

# Wyoming Department of Agriculture

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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.*



Dave Freudenthal, Governor  
John Etchepare, Director

April 24, 2008

United States Fish and Wildlife Service  
Public Comments Processing  
Attn: FWS-R6-ES-2008-0026  
4401 N. Fairfax Dr. Suite 222  
Arlington, VA 22203

Dear U.S. Fish and Wildlife Service:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the Revised Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx (*Lynx Canadensis*).

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 has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

We understand the private lands included as "critical habitat" are minimal; however, a very high number of livestock producers are reliant upon federal lands for grazing. Therefore, we are commenting on the revision of critical habitat for lynx in support of managing the forests for multiple-use, including grazing, not for specific species management. We are commenting specifically to the proposed counties in Wyoming; Park, Teton, Fremont, Sublette and Lincoln.

### **Consider the Restrictions on Forest Lands Multiple-use**

We have read the Federal Register regarding the proposal for expanding the critical habitat for lynx. As the United States Fish and Wildlife Service (USFWS) indicated, "The GYA is naturally marginal lynx habitat with highly fragmented foraging habitat." The forests in Western Wyoming are currently managed for multiple-use and for multiple wildlife species. The forest service and Wyoming Game and Fish Department (WGFD) already manages these areas for other predators including grizzly bears, black bears, mountain lions, wolves, wolverines, and more. We can not support the USFWS designating additional critical habitat area for the lynx based simply on a desire for the forest to transition into a boreal forest in favor of snowshoe hare habitat and ultimately, lynx.

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The restrictions placed on the forest service to manage for other species has already nearly crippled their ability to allow timber harvest, do prescribed burning and allow wildfires to take a natural course among other management options. We specifically request the USFWS work in cooperation with the forest service to develop a list of possible restrictions prior to this designation. Currently the nebulous verbiage makes critical habitat sound like a gift, when we all know this is clearly not the case and is unacceptable.

The USFWS indicated snowshoe hare studies in Montana show the highest hare populations are in lodge pole stands over 20 years old. Current pine beetle infestations are devastating forests throughout the West. This landscape scale problem is due to the lack of the forest service's ability to harvest timber or allow wildfires to naturally burn for fear of litigation by the environmental organizations. Given large tracts of forest will no longer reach 20 years of age, we can not support critical habitat for lynx when other factors like pine beetles will dictate the habitat for both the lynx and the snowshoe hare. The forest service must make a decision; manage for pine beetles by thinning timber stands and remove dead trees to reduce fire or try to manage for wildlife such as lynx that is already marginal.

We recommend the forest service establish fir and spruce trees in place of lodge pole pines when clear cutting. These species of trees are not affected by pine beetles and they are of more benefit to lynx. Before critical habitat is proposed, an inventory of the trees, using GIS should be in place. The critical habitat is proposed based on personal estimations of conifer inventory and not scientific inventory.

Climate change was listed as a reason for the increased need for critical habitat. The USFWS states climate change can reduce snowfall, change plant types and in turn, habitat, creating a need for lynx to leave the United States for Canadian boreal forests. Designating critical habitat will not change the climate. The federal register fails to develop any action items or plans to slow the progress of global warming and believe developing habitat is the answer. We disagree with this reasoning.

The USFWS indicates denning sites are not a strong indicator for the lack of vigor in lynx population growth. However, the register reads throughout as though the forest service will actually manage the forest to create denning sites for lynx. This is simply not realistic. The lack of manpower is already evident on large scale projects and how the forest service staff are stretched thin. We have a specific example dealing recently with the Medicine Bow National Forest and Canada lynx. A domestic sheep allotment is not currently permitted due to a Supplemental Information Report needing completion. This report has Canada lynx as one species needing evaluated to prove sheep grazing will not have negative impacts on lynx. The forest service wildlife biologist has yet to complete the study, which was initiated three years ago. This is just one example of how wildlife such as the lynx can inhibit livestock grazing as well as the fact that forest service staff simply can not manage for all wildlife species equally or on a small scale as indicated above.

The USFWS also indicated the need for reduction in bobcat and coyote numbers to increase hare populations and subsequently lynx populations. Designating critical habitat for lynx will reduce

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trappers' abilities to harvest bobcats or coyotes living in lynx territories for fear of snaring or trapping non-target animals like the lynx. The management for reduction in competing predators and prey animal habitats should be developed and implemented prior to designation of critical habitat reducing any additional restrictions. It is in the best interest of the lynx to proactively manage the habitat and competitors as it is to theoretically manage and designated critical habitat.

#### **Allow State Wildlife Agencies to Manage Lynx**

The WGFDC currently has the lynx listed as a Species of Concern with a native Species Status of 1 (NSS1). While the WDA may not agree with the reason of this listing, due to ongoing significant loss of habitat and possible extirpation, we do support their management and involvement with the stated Conservation Actions listed in the Comprehensive Wildlife Conservation Strategy for Wyoming. The listed actions are: 1) continue efforts to define and monitor the population status, trends and distribution of lynx in Wyoming, 2) continue to research and quantify habitat parameter for lynx in Wyoming, 3) work cooperatively with the Bridger-Teton, Targhee and Shoshone national forests to conduct surveys for lynx in all potential habitat, particularly in potential timber sale areas, 4) manage recreational activities in lynx habitat to minimize packed snow trails outside of designated concentrated use areas and 5) design vegetation treatments, fire management plans, and grazing regimes in lynx habitat that mimic and restore natural landscape patterns and disturbance processes, retain and recruit old growth and woody debris, maintain habitat connectivity and maintains the native composition of herbaceous plant and shrub communities.

We have listed a number of reasons why designating additional habitat for lynx is not only not necessary, but possibly detrimental. There are simply too many unknowns regarding lynx populations in Wyoming and the designation of critical habitat will further the need for the National Environmental Policy Act before the approval and completion of any forest management projects. As it is written, the WDA does not support the increase in critical habitat for Canada lynx.

We thank you for the opportunity to comment and look forward to the USFWS using our recommendations prior to making a final decision to revise the critical habitat areas in Wyoming.

Sincerely,



John Etchepare  
Director

JE/jw

Cc: Governor's Planning Office

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