



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

December 14, 2012

Eric Decker  
PAPO  
1625 W. Pine St.  
PO Box 768  
Pinedale, WY 82941

Dear Mr. Decker

The Wyoming Department of Agriculture (WDA) appreciates the opportunity to provide scoping comments on the 10-Year Sublette Mule Deer Mitigation Plan (Plan) joint proposal between the Bureau of Land Management (BLM), Pinedale Anticline Project Office (PAPO) and the Wyoming Game and Fish Department (WGFD).

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 proposed 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 time and energy spent on the Plan to mitigate impacts upon the Sublette mule deer herd's habitat and population. We strongly support the cooperative effort to improve the Sublette mule deer herd through mitigation efforts. We offer the following comments regarding the Plan's proposed projects and process, and support the PAPO Board's comments regarding the proposal at their December 5, 2012 Board meeting in Cheyenne.

We believe it is important for the BLM to adequately consider the direct and indirect impacts of these projects, should they utilize a programmatic Environmental Assessment (EA). A programmatic EA may not fully analyze the projects at the appropriate scale. We recommend BLM adequately analyze the impacts of each project and treatment in the EA and analyze the cumulative impacts of implementing the entire plan.

### Reconsider Mitigation

The 2008 Pinedale Anticline Project Area Record of Decision (ROD) includes a "Wildlife Monitoring and Mitigation Matrix," (pg. B-1) outlining which species PAPO will monitor and mitigate for, the criteria, changes to monitor, and specific change requiring mitigation, among other guidance. As stated in the Executive Summary of the proposed plan (pg. 3), "mule deer ... abundance on the Mesa declined by 20% exceeding the 15% threshold which triggered mitigation efforts as identified in the 2008 ..." The 15% threshold is the "Specific Change Requiring Mitigation" identified in the 2008 ROD. Sawyer and Nielson (2011<sup>12</sup>) report different migration corridors for the

<sup>1</sup> Sawyer, H and R. Nielson. 2011. "Mule deer migration routes to and from the Mesa Ryegrass winter ranges."  
*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*

Mesa and Ryegrass mule deer herds (pgs. 4 - 5 and 16 - 17, respectively). The Plan proposes projects in the Ryegrass-Soapholes area; however, it appears the migration or transition range for the mule deer wintering on the Mesa is missing according to Sawyer and Nielson's reports.

Additionally, Sawyer and Nielson provide figures (Figure 6, pg. 6 and Figure 15, pg. 18) showing the migration segments used by the largest proportion of mule deer from the Mesa to their summer ranges. Again, these migration/transition ranges appear different than the areas proposed for mitigation projects. Therefore, it appears the proposed Plan will not provide direct mitigation for the Mesa mule deer per the 2008 ROD.

Sawyer and Nielson (2010<sup>3</sup>) report movement between the Mesa and Ryegrass-Soapholes area is minimal during their period of monitoring. The WDA recommends PAPO reconsider implementing mitigation, such as habitat treatments in the Ryegrass-Soapholes reference area, if the decline is on the Mesa mule deer population. If mitigation occurs in the reference area, Mesa mule deer could potentially stop wintering on the Mesa and move onto Ryegrass-Soapholes. Increased movement from the Mesa to Ryegrass-Soapholes area could signify a greater decline in the Mesa herd, thus causing a greater concern and need for increased mitigation per the 2008 ROD. The map on page 23 of the Plan has merged two sub-populations of mule deer migration corridors into one map, but it is not labeled for the years Sawyer and Nielson collected their data or to separate distinct differences between subpopulations. We recommend the Plan's map distinctly show the two separate herds and corridors.

Again, we strongly support mitigating the declining mule deer population, but also want to make sure we understand the actual reason for the decline. It remains unclear why the deer population is actually declining: noise, fragmentation, predation, collisions, poor body condition, low recruitment, etc. It is important the WGFD research and convey the causal factors for the decline. The proposed projects involving vegetation treatments could potentially have no positive impact to the herd if other factors are the actual reason for the decline.

The WDA would like the BLM, PAPO and WGFD to develop clear and specific goals and objectives for each project. Throughout the Plan "experimental" treatments are mentioned. The WDA encourages the BLM to build sufficient flexibility into the associated objectives in case the "experimental" treatments are not successful.

#### **Include Permittees**

The Plan mentions the PAPO, WGFD and BLM will meet and coordinate annually with livestock grazing permittees to discuss *"how permittees can assist with managing their livestock to benefit the projects, duration and when treatment area will be rested."* We appreciate the involvement of grazing permittees and believe it is imperative to get their input about the numerous decisions of the Plan including, but not limited to, location of vegetation treatments, type of treatments, need for fences around treatment areas, and fence and gate locations if an enclosure is determined necessary.

---

<sup>2</sup> Sawyer, H and R. Nielson. 2011. "Mule Deer Monitoring in the Pinedale Anticline Project Area 2011 Annual Report." September 21, 2011.

<sup>3</sup> Sawyer, H. and R. Nielson. 2010. "Mule Deer Monitoring in the Pinedale Anticline Project Area 2010 Annual Report." September 14, 2010.

We recommend the PAPO and BLM notify affected permittees of the impacts of proposed treatments and discuss the appropriateness of treatment locations. We support annual meetings and believe the permittees have vast knowledge and expertise to provide; hopefully reducing the need for future mitigation on mule deer.

We believe WGFD and BLM also have an opportunity to work with livestock grazing permittees to utilize their livestock as a tool pre- and post-treatment. Permittees who have the ability and interest in intensively herding their cattle or sheep in the designated treatment areas can thin sagebrush, reduce fuel loads for burn areas, and increase seed to soil contact. One example PAPO mentions where the treatment could benefit from livestock is Area 2, Appendix E, Aspen Ridge-Brodie Draw project. We ask BLM to creatively utilize livestock as a management tool in as many projects as possible.

### **Consider Permittee Impacts**

The WDA has concerns regarding the impacts of treatments on livestock grazing permittees, including, but not limited to the adequate “rest” each project may require. There is a distinct difference between “rest” and “deferment” in relation to range management. Rest is defined by the Society for Range Management as *“leaving an area of grazing land ungrazed or unharvested for a specific time, such as a year, a growing season or a specified period required within a particular management practice.”* Deferment is defined as *“a delay of grazing to achieve a specific management objective. A strategy aimed at providing time for plant reproduction, establishment of new plants, restoration of plant vigor, a return to environmental conditions appropriate for grazing, or the accumulation of forage for later use.”* The WDA supports the use of grazing deferment and not a blanket “2-year rest” statement.

The 2008 Pinedale Resource Management Plan ROD and the BLM IM No. WY-2005-018 support flexibility in livestock management following vegetative treatments. The WDA also supports flexibility in livestock management following vegetative treatments based on specific monitoring and assessments for each project/treatment and we encourage BLM to reference the IM and the ROD. The WDA encourages BLM to reference the 2008 Pinedale Resource Management Plan section 2.3.11 Vegetation Management, page 53, which states:

*“Treated areas will generally be rested from livestock grazing for a minimum of two full growing seasons after treatment unless the appropriate level of environmental analysis determines that shorter durations are adequate. Analysis could indicate a need for a longer rest period.”*

Additionally, if the projects proposed are to mitigate the declining mule deer population, it is unfair for livestock producers to personally bear the burden of unnecessarily “resting” pastures, finding alternative grazing, reducing Animal Unit Months (AUMs), or have financial responsibility for infrastructure associated with treatments (e.g., fences). In other words, if mitigation for the Mesa mule deer is implemented and permittees have to defer grazing, find alternative forage or pasture, reduce AUMs, implement additional herding, etc. the mitigation budget should account for these associated costs, not the permittees.

Treating over 6,500 acres, as suggested in the Plan, within a two or three year period could potentially have significant economic impacts to permittees. This could be the case for the permittee who operates in the East Aspen Ridge, Brodie Draw, and Jewett Ryegrass allotments. The Plan proposes to implement treatments in the East Aspen Ridge allotment in 2013 and 2014, the Brodie Draw allotment in 2014, and the Jewett-Ryegrass

allotment in 2013. Again, the WDA recommends the BLM work closely with affected permittees to mitigate any potential impacts to their operations and analyze these specific impacts in the EA.

The Plan lists several projects where the main objective is to thin sagebrush. The PAPO should provide the project area's current sagebrush canopy cover or convey what canopy cover objectives are following treatment. According to the Governor's Executive Order (EO), 2011-5, "*Sagebrush treatments that maintain sagebrush canopy cover at or above 15% total canopy cover within the treated acres will not be considered disturbance.*" The WDA recommends each project area include important information such as canopy cover and whether or not the project will trigger the Density/Disturbance Calculation Tool (DDCT) according to the EO. The WDA suggest the EA disclose DDCT calculations as part of the EA.

We recognize some projects and treatments are "experimental." However, we recommend utilizing best available science before project implementation. As an example, Appendix F—Jewett-Ryegrass Area, Area 2, indicates an "*existing pipeline could be enhanced through seeding/shrub plantings.*" We believe the BLM should already have worked with the pipeline company who reclaimed the area to BLM's existing standards, which should have included an approved seed mix to benefit livestock forage and multiple wildlife species. Additionally, we understand inter-seeding projects in other areas have had little to no success rate. We ask BLM to reevaluate this particular project.

The WDA values the use of quantitative data to make informed decisions. We encourage PAPO to include the quantitative data collected to describe the current condition, convey the need for vegetative treatments, or establish measureable objectives. The WDA strongly encourages the BLM to gather quantitative data during peak growing season to identify the current condition and to inform development of project objectives. The Plan states on page 10, "*Treatment recommendations are based on professional judgment and past experience working with habitat manipulations throughout Sublette County since 1988.*" We cannot support the Plan to proceed based on "professional judgment and past experience" alone. We ask PAPO to revise the treatment recommendations based on existing monitoring data, available science, knowledge of permittees, BLM range staff, State and local governments, and PAPO staff.

#### **Revise Tables and Maps**

In the Plan, Appendix C—List of Treatments/Area identified in 2011 Assessment does not match the project area appendices. There are numerous errors throughout the table, including the total acreage of the treatment area. For example, Aspen Ridge; Appendix C states the area is 800 – 1000 acres, but Appendix D says it is 1,000 – 1,200 acres. The "Area" column which includes the name and the appendix has numerous incorrect appendices beginning with the James Ryegrass & Ryegrass Individual, Appendix G. There is a project area with 100 acres in the James Ryegrass area, which is excluded from Appendix H. WDA recommends amending Appendix C in its entirety to mirror subsequent appendices.

The WDA recommends the BLM revise the map on page 17 titled *Ecological Site Descriptions – Delineations and Data Points* to identify the ecological sites. The current map does not allow the public to review the map and identify which ecological sites are in proposed treatment areas.

The WDA supports mitigation for the Mesa Mule Deer Herd. We believe the PAPO should work very closely with the WGFD and BLM to ensure the projects listed will meet stated and appropriate objectives. Additionally, we ask

PAPO to include livestock grazing permittees early in the planning stages with possibilities of utilizing their livestock as a tool pre- or post-treatment.

In conclusion, the WDA appreciates the opportunity to provide scoping comments on the proposed projects. Please keep us involved in proposed actions and decisions and contact us with any questions or concerns.

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 State Grazing Board  
Wyoming Association of Conservation Districts  
Wyoming Game and Fish Department