors as these were in place prior to the designation.
- Page 4 – 4 Cumulative Effects: WDA reiterates our previous comments where specific allotments are targeted, such as the Gros Ventre and Granite Creek allotments. The statement includes: “*Allotment Management Plan revisions for both the Gros Ventre and Granite Creek allotments provide opportunities for analyzing the ability of existing management to move range and forage toward desired condition. The No Action alternative would rely on existing allotment-wide monitoring to provide understanding of needs along designated segments. Since allotments typically extend far beyond the ¼ mile corridor, data can be diluted.*” We are again concerned the information provided is not only biased, but poorly analyzed. The BTNF’s statement assumes and conveys the Gros Ventre and Granite Creek allotments are not meeting “desired conditions.”

The statement also suggests current allotment monitoring is inadequate for the increased needs of designated segments. WDA reminds the BTNF, the No Action Alternative if selected, is current management. Current management includes the use of an AOI for annual adjustments. The permittees in cooperation with their range conservationist may wish to implement an adaptive management strategy to remove or add site specific monitoring transects.

The cumulative effect of current allotment management or monitoring in no way hinders the BTNF from proceeding with WSR designation and increased data collection. Finally, the last sentence regarding the use of data outside the ¼ mile corridor and the dilution of said data is inappropriate. Transects and data were developed to assist in making livestock management decisions. Should BTNF need additional monitoring to fulfill the responsibilities of the NWSRA, we discourage tying additional monitoring sites or transects as a terms and conditions for permit renewals, AMP revisions, or AOIs. We recommend removing the entire paragraph.

The last paragraph of Cumulative Effects discusses climate change. WDA is concerned with BTNF’s highly speculative approach to analyzing the cumulative effects of climate change. The statement “*Climate change effects that are already apparent can be expected to have continued influence on hydrologic resources.*” We do not support statements such as “already apparent” when there is no data or site specific science to support this statement. Additionally the paragraph goes on to say, “*More extreme heavy rainfall events and floods will change channel morphologies, especially in downstream ‘response’ reaches. Longer and more severe droughts between rains will create additional stress on wetland and riparian areas. Less winter snowfall and earlier peak runoff will affect water quality and quantity* (emphasis added).” WDA highly

discourages BTNF from making strong statements using “will” assuming with 100% certainty the event will occur. We recommend, at the very least, changing “will” to “may.”

- Page 4 – 5, Aquatic Habitat Guidelines: *“They are also more resilient in the face of climate change. This would not change grazing management direction compared with the No Action Alternative.”* We believe the first sentence is subjective, as we have no pre-and post-data to compare.
- Page 4 – 7, Cumulative Effects: *“Allotment Management Plan revisions for both the Gros Ventre and Granite Creek allotments provide opportunities for analyzing the ability of existing management to move range and forage toward desired condition. Because the desired conditions (and ecological functions) of the designated river corridors would be more clearly described under the proposed action, these revisions would also be expected to provide a positive cumulative effect.”* WDA reiterates our comments of focusing on the two specific allotments and assuming the allotments are not meeting desired conditions.
- Page 4 – 8, Climate change: This paragraph is written verbatim to the paragraph above. WDA urges BTNF apply these comments throughout the document when climate change is discussed.
- Page 4 – 22, Big Game: *“Restrictions on silvicultural activities in this alternative limit some opportunities for habitat enhancements, but restrictions also help to maintain habitat effectiveness and maintain habitat security for ungulates. The 60 – 65% Forest-wide Utilization Standards limit competition between wild ungulates and livestock for forage.”* We are unclear how limiting timber harvest maintains habitat effectiveness or security. Federal land ownership secures habitat, not lack of forest management. WDA requests the BTNF add to this section, “Livestock grazing improves forage quality and reduces chances of large wildfires by reducing fine fuels.”
- Page 4 – 23 Cumulative Effects, first paragraph: We believe the BTNF has interchanged the uses, purpose, and goals of the permit renewal process, AOIs, and AMPs. We recommend the BTNF clarify the distinct differences known throughout the document.
- Page 4 – 23, second paragraph: *“Climate change, currently producing reductions in the distribution of whitebark pine, may reduce the availability of an important seasonal food source for grizzly bears.”* Does the BTNF have site specific climate change studies of white bark pine to make this statement? WDA believes the inability to manage timber, single age class, and pine beetles are all reasons the BTNF should consider when analyzing the cumulative effects to grizzly bear. Specifically, the BTNF mentions this on page 4-32, *“The current timber management in the analysis areas has direct and indirect impacts to whitebark pine. Whitebark pine is in decline due, in part, to previous fire suppression which has allowed shade tolerant trees to establish and competitively exclude whitebark pine in some areas as well as allowing native beetle populations to become agents of mortality for whitebark pine.”* We recommend BTNF analyze the document consistently and comprehensively throughout.

- Page 4-24, Gray Wolf and Big Game: *“The Biodiversity Guideline...and Wildlife and Vegetative Habitat Guideline...”* In addition to the “Utilization Guideline,” we are unaware of these documents and ask the BTNF to fully disclose these documents by including them as appendices to the CRMP.
- Page 4 – 26, Corridor Boundary: The EA states there is an additional 7,060 total acres above and beyond the proposed corridor. WDA is concerned there is no accountability to the BTNF regarding the need for this addition. We recommend BTNF create a third alternative with any additional acres above and beyond the actual acreage required to fulfill the purpose of the Act. We believe the public should have the opportunity to provide their comments of the additional acreage.
- Page 4 – 26, Grizzly Bear: In this instance, only the Gros Ventre AMP is listed, which causes WDA concern as to whether it’s appropriate for one allotment to take the responsibility for providing cumulative benefits for grizzly bear. WDA recommends removing the names of specific allotments throughout the EA and the CRMP.
- Page 4 – 27, Gray wolf: *“Wolf delisting from Endangered Species Act protections will likely lead to individual losses from the area population.”* The removal of wolves from the Act itself does not cause wolf populations to fall. We recommend removing this statement, as delisting has already occurred and the Wyoming Game and Fish Department manages wolves as a trophy game animal in this area.
- Page 4 – 27, Species of riparian: *The current Gros Ventre and Granite Creek Livestock Allotment Management Plans allows for grazing;*” An AMP does not allow grazing; the current Forest Plan and the Multiple-Use Sustained Yield Act (MUYA) of 1960, which is intended to “develop and administer the renewable resources of timber, range, water, recreation and wildlife on the national forests for multiple use and sustained yield of the products and services,” allow grazing to occur. We recommend removing the names of the allotments as well as adding MUYA and the Forest Plan into the statement.
- Page 4- 28, Table 4.1: Combine Northern Rockies Lynx Management with Designated Critical Lynx Habitat. These are the same species and should not convey two separate species.
- Page 4 – 29: Livestock Grazing Management: This section discusses “Effects.” We recommend removing Livestock AMP Revision on page 4 – 30 and adding this language to the previous page under Livestock Grazing Management.
- Page 4 – 45, Cumulative Effects: *Cattle and sheep grazing in the general area may directly and indirectly impact sensitive or MIS plants. Direct effects from grazing include the loss of above- and below-ground biomass through grazing and trampling. Indirect effects include the alteration, deterioration or creation of potential plant habitat through disturbance.”* Grazing is not a detriment to plant species, some of which benefit greatly from it. We recommend including the positive benefits of grazing to certain plant species or to sensitive plant species habitat by reducing competition with more dominant species.

- Page 4 – 46, Range Resources: *“Currently, the BTNF Forest Plan has maintained range resources, proving forage for livestock and wildlife and income to local communities.”* We recommend the following: *“The BTNF Forest Plan and MUYA manage forest range resources for multiple uses and benefits, including forage for livestock and wildlife, and income to local communities.”*

*“...habitat areas such as crucial winter range, seasonal calving areas, riparian areas, sage grouse leks, and nesting sites.”* We recommend changing “calving areas” to “parturition areas” to ensure these are specific to wildlife.

- *“Though there is concern that current Forest Plan forage utilization standards may reduce prevalence of key forage species...”* We strongly discourage the BTNF making subjective statements, which conveys there is universal “concern” by all interested parties. This simply is not the case, and where proper data collection warrants change, permittees work with their respective range staff to develop AMPs and AOIs with appropriate utilization levels in normal precipitation years, as well as years of drought. We recommend removing the sentence.
- Page 4 – 46, Cumulative Effects: *“Although all of these activities have the potential to impact vegetation communities, the elk feedground is most likely to show localized measurable impacts similar to those of livestock grazing. Considerable overlap (as much as 80%) exists between the composition of elk and cattle diets....”* WDA recommends removing the words “similar to those of livestock grazing,” as this is an issue specific to elk feedgrounds and does not need to compare to livestock grazing. When discussing elk feedgrounds, WDA recommends removing any reference to livestock as this is already thoroughly discussed through the Forest Plan, AMPs, AOIs, and permit renewals.
- Page 4 – 48, Monitoring: *“It is recognized that levels of concern could be determined by impacts other than livestock grazing, such as high levels of wild ungulate browsing.”* We appreciate BTNF acknowledging this concern, and request the addition of the following statement: *“The BTNF will not require additional burdens or reduce AUMs in the AMP revisions or AOIs if monitoring does not show livestock grazing management is causing negative impacts.”*
- Page 4 – 50, Effects: *Given most climate change models, rainbow trout are expected to be increasing.”* We recommend BTNF provide site specific references or remove these generalized statements.
- Page 4 – 60, Socio-economic Resources: The EA states, *“No new restrictions are proposed in the Forest Plan Amendment that would endanger the economic well-being of the communities involved.”* WDA urges the BTNF to not only consider the communities, but also the local citizens and their businesses. We believe reductions in timber harvest and reductions in permits for river guides or hunting guides, are a couple of examples to analyze and publicly disclose.

### Comprehensive River Management Plan

- Page ii, Executive Summary: WDA previously commented in regards to the differences in language between the Craig Thomas Snake River Headwaters Legacy Act (CTSRHA) and the National Wild and Scenic Rivers Act (NWSRA). In response, BTNF provided background as to the merging of Outstanding Remarkable Values (ORVs): for example, scientific and natural, ecological and wildlife, cultural and historic. We recommend providing brief background information stating the merging of the ORVs and the logic behind it.
- Page v, In-stream flows: *“A federal reserved water right will be established to protect and enhance the free-flowing condition and outstandingly remarkable values that allowed these rivers to be designated.”* WDA is concerned the BTNF will utilize existing rights in-order to establish this federal reserved right. We ask BTNF to provide more information regarding how they will establish this right, and convey what existing rights are planned to establish this right. We oppose private landowners relinquishing historic and existing water rights to the federal government for in-stream flow purposes.

Additionally on page 5 – 3, *“A federal reserved water right will be established, following finalization of the CRMP, to protect and enhance the free-flowing condition, water quality and Outstandingly Remarkable Values (ORVs) that allowed these rivers to be designated.”* The language provided is very ambiguous and could easily get misinterpreted and misused. We request clarification of this established water right and provide assurance of how the federal government will obtain and use the water right.

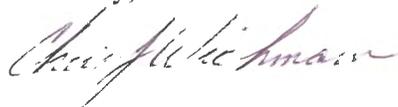
- Page 1-2, Introduction: The first paragraph introducing the CTSRHA the NWSRA leaves out ecologic, geologic, fisheries, scenic, recreation, and cultural values, as stated on page ii. See also page 1-3. We recommend consistency of wording throughout the document.
- Page 1-4, last sentence: *“The ‘protect and enhance’ mandate of the Act applies equally to all designated rivers regardless of development level classification.”* WDA has and continues to have concerns of how the BTNF can protect and enhance. Not all ORVs have potential for enhancement. For example, how would the BTNF enhance a geological feature or a cultural site, such as a tipi ring? The NWSRA mentions it one time in the Act, while the CTSRHA does not use the word “enhance” at all, but only “protect.” We believe the BTNF is overly utilizing the keyword “enhance,” which creates a false sense of urgency in both the EA and CRMP for the public to support the implementation of the Act on the Snake River Headwaters.

Additionally, on page 1 – 8, the CRMP states, *“...suggestions for projects that will help protect the rivers or enhance the identified river values.”* The interchangeable use of “and” and “or” have significant meaning, interpretation, and consequences. WDA encourages the BTNF follow the CTSRHA, which states the Act will “protect.” We discourage the use of “enhance” throughout the EA and CRMP.

- Page 1 – 5, CTSRHA: The proposed designated segments provide mileages, but we ask the BTNF to convey the acreage within each segment. According to the NWSRA, each segment should not exceed 320 acres of land per river mile.
- Page 2 – 15, River Value by Segment: WDA recommend this section include current inventory information to convey current value and how the BTNF plans to “enhance” each ORV on each of the segments.
- Page 4 – 7, Fencing and Safe Road Crossings Guideline: “*Fences should be modified to meet Wyoming Game and Fish Department wildlife-friendly guidelines or removed.*” WDA using our comment from page 1.
- Page 4 – 25, Indicator: The BTNF interchanging the use of “stock” versus “recreational livestock” in the CRMP. We recommend using recreational livestock, which also clearly distinguishes them from commercial livestock.
- Page 4 – 27, Livestock related: The section provides a list of “*potential strategies*” to address concerns. We recommend the BTNF include the following language: “BTNF will work cooperatively with livestock grazing permittees to voluntarily develop and implement solutions.”

WDA appreciates the BTNF’s willingness to work with us the past few months to ensure our concerns were addressed. We also appreciate the acceptance and integration of our most recent comments on the EA and the CRMP. Please keep the WDA informed of all upcoming meetings and changes.

Sincerely,



 Jason Fearneyhough  
Director

JF/jw

CC: Governor’s Policy Office  
Wyoming Board of Agriculture  
Wyoming Stock Growers Association  
Wyoming Wool Growers Association  
Wyoming Farm Bureau Federation  
Wyoming Association of Conservation Districts  
Wyoming Game and Fish Department