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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.*

September 22, 2015

Bureau of Land Management  
Kemmerer Field Office  
430 Highway 189 North  
Kemmerer, WY 83101

Dear Mr. Mier,

Following are the Wyoming Department of Agriculture's (WDA) comments pertaining to Kemmerer Bureau of Land Management Field Office's (BLM) North Trail 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 project 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 the Kemmerer BLM's efforts to develop and analyze the North Trail EA. We particularly want to recognize Kemmerer BLM staff for their efforts to utilize our scoping comments, specifically the analysis of the additional expenses and impacts for trucking livestock if trailing is not permitted. We support the proposed action and offer the following comments on the EA.

#### **Review and Reduce Terms and Conditions**

WDA is concerned the North Trail EA terms and conditions are excessive, duplicative, and inconsistent throughout the document. Specifically page 4 references 2.2.1.2 Guidelines for Livestock Trailing, only to then list terms and conditions, 1 – 11. This is followed up with DOI-BLM-WY-D090-EA13-18, with additional terms and conditions. Then on page 8 an additional 11 terms and conditions, one of which states: *"Allotment Management Plans (AMP) terms and conditions would be added to trailing terms and conditions for those allotments that have AMPS."*

Depending on the terms and conditions of each of the AMPs, the BLM may very well have contradiction between those and the 27 other trailing terms and conditions. WDA recommends revising the EA to ensure the terms and conditions are clearly written and non-duplicative. One example of an inconsistency is on page 5, stating *"Lambing is not allowed on the trail,"* then on page 8 it states *"Lambing/calving is not allowed on the trail."*

Later on in the EA, under Chapter 4.10, Mitigation Measures Considered, page 61 – 62, states *"These measures will be considered for incorporation into the Terms and Conditions of the permit."* One specific inconsistency WDA is genuinely concerned with is under the first bullet:

- *"The Proposed Action will focus analyses on the importance of protecting sensitive areas within the one mile buffer (see Appendix A, Map 4, No Camp Areas)." However the third bullet states "Livestock camps typically will not be authorized within ¼ mile of sensitive areas..."*

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

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### **Remove Subjective Statements**

Chapter 3, Affected Environment should include neutral information about current conditions. However, page 15, second paragraph identifies livestock grazing as a causal factor for vegetation conditions: *“Livestock grazing has influenced most grassland and shrubland communities in the planning area.”* WDA recommends removing this subjective statement.

Another example is found on page 39 in reference to invasive non native species and trucking livestock. *“Regardless of corral type, the animals will cause considerable disturbance of the existing vegetation and surface soils to hoof action and consumption.”* WDA again opposes inflammatory statements clearly not referenced.

### **Incorporate Sage-Grouse Executive Order**

Livestock trailing is considered a de minimis practice. WDA believes the EA entirely neglects to incorporate the State of Wyoming Executive Order 2015-4 for Greater Sage-grouse (EO). The EO Attachment C, Exempt (“de minimis”) Activities page 1, number 6 states: *“Existing animal husbandry practices (including branding, docking, herding, trailing, etc.)”* WDA strongly urges BLM to include the EO throughout the document.

### **Revise Chapter 4: Cumulative Effects**

WDA understands Chapter 4 Cumulative Effects of a certain alternative is difficult to develop. However, we urge Kemmerer BLM to reevaluate Chapter 4 as a whole. WDA is particularly concerned with Cultural Resources page 53 and 54.

- *“The most detrimental impacts to historic properties documented within the KFO related to range improvement have resulted from unauthorized construction projects. In some cases, cultural resources have been irrevocably damaged and valuable scientific data has been lost.”*
- *“The greatest potential for range and livestock grazing/trailing practices to impact historic properties comes from unauthorized construction associated with range improvement and/or range management projects such as bladed fence line routes, waterlines, spring and reservoir construction.”*

WDA strongly disagrees with the analysis of cumulative effects. Livestock trailing activities do not automatically result in grazing permittees circumventing BLM construction approvals or loss of cultural resources.

Furthermore, the EA includes statements such as *“Cumulative impacts from trailing would likely continue as they have in the past.”* WDA urges BLM to identify what these impacts actually are and not simply create an ambiguous notion there are undoubtedly some level of impacts.

The Cumulative Effects section for Vegetation is very concerning for WDA. Statements such as *“It is not known whether the impacts are from trailing livestock, inappropriate distribution of permitted cattle, or a combination of both,”* yet the following sentence states *“Past and present livestock trailing is not negatively impacting the vegetation resources in the 40 allotments that intersect the North Trail system because they either meet the Standards for Rangeland Health or if they do not, it was not caused by livestock trailing.”* WDA suggests BLM work closely with livestock operators to identify sensitive areas and provide general recommendations to avoid resource damage. The extensive and very confusing list of terms and conditions needs revised throughout the EA.

Later in the EA, Cumulative Effects for Wildlife and Wildlife Habitat, the analysis is comparing the direct and indirect impacts between Alternatives 1, 2, and 3. Kemmerer BLM must ensure there is a distinct difference between direct, indirect, and cumulative impacts throughout the EA. Page 61, Alternative 3:

- *"Cumulative impacts to big game would be directly impacted through competition by foraging livestock during trailing. This would impact big game in different ways. Pronghorn numbers are above or meeting population levels therefore the cumulative impact due to trailing is expected to be minimal."*
- *"The largest impact to other species beyond big game includes habitat loss and displacement. The addition of livestock trailing could also contribute to nest trampling..."*

The last paragraph of this section has numerous concerns for WDA:

- *"Reducing the impacts to the water sources or riparian areas by requiring rest areas ¼ mile away, would allow the vegetation the ability to retain the vigor needed to withstand high flow precipitation events. In addition, there would be less grazing pressure on the vegetation which would allow insect population to remain viable. Viable insect populations would also be valuable for amphibians..."*

First, BLM should avoid integrating resources, such as water, riparian, and Proper Functioning Condition with wildlife. Second, we are opposed to using the term "viable." The US Forest Service uses "viability" for wildlife and is often misused and misunderstood. We recommend revising this section in its entirety.

We appreciate Kemmerer BLM's efforts on the North Trail EA and incorporating not only our scoping comments from May 2015, but also the comments mentioned in this letter. We look forward to seeing your final decision. If you have questions, please feel free to 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