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.

January 20, 2012

Kristin Yannone, RMP Project Manager
Bureau of Land Management
Lander Field Office
1335 Main Street
Lander, WY 82520

Dear Ms. Yannone:

Following are the Wyoming Department of Agriculture's (WDA) comments pertaining to the Draft Resource Management Plan (RMP) and Draft Environmental Impact Statement (DEIS) for the Lander RMP Revision Project by the Bureau of Land Management (BLM) Lander Field Offices.

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this Draft RMP and DEIS affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important you continue to inform us of proposed actions and decisions and continue to provide the opportunity to express pertinent issues and concerns.

1.2.1. Need for Revising the Existing Plan, Emerging Concerns and Changing Circumstances, p. 4:
Demand for livestock grazing and Animal Unit Months (AUMs) will continue on public lands, despite claims that "Changing demographics such as an aging population in the livestock grazing industry...may have changed the demands for different types of uses on the public lands." The WDA strongly supports continued livestock grazing and multiple use management on BLM-administered lands. This RMP should not reduce profitability or viability of ranching operations and the BLM must seriously consider the impacts of proposed actions on profitability and viability of livestock production and on livestock grazing management.

2.4.9. Alternatives Considered but Not Carried Forward for Detailed Analysis, Closure of Some Areas to Livestock Grazing, p. 23:
The WDA supports the Lander BLM's commitment to analyze relevant and reasonable alternatives potentially impacting livestock grazing management. We support the decision to exclude an alternative to close the planning area to livestock grazing. We agree with the BLM that closing areas to livestock grazing "without supporting data identifying resource conflicts would be arbitrary and without scientific basis." We also agree that livestock grazing can be authorized "without compromising rangeland health standards or resulting in conflict with other resource areas." The analysis of authorizing new range improvement projects to benefit livestock grazing is reasonable and appropriate and the WDA supports this approach.

We support the construction of new range improvement projects to improve rangeland health and enhance successful grazing management strategies. Range improvements are an integral part of grazing management and are often necessary to achieve desired management and rangeland health. The WDA also supports fully

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evaluating the impacts of range improvement projects on livestock grazing management, rangeland health, and other resources and resource uses. However, we are concerned that many management actions in this document restrict livestock grazing management and the tools necessary to obtain healthy rangelands. We would like to emphasize the importance of livestock grazing as a multiple use and we do not believe livestock grazing management should continually be restricted due to perceived conflicts. In addition, the WDA is concerned that development of Comprehensive Grazing Strategies will lengthen the time period before range improvements can be built. We ask the Lander Field Office to develop a suggested timeline for developing Comprehensive Grazing Strategies and an outline of what may be included.

Table 2.6. Detailed Alternative Descriptions by Resource, Biological Resources, Special Status Species, Record #4085, p. 104:
Record #4085 is common to all alternatives and currently states "Establish forage utilization levels in greater sage-grouse nesting habitat to ensure adequate residual cover remains." The BLM should be required to examine areas with greater sage-grouse nesting habitat with more scrutiny before impacting livestock grazing management. We recommend considering using "identified greater sage-grouse nesting habitat."

Table 2.6. Detailed Alternative Descriptions by Resource, Land Resources, Livestock Grazing Management, Record #6058, p. 141:
Record #6058 provides direction to "Develop and implement new AMPs with grazing permittees/lessees...to achieve desired resource goals." The WDA recommends adding "comprehensive grazing strategies" to Record #6058 to provide consistency throughout the document.

In addition, the WDA strongly urges the BLM to delete the word "stakeholder" from this management action and add the words "*interested publics.*" Interested publics is an established term used in the livestock grazing portions of the Code of Federal Regulations (CFR) and this RMP must be consistent with existing regulations. CFR 4100.0-5 includes a specific definition for interested publics. It is important to cite these regulations in the RMP:

CFR 4100.0-5 Interested public means an individual, group, or organization that has:(1)(i) Submitted a written request to BLM to be provided an opportunity to be involved in the decision making process as to a specific allotment, and(ii) Followed up that request by submitting written comment as to management of a specific allotment, or otherwise participating in the decision making process as to a specific allotment, if BLM has provided them an opportunity for comment or other participation; or(2) Submitted written comments to the authorized officer regarding the management of livestock grazing on a specific allotment.

Even though there is a definition of stakeholders in the glossary, stakeholders are not included in the grazing portion of the regulations and cannot be used in this RMP. The definition of stakeholders in the glossary can include anyone holding U.S. citizenship. The CFR regulations cited above require U.S. citizens to actively request involvement before being consulted on grazing management decisions and Allotment Management Plans.

Table 2.6. Detailed Alternative Descriptions by Resource, Land Resources, Recreation, Record #6097, p. 152:
The WDA supports continued livestock grazing in Sweetwater Canyon.

Table 2.6. Detailed Alternative Descriptions by Resource, Special designations, Wild and Scenic Rivers, Record #7034, p. 174:

Currently, the preferred alternative (Alternative D) is to "Manage livestock grazing in the Baldwin Creek and Sweetwater River Units to support the outstanding remarkable values. Allow construction of new range improvements that protect or enhance outstanding remarkable values and do not result in adverse impacts to the wild classification." The WDA prefers current management (Alternative A) "Identification of WSR eligibility does not change livestock grazing management."

Table 2.6. Detailed Alternative Descriptions by Resource, Special designations, Whiskey Mountain ACEC (Existing), Record #7074, p. 184:
The WDA does not support the loss of 28 AUMs proposed through the closure of the CM Whiskey Basin Pasture.

Table 2.6. Detailed Alternative Descriptions by Resource, Special designations, Regional Historic Trails and Early Highways ACEC (Proposed), Record #7140, p. 207:
The preferred alternative (Alternative D) states "Range projects (including mineral supplementation) and their associated impacts are subject to the following restrictions within ½ mile of the trail...Projects and their associated impacts are considered on a case-by-case basis to ensure that they are either hidden from the trails, are too far away to be seen, or are designed or camouflaged to cause no more than a weak contrast, as defined in the BLM Visual Resource Manual."
The WDA does not support restrictions on livestock grazing management due to Regional Historic Trails. Range improvement projects should be *allowed* within ½ mile of Regional Historic Trails and Early Highways with *consideration* of visual resources.

Table 2.6. Detailed Alternative Descriptions by Resource, Special designations, Government Draw/Upper Sweetwater Sage-Grouse ACEC (Proposed), Record #7147, p. 209
"The area is open to livestock grazing and managed to maintain or enhance greater sage-grouse habitat." We support the action to keep the proposed ACEC open to livestock grazing and to maintain greater sage-grouse habitat. However, we are concerned that *how* livestock grazing is managed to maintain or enhance sage-grouse habitat is open to interpretation. This area has extensive research regarding greater sage-grouse movements and habitat and this data (as well as other monitoring data) should be used if changes to livestock grazing management are made for the benefit of greater sage-grouse. More importantly, livestock grazing has occurred in the proposed ACEC for decades and has not been detrimental to greater sage-grouse populations or habitat. Livestock grazing is currently managed in consideration of all other resource values. The WDA does not support additional restrictions on livestock grazing management in the proposed ACEC.

4.3.2.3.1. Impacts Common to All Alternatives, Planned/Prescribed Fires and Other Fuels Treatments, p. 697:
"...It is BLM policy that prescribed burn areas are deferred from grazing a minimum of two consecutive growing seasons, based on management objectives...and IM No. WY-2005-018. The BLM will use environmental and rangeland conditions to identify whether the two-season period has provided enough recovery time."
Management Action Record #3011 (Alternative D) states BLM will "Implement appropriate deferment for livestock grazing on all prescribed or wildland fires," which contradicts the statement made on page 697. The cited IM and Management Action #3011 allow for flexible management following fire events and give discretion to the BLM to make the best decision. Livestock can be placed in a burn area sooner than the minimum stated on page 697. In addition, the statement made on page 697 is not an impact common to all alternatives.

Alternative D stresses the importance of flexibility in managing livestock grazing following fire. The WDA supports this flexibility and appreciates the BLM commitment to evaluating grazing management following fire events. We do not support using pre-determined timelines for grazing management following fire; each situation is unique, each year is unique, and emerging research has shown that livestock grazing may have no effects following fire (Roselle et al. 2010[1]).

4.4.3.3.1. Impacts Common to All Alternatives, Invasive Species and Pest Management, p. 743:
"...livestock are more likely than wildlife to ingest INNS before they are turned out on the public lands because INNS infestation is more prevalent on private lands." This statement should be removed as it is inaccurate for several reasons. First, wildlife use both public and private land and are just as likely to ingest INNS as livestock, regardless of land ownership. In addition, most private landowners work closely with Weed and Pest Districts to control INNS on private lands.

4.6.5.3.1. Impacts Common to All Alternatives, Livestock Grazing Management, p. 998:
The PDEIS discussion detailing the impacts of wild horses on livestock grazing management that are common to all alternatives included a short discussion of the August 2003 Consent Decree. The WDA recommends the Consent Decree be discussed in the EIS/RMP.

4.7.5.3.6.6.3. Resource Uses, Alternative D, Detailed Analysis of Alternatives – East Fork, Areas of Critical Environmental Concern, p. 1107:
Alternative D must disclose how many livestock grazing AUMs are lost due to the closure of 1,494 additional acres in the ACEC.

4.10.1. Cumulative Impacts to Greater Sage-Grouse from Management Actions, Background, p. 1208:
The WDA insists the BLM references the most recent and most correct list of top five threats to greater sage-grouse, as listed in the Federal Register, 2010[2]. The Federal Register provides the most recent information and the most accurate information. It must be utilized in this EIS/RMP.

4.10.5. Cumulative Impacts to vegetative Communities from Surface-Disturbing Activities and Other Management Actions, Analysis of Cumulative Impacts, p. 1238:
The DEIS currently states: "Incremental increases in actual use of BLM grazing permits and leases will continue to occur, as permittees build their herds in response to the cattle cycle and beef prices. This cyclic spike in actual use could adversely impact vegetation condition over the long term." This is total speculation. There is no evidence (especially based on past AUM numbers in the Lander planning area) that actual use will increase during the next planning period. In addition, the DEIS predicts lower AUMs throughout the document for all alternatives. The WDA recommends removal of this language.

Appendix D, Reclamation Objectives and Standards, p. 1391:

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[1] Roselle, L., S. S. Seefeldt, and K. Launchbaugh. 2010. Delaying sheep grazing after wildfire in sagebrush steppe may not affect vegetation recovery. International Journal of Wildland Fire. 19:115-122.

[2] Federal Register. March 2010. Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered; Proposed Rule. 50 CFR Part 17. Department of the Interior. Fish and Wildlife Service.

Include definitions of interim and final reclamation in the glossary and further describe them in Appendix D. Further descriptions may include when each is expected to be initiated, if re-contouring is expected at the interim reclamation level, if site stabilization is required when continued disturbance and/or re-disturbance is expected in a short period of time, etc. The glossary should also include definitions of landscape continuity and INNS.

The description of reclamation plan requirements should include *reclamation objectives*. Setting specific objectives pre-disturbance in specific project level reclamation plans will assist BLM and energy developers in reaching reclamation standards. In addition, specific ESD information (i.e.: year of ESD, soil map unit information, etc.), monitoring methods and sample size should be included in reclamation plans. Reclamation plan requirements should include timelines and guidance detailing corrective actions if it is determined reclamation is unsuccessful.

The bulleted objectives for interim reclamation include the statement that "Interim reclamation will utilize mostly native plant species..." The WDA supports the use of native species over non-native species. We understand the importance of flexibility to make case-by-case decisions as well. However, using "mostly" native plants leaves room for a wide array of interpretations. We recommend changing the language to "Interim reclamation will emphasize native plant species..."

The objective of final reclamation in non-DDAs includes supporting "...approximately the same composition and density of organisms that were originally present." Please clarify "originally present." Does this refer to pre-disturbance composition and density of organisms or the historic climax plant community?

It is important that plant species composition (by weight) standards are evaluated on a species basis instead of by life form and the WDA recommends adding this to the standards for interim and final reclamation. The amount of INNS allowed is also important to the ecological health of disturbed areas and surrounding areas. Interim reclamation in non-Designated Development Areas is considered successful five years after seeding if specific standards are met. The WDA requests the standard for percent allowable INNS be reduced in these areas, as five years is sufficient time to reach a higher standard. In addition, it appears the INNS criteria are contradictory. For example, final reclamation standards in non-Designated Development Areas is considered successful with "No greater than 10 percent INNS and 25 percent INNS in a 500 square foot and" and "No invasive plant species present."

The WDA understands reclaimed areas will be monitored as designated in the reclamation plan. However, the discussion in Appendix D does not include when monitoring will be concluded. Appendix D should also clarify when monitoring will need to be reinitiated. The DEIS/RMP states monitoring will be reinitiated "Any time 15 percent or more of a reclaimed area is re-disturbed..." Is this standard for interim reclamation, final reclamation, or both? Is the 15% determined by cumulative reclaimed acres for a project area, or by reclaimed acres from a specific timeframe within a project area? In addition, Appendix D should clarify if the final reclamation inspection is for bond release or does a project proponent request final inspection when they think they've met reclamation standards? Does final inspection trigger the end of monitoring reclaimed sites?

<u>Appendix L, Economic Impact Analysis Methodology, Table L.8. Estimated AUMs by Alternative, p. 1484:</u>
The WDA recognizes that Table L.8 demonstrates projected, gradual reductions in AUMs over the planning timeline and that projected AUMs vary based on resource conditions and other variables. We suggest adding

footnotes of explanation in Table L.8 to accurately express this. In addition, the table must include an explanation that Estimated Actual Use (2027) may be increased to Estimated Actual Use (2008) over time. The projected reductions are simply estimations and *do not* signify a reduction of AUMs concurrent with the signing of the Record of Decision. AUM decisions are made on an allotment-by-allotment basis and *not* through the RMP process. This should be clear in Appendix L and Table L.8.

In conclusion, we appreciate the opportunity to comment on the Draft RMP and DEIS. We encourage continued attention to our concerns and we look forward to hearing about and being involved in proposed actions and decisions.

Sincerely,

Jason Fearneyhough

Jason Fearneyhough
Director

JF/jc

CC: Governor's Policy Office
Rocky Mountain Farmer's Union
Wyoming Association of Conservation Districts
Wyoming Board of Agriculture
Wyoming Farm Bureau Federation
Wyoming Game and Fish Department
Wyoming State Grazing Board
Wyoming Stock Growers Association
Wyoming Wool Growers Association