



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 16, 2024

RSFO RMP Draft EIS Comments

Attn: Carlos Coontz
280 Hwy 191 N,
Rock Springs, WY 82901

Dear Mr. Coontz,

Following are the Wyoming Department of Agriculture (WDA) comments regarding the Bureau of Land Management (BLM) Draft Resource Management Plan (RMP), Draft Environmental Impact Statement (DEIS), and proposed Areas of Critical Environmental Concern (ACEC) for the Rock Springs Field Office.

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. As the proposed project could affect our industry, citizens, and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

The WDA has served as a Cooperating Agency since the Scoping period in February 2011 and assisted the BLM in the development of the range of alternatives. We supported creating width to the alternatives and allowing the analysis under Chapter 4 of the DEIS to guide the BLM to decide reflective of and in compliance with local, state, and federal plans, policies, rules, and regulations. The BLM's identification of Alternative B as the preferred alternative was unanticipated and a shock to all of us who were involved as Cooperating Agencies and understood Alternative D would be the agency's preferred alternative.

We believe the BLM's decision of selecting Alternative B in favor of conservation over multiple use is a direct reflection of an agenda driven administration willing to overlook the long-term negative impacts to the local and state economies and potential demise of resource uses including, but not limited to public land grazing, renewable and non-renewable energy, logging, and mineral extraction. We offer the following comments to not only reiterate our opposition of Alternative B, but also to provide insight into the direct, indirect, and cumulative impacts of selecting the preferred Alternative B, as well as other issues with Alternatives A and D.

CHAPTER 2

Physical Resources, Soil and Geological Resources:

- MA# 1106, Alt B: "Coordinate with NRCS prior to approval of surface disturbance to analyze surface-disturbing activities... " (p. 2-9)

Comment: The requirement to coordinate with NRCS prior to approval will undoubtedly create a bottleneck in all future project development and implementation. It is unlikely NRCS has the budget and staff to fulfill the BLM's expectations for full implementation. Alternative D is much broader and allows utilizing of existing soil

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data to incorporate and guide future decisions without needing to coordinate with NRCS for the unknown number of surface disturbing activities in the future.

- MA#1107, Alt B: "Prohibit surface disturbing activities in areas where the soils have any of the following..." (p. 2-10)

Comment: The DEIS fails to include any information regarding the number of acres the prohibition impacts. For example, "slopes greater than 25%," is completely unknown under this alternative and is not captured under Chapter 4. This further creates uncertainty for project proponents when only project level National Environmental Policy Act (NEPA) analysis is initiated and completed. We insist the BLM identify in the Final EIS and Record of Decision all areas and acres impacted by MA#1107.

- MA#1109, Alt B: "Require photo point monitoring for all channel crossings and all surface disturbances greater than ½ acre." (p. 2-11)

Comment: The DEIS fails to analyze the impacts on BLM staff or additional costs incurred by project proponents to monitor at the scale found under Alternative B. The expectation of MA#1109 is a significant impact in comparison to Alternative D, which is limited to a case-by-case basis.

- MA#1112, Alt B: "Require site-specific activity and implementation plans to reduce erosion." (p. 2-11)

Comment: Again, the increased workload and financial burden to write these required plans is under analyzed under Alternative B, but also assumes you can enhance water quality for the areas beyond the site capability.

- MA#1114, Alt B: "Prohibit pits that store liquids." (p. 2-12)

Comment: This may be assumed to apply only to fluid mineral extraction, but WDA believes the inclusion of "liquids" has the potential for misapplication to any and all liquids, including small stock ponds storing water for livestock grazing, wildlife, or wild horses. We request BLM ensure stock water is excluded from this MA.

- MA#1308, Alt B: "Require best available modeling to quantify the amount of sediment, salinity, and associated nutrients that would be transported to water bodies from all surface disturbing activities." (p. 2-15)

Comment: The theme of Alternative B is to require additional workloads, of which BLM is likely incapable of doing, especially across ALL surface disturbing activities. Alternative D, states "No similar action," because BLM knows it is unlikely to happen or to have the ability to monitor to the level expected. All project level NEPA will get litigated if the modeling is not completed prior to the analysis and decision.

Physical Resources, Lands with Wilderness Characteristics:

- MA#1501, Alt B: "Allow motorized travel only for access to state/private parcels." (p.2-23)

Comment: MA#1501 will undoubtedly impact livestock grazing permittees from managing their federal grazing permits, prohibit them from using motorized vehicles to load and unload livestock, repair fence, check stock water, or deliver salt and minerals to livestock. Not only will this MA impact livestock grazing permittees, but also recreationist and hunters. BLM will have to close these roads under a travel management plan, because the agency will not have the manpower to ensure compliance of trespass.

- MA#1506, Alt B: "Pursue acquisition of the state parcel." (p.2-23)

Comment: Federal grazing permittees who are also grazing lessees on Office of State Lands and Investment sections will certainly have concern regarding the loss of their state leases due to MA#1506.

Fire and Fuels Management-Wildland Fire Ecology:

- MA#3008, Alt B: "Prohibit use of chemical fire suppression agents within ¼ mile of Special Designations and rock art sites and where it may adversely affect identified resources (e.g. cultural, water, soil, wildlife)." (p. 2.48)

Comment: Special Designation areas increase by 460% under Alternative B, leaving a significant portion of the Rock Springs BLM vulnerable to catastrophic wildfires when a tool such as chemical fire suppression is removed under Alternative B.

Biological Resources-Forest and Woodlands:

- MA#4003, Alt B: "Manage forests and woodlands to improve vegetative health and for the benefit of other resources. Use natural processes to the greatest extent possible." (p. 2-51)

Comment: Alternative B excludes what natural processes are approved and eludes to relying primarily on natural fire regimes and perhaps insects to manage the forest and woodlands, which WDA believes does not improve vegetative health or benefit other resources such as wildlife.

- MA#4016, Alt B: "Leave harvested areas and areas denuded by natural causes to revegetate naturally." (p. 2-53)

Comment: Areas burned by wildfire are prone to heavy cheatgrass infestations. By choosing Alternative B, BLM lands will no longer meet the habitat needs of many wildlife species and likely conflict with designated wildlife habitats such as crucial winter range, parturition areas, nesting for sage-grouse, etc.

- MA#4020, Alt B: "Prohibit pre-commercial thinning except for fuels treatment." (p. 2-54)

Comment: Alternative B is a direct conflict by prohibiting pre-commercial thinning as a tool scientifically proven and utilized across the West to improve the resource for not only commercial purposes, but also for other beneficiaries such as wildlife.

Biological Resources-Vegetation:

- MA#4103, Alternative B: “Use naturally occurring wildfires, prescribed fire, and biological treatments to meet vegetation management objectives or to protect and enhance crucial and sensitive wildlife habitats.” (p. 2-56)

Comment: Unlike Alternatives C and D, Alternative B prohibits the use of chemical treatments. BLM has recent approval for the chemical Rejuvra, which is the most effective chemical on the market for the long-term treatment of cheatgrass and other annual grass species. By prohibiting chemicals such as Rejuvra, or other chemicals developed and approved in the future and during the implementation of this RMP, the Rock Springs Field Office will likely experience significant infestations of weeds and annual grasses. Ultimately, livestock grazing permittees will experience negative impacts on their permits as a result of not meeting standards for upland and wildlife.

- MA#4111, Alternative B: “Rest all treated areas a minimum of five growing seasons from livestock grazing.”

Comment: MA#4100 states “Manage vegetation using the best available science-based assessment and modeling information...” However, Alternative B directly conflicts with MA#4100 by requiring a blanket timeframe of 5 years rest for all treatments. Not every treatment would benefit from rest and may in fact benefit from grazing to reduce monocultures of a particular vegetation species. Additionally, BLM interchanges this MA throughout the document and analysis with five growing season, five years, and five seasons.

- MA#4111, Alternative D: “Adapt management of treated areas using a site-specific analysis of contributing factors, if not meeting or making significant progress toward vegetation objectives.” (p. 2-57)

Comment: WDA also does not support Alternative D for a number of reasons. The MA is incorporating and misapplying Wyoming Land Health Standards language for making a determination. Establishing and meeting vegetative objectives following a vegetation treatment does not follow the same analysis, or determination of causal factors. WDA recommends rewording Alternative D as follows: “Develop reasonable vegetation objectives based on treatment methodology and defer livestock grazing as needed to reach objectives.”

- MA#4207, Alt. B: “Limit control of noxious weeds and other invasive plant species to mechanical and biological methods.”

Comment: The limited approach to address annual grasses, including cheatgrass through chemical applications will dramatically prohibited livestock grazing permittees from achieving Wyoming Land Health Standards for upland or sensitive species. The recent efforts to approve Rejuvra for long-term control of cheatgrass on BLM

lands will not apply to the Rock Springs Field Office under Alternative B. This lack of weed suppression will have a cumulative impact to private, state, and other federal lands.

- MA#4211, Alt. B: "Designate, in coordination with APHIS-WS, the entire planning area as a "restricted control area" for animal control. Animal damage management may be planned, but control activities may be limited to certain methods or times of the year to achieve management objectives. Emphasize non-lethal methods." (p.2 – 50).

Comment: The WDA Animal Damage Management Board (ADMB) was founded by state statute 11-6-301 through 11-6-313, to promote best management practices for predator related issues across the state to benefit livestock producers, wildlife populations, and human health and safety. The Wyoming predator program operates under the Wyoming Statutes WS 11-6-101 through 11-6-108, WS 11-6-201 through 11-6-210 and Chapter 14 Aerial hunting regulations.

In conjunction with USDA-Wildlife Services and the County Predator boards all trappers work with an integrated approach to animal damage. The methods include **nonlethal control** (herders, fencing, fladry and guard animal), **ground work** (ex. hunting trapping snaring), and **aerial control**.

A reduction in animal damage control due to budget cuts has had a definite impact on the producer's losses as reflected in the 2021 Wyoming Ag Statistics report:

https://www.nass.usda.gov/Statistics_by_State/Wyoming/Publications/Annual_Statistical_Bulletin/

The predation by coyotes has risen 57% from 9,400 head of sheep and lambs in 2015 to 24,800 head in 2021. The value of these losses of sheep and lambs has risen from \$1,671,000 to \$2,643,000.

These losses have had a significant impact on the sheep producers in the State. Several Wyoming Sheep producers utilize the area in question to winter their sheep herds. Reducing or eliminating the ability to use lethal control under Alternative B, will further increase the economic impact to producers.

The Wyoming predator program operating under the Wyoming Statutes WS 11-6-205 states county boards are also responsible for the protection of wildlife and the Wyoming Game and Fish Department has provided more money to the ADMB for removal of coyotes during fawning season, the county boards also work with USDA/Wildlife Services for raven removal.

Wyoming operates under the ADMB Chapter 2 regulations for wolf management funding. Wolf work continues to be a major concern as the wolf population continues to spread across the state. The Rock Springs Field Office is a main corridor for wolves. If these lands are restricted to non-lethal methods, wolves will expand their territory and create issues for the control objectives set by the Wyoming Game and Fish Department: With most wolves in the predator zone not being collared, removing the wolves when depredation occurs can be very expensive.

- MA#4212, Alt. B: "Prohibit aerial application of chemicals within 2,640 feet (1/2 mile) of wetlands, riparian areas, aquatic habitats and Special Status plants. Apply chemicals in accordance with label requirements. Exceptions could be applied to manage riparian weed species." (p. 2-50)

Comment: The science behind the need for application of specific herbicides is found on the label, which each alternative includes. To go beyond the label and increase buffers of each individual chemical is not only unnecessary, but based on opinion rather than science.

- MA#4213, Alt. B: "Prohibit vehicles and hand application of chemicals within 1320 feet (1/4 mile) of wetlands..." (p.2-60)

Comment: The science behind the need for application of specific herbicides is found on the label, which each alternative includes. To go beyond the label and increase buffers beyond the label of each individual chemical is not only unnecessary, but based on opinion rather than science.

- MA#4300, Alt B: "Achieve PFC and/or maintained as a minimum standard on all riparian and wetland areas. All riparian areas should, within five years, have activity or other management plans in various states of implementation..." (p.2-61)

Comment: Achieving Proper Functioning Condition (PFC) is not a standard under the Wyoming Land Health Standards. The DEIS has interchanged or intermixed PFC and Standards. PFC is a methodology used to assess riparian areas, but is not based entirely on quantitative data. PFC should inform the Standard for riparian areas as part of a Standards Determination.

- MA#4408, Alt B: "Consider water developments only if wildlife habitat and resource conditions would be improved or maintained."

Comment: Narrowing all range improvement projects to only focus on wildlife habitat does not meet the intent of numerous other reasons for the projects. For example, if the concern is to address a stream segment in Functioning At Risk category under PFC, Alternative B will prohibit the water development and directly conflict with MA#4300.

- MA#4412, Alt B: "Allow animal damage control on BLM land only if it would benefit Special Status Species or is needed for valid safety concerns."

Comment: Alternative B does not actually consider the correlation between the species being controlled and special status species. Pg 3-12 lists the special status species for mammals, avian fish, amphibians and reptiles in the project area. At best, the correlation between predatory species being controlled for animal damage may only be with pygmy rabbit and Greater sage-grouse. The Alternative B doesn't address the true need for animal damage control.

- MA34418, Alt B: "Prohibit renewable energy projects in big game crucial winter range..."

Comment: The Programmatic Solar EIS recently came out and WDA believes Alternative B and the current administration's priorities for increased renewable energy are in direct conflict.

- MA#4420, Alt B: "Prohibit livestock grazing in big game parturition habitat during the birthing season (usually from May 1 through June 30)."

Comment: Most BLM livestock grazing permits overlap with big game habitat and the dates indicated. For those livestock grazing permittees in the prohibited areas, this would likely cause significant economic impacts to their operations. Additionally, BLM must incorporate the Wyoming Land Health Standards to ensure livestock grazing is a significant causal factor for not providing adequate forage and habitat in the parturition areas.

- MA#4427, Alt. B: "Seasonally close vehicular travel in important periods (big game crucial winter, parturition, calving, nesting areas"

Comment: This alternative closes the mentioned areas for over 9 of the 12 months of the year. Of which, overlaps with most livestock grazing seasonal use periods and would prohibit livestock grazing permittees from maintaining range improvement projects, supplying salt and minerals, or other livestock grazing management tasks requiring motorized vehicles.

- MA#4430, Alt. B: "Prohibit surface occupancy within one mile of occupied and historic raptor nests and associated feeding grounds. This includes project components such as permanent and/or high profile structures..."

Comment: The interpretation of Alternative B will undoubtedly prohibit livestock grazing permittees from installing windmills and solar panels for water developments. By not allowing livestock grazing permittees to install water developments due to raptor nests locations, permittees may not fully utilize the forage equitably across their allotments or potentially meet Wyoming Land Health Standards.

- MA#4602, Alt. B: "Prohibit surface disturbing activities or any disruptive activity on known locations of Special Status plant species."

Comment: BLM must identify all known locations of Special Status plant species in order for the project proponents to know what impact Alternative B would have on their respective industry.

- MA#4610, Alt. B: "Prohibit surface disturbing activities in potential habitat areas of Special Status plant species."

Comment: MA#4610 goes even further than known locations and will have devastating impacts to industries utilizing the project area for development given the unknown "potential habitats."

- MA#5100, Alt. B: Rock Art Sites with additional acreages within a three mile areas. "Prohibit surface disturbing activities, visual intrusions, and audible intrusions, within these areas."

Comment: These additional acres are in addition to ACECs and will undoubtedly cause negative impacts to the livestock grazing industry by prohibiting the ability to implement range improvement projects. It remains unclear of all activities considered and prohibited as a surface disturbing activity.

- MA#5305, Alt. B: "Prohibit surface disturbing activities in Adobe Town and Desolation Flat/Desolation Point Areas."

Comment: It remains unclear of all activities considered and prohibited as a surface disturbing activity. The total number of prohibited acres from surface disturbing activities when compiled is incredibly high and will undoubtedly cause harm to the industries using the project area and those employed in the local communities.

- MA#6404, Alt. B: "The total authorized livestock use...would be the active AUMs. If land health evaluation shows that land health standards are not met and current livestock grazing management is determined to be among the causal factors, implement a 20% reduction annually from the 10-year average of actual billed AUMs for each permit/lessee up to three consecutive years (60%) in active AUMs until land health standards are met."

Comment There are so many issues and impacts from MA#6404. First, livestock grazing permittees who stock their permits conservatively are now being punished for not utilizing the fully authorized permit. Second, BLM is not correctly following the regulations for Wyoming Land Health Standards. Livestock grazing must be determined to be the significant causal factor, not among the factors as written. All other causal factors including but not limited to wild horses, wildlife, recreation, and industry are incorporated into the determination, yet livestock grazing permittees are the only ones required to modify management. The proposed reductions to AUMs may have no change in resource conditions or meeting or working towards meeting the Standard. Finally, a reduction of up to 60% of a grazing permit would devastate the livestock grazing industry in the project area. Depending on the BLM's ability to reevaluate Wyoming Land Health Standards, the ability to regain the AUMs lost could take years. The permittees cannot assume BLM will prioritize new evaluations in a timely manner for these permits.

- MA#6405, Alt B. "Establish allotment stocking rates...(generally a light 21% to 40% utilization level) that provide wildlife cover and utilization."

Comment: Wyoming Land Health Standards regulations are already in place to evaluate rangeland conditions and determine if livestock grazing utilization levels meet the Standard for Special Status Species and wildlife. The reduction in utilization levels at the Plan level is not appropriate. Utilization levels should be evaluated at the site-specific level based on Standards Determinations and project level NEPA. Additionally, the BLM already adjudicated AUMs for livestock grazing with the additional forage adjudicated to meet the needs for resource benefits, wildlife, and wild horses.

- MA#6406, Alt B: "Adjust livestock and wild horse forage allocations as needed to meet the site potential which supports wildlife habitat requirements."

Comment: Adjusting current livestock grazing management may not assist in reaching site potential. Rather soil and vegetative disturbances such as fire, mowing, or tilling followed by native seeding may be required to reach site potential. If wildlife habitat requirements were not being met, this would be identified using Wyoming Land Health Standards Determinations.

- MA#6407, Alt. B: "Close all exclosures within the planning area to livestock grazing. Suspend AUMs currently authorized in these exclosures."

Comment: The Alternative doesn't provide how many exclosures there are in the project area or provide how many AUMs would be suspended. The Alternative fails to explain why the exclosures are in place, or how each exclosure has the original purpose and need when it was analyzed under NEPA. To change the original intent for an unknown reason followed by suspension of AUMs for livestock is unacceptable.

- MA#6411, Alt B: "Prohibit placement of salt and mineral supplements...Within ½ mile of natural perennial or ephemeral water sources..."

Comment: The number of ephemeral channels across the project area is likely to be significant and potentially could limit many livestock grazing permittees from complying with the distance required under the Alternative while still meeting their livestock needs for salt and mineral.

- MA#6414, Alt B: "Prohibit livestock grazing in riparian areas that are not meeting PFC."

Comment: PFC is not a quantifiable tool where data is used to conclude on a significant causal factor. PFC should inform the Wyoming Land Health Standards for Riparian, with a Determination made to causal and significant causal factors. As stated, Alternative B assumes or singles out livestock grazing as the significant causal factor for all streams not meeting PFC. This misapplies the intent of PFC.

- MA#7342, Alt B: "Manage surface disturbing activities, including rights-of-way to avoid slopes greater than 20% and highly erosive areas."

Comment: Page 2-10, MA#1107, Alternative B states "slopes greater than 25%." The Alternatives must be consistent between resources for analysis purposes.

- MA#7414, Alt B: "Consider livestock water developments only if wildlife habitat and resource conditions would be improved or maintained."

Comment: Narrowing all range improvement projects to only focus on wildlife habitat does not meet the intent of numerous other reasons for the projects. For example, if the concern is to address a stream segment in Functioning At Risk category under PFC, Alternative B will prohibit the water development and directly conflict with MA#4300.

- MA#7423, Alt B: “Modify livestock grazing objectives and systems to manage for plant condition and composition most ecologically beneficial to identified wildlife species...”

Comment: This Alternative conflicts with existing regulations for Wyoming Land Health Standards. BLM should only modify grazing management after a Standards Determination identifies livestock grazing as the significant causal factor. The RMP can not override BLM’s existing regulations.

- MA#7433, Alt. B: “Prohibit livestock grazing in the portion of the Mellor Mountain grazing allotment that intersects the Sage Creek portion (Map2-30).”

Comment: The Alternative needs to identify the number of AUMs lost, as well as the number of acres in the grazing allotment the BLM would close. Additionally, there’s no context as to what the intent behind removing livestock grazing would be in relation to benefiting the Sage Creek ACEC.

- MA#7438, Alt B: “Prohibit livestock grazing in the Jane’s Meadow ad Upper Current Creek Pastures within Sugarloaf Grazing Allotment.”

Comment: The Alternative needs to identify the number of AUMs lost, as well as the number of acres in the grazing allotment the BLM would close. Additionally, there’s no context as to what the intent behind removing livestock grazing would be in relation to benefiting the Current Creek ACEC.

- MA#7532, Alt. B: “Designate the ACEC an exclusion areas for: 1) surface disturbing activities that could adversely affect the resource values in the area...”

Comment: Where livestock grazing overlaps the ACEC, this Alternative would prohibit livestock grazing permittees from implementing new range improvement projects such as water developments. The broad interpretation of surface disturbing activities is likely to cause significant negative impacts to the livestock grazing industry.

CHAPTER 4

4.4.1 Soil Resources, Alternative A:

“Livestock grazing and range improvements involve localized disturbance of soils. ...” In areas where range improvement activities were allowed, surface disturbance from the construction of range improvements would remove vegetation and increase erosion by wind...” (p. 4-21)

Comment: Alternative A confirms our concerns of BLM including range improvements as a surface disturbing activity. WDA previously commented throughout Chapter 2, Alternative B with concerns how livestock grazing permittees will likely be impacted across the entire project area due to the prohibition of surface disturbing activities. While the definition or understanding of what BLM would include as a surface disturbing activity remained uncertain in the management actions, WDA can not support Alternative B due to the broad implications and limitations to the livestock grazing industry.

4.4.1 Soil Resources, Alternative B:

“Vegetation treatment actions would have similar impacts to soils as those discussed in Alternative A, but longer resting times for treated areas would likely provide greater protection to soils in these areas as vegetation and soil would have a longer timeframe to establish and stabilize.” (p. 4-23)

Comment: Alternative B assumes all vegetation treatment actions are alike and all have the same level of impact on soils. Mowing, spraying, prescribed fire, high intensity grazing are all treatment actions, with very different effects. Resting a treatment area for five growing seasons may in fact have a detrimental effect on the purpose and need of the project. BLM must incorporate vegetation objectives into the project and determine how best to reach those objectives. Resting for five growing seasons will not achieve this across all treatment actions.

“Prohibiting use of fire chemicals, salt or mineral supplements, and range improvements within ¼ mile of special status plant species could indirectly further protect soil quality in these areas.” (p. 4-24)

Comment: The prohibition of range improvements includes fencing. Fencing is often used to protect vegetation, including special status plant species. Yet, Alternative B, will not allow fencing to protect the plants within ¼ mile of the plants. Also, how is soil “quality” protected?

“Livestock grazing management actions would be similar to Alternative A, except where areas open to grazing under Alternative A would be prohibited or closed to livestock grazing (exclosures and recreation areas). In these areas, reduced grazing pressure on vegetation would provide greater protection to soils compared to Alternative A.” (p. 4-24)

Comment: BLM needs to include the number of acres prohibited or closed to grazing to inform the public and most importantly the livestock grazing permittees of the actual impact from current management under Alternative A.

4.5.2 Water Resources, Alternative A:

“Livestock grazing and range improvements could involve localized surface disturbance from activities such as water source development and construction of fences. These activities could result in localized vegetation removal and reduction of soil surface...” (p. 4-33)

Comment: BLM is considering livestock grazing as a surface disturbance under Alternative A, which WDA can not support and does not meet the definition of surface disturbing activities

“Management that prohibits or restricts recreation-related surface disturbing activities such as camping, cutting of trees and firewood for camping, and construction of recreation site facilities...” (p. 4-33)

Comment: While WDA doesn't oversee recreation, we reiterate our concern of BLM's misapplication and analysis of surface disturbing activities. Camping and cutting of firewood do not disturb soils.

4.5.3 Water Resources, Alternative B:

"Vegetation treatment actions would have similar impacts as those discussed in Alternative A, but longer resting times for treated areas would likely provide greater protections to water resources in these areas as vegetation and soil would have a longer timeframe to establish and stabilize..." (p. 4-35)

Comment: The analysis is misleading by assuming the vegetation treatments are near water or on steep slopes where soil runoff is likely to occur. Longer rest times under this analysis are assumed for livestock grazing, but not indicated specifically. Rest from livestock will not guarantee the vegetation objectives are met.

"However, surface disturbing activities such as vegetation treatments, removing and building fences, and water developments would result in short-term vegetation loss..." (p. 4-35)

Comment: Aerial spraying for cheatgrass is an example of vegetation treatment, yet has no ability to disturb soils. BLM has used surface disturbing activity across any activity, many of which are not actually meeting the definition or intent of what surface disturbing activities are.

"Impacts to water resources from livestock grazing management would be similar to Alternative A. Under Alternative B some areas would be prohibited or closed to livestock grazing. In these areas, reduced grazing pressure on vegetation would provide greater protections to water resources when compared to Alternative A." (p. 4-36)

Comment: The analysis fails to include the necessary information such as acres closed or prohibited from livestock grazing in Alternative B to compare with Alternative A. "Some areas" doesn't give the livestock grazing permittees the information needed to fully understand the impacts to their permits.

4.5.5 Water Resources, Alternative D:

Comment: There is no analysis under Alternative D or a comparison between it with Alternative A pertaining to the impacts to or from livestock grazing with water quality.

4.6.2 Vegetative Communities, Alternative B:

"The increased restrictions placed on livestock grazing activities under this alternative would likely support vegetation resources to a greater degree when compared to Alternative A. Closing all exclosures within the planning areas to livestock grazing and suspend AUMs currently authorized in these exclosures would allow the forage in the exclosures area a chance to regrow."

Comment: BLM needs to identify what restrictions are placed on livestock grazing. If the exclosures are already in place under Alternative A, this excludes grazing, and vegetation isn't being utilized. There is no "regrowth" occurring under Alternative B. The analysis lacks enough information to compare the impacts between alternatives.

4.6.5 Vegetative Communities, Alternative D:

Comment: There is no analysis under Alternative D or a comparison between it with Alternative A pertaining to the impacts to or from livestock grazing with vegetative communities.

4.7.3 Wildlife and Fisheries, Alternative B:

“Resting lands from livestock grazing a minimum of five seasons after treatments would allow treated areas to revegetate, soils to stabilize and vegetation to mature to the point of withstanding livestock grazing pressure. Rested areas could provide wildlife with new vegetation for cover and forage without competition with livestock during the rest period.” (p. 4-69)

Comment: The statement and analysis are biased. If removal of livestock grazing for a period of five growing seasons is beneficial, why does wildlife grazing on the same treated areas not compromise the treatment’s ability to mature?

“Removal of fences reduces threats of injury or death from collisions or entanglement with fences, enhances migration corridors, and could allow access to additional forage and cover.”

Comment: There wasn’t a specific management action pertaining to the removal of fences under Alternative B, Chapter 2. Fences are not a limiting factor with wildlife and forage. Remove the statement.

4.16.2 Livestock Grazing Management, Alternative A:

“Large concentrations of these big game animals occur within portions of the planning areas (Map 3-3) which could require some livestock operators to alter grazing management practices to comply with the Wyoming Land Health Standards.” (p. 4-175)

Comment: When the BLM evaluates Wyoming Land Health Standards and a particular Standard is not met during the Determination, current livestock grazing is analyzed to determine if it is a significant causal factor. According to the statement above, if big game concentrations were occurring and contributed to the Standard not being met, and livestock grazing was not the significant causal factor, changes in livestock grazing management should not occur. BLM must follow the regulations for Wyoming Land Health Standards and not misapply them to remove or change livestock grazing management.

“Under Alternative A, 3,592,404 acres would be available for livestock grazing use and 970 acres would be managed as unavailable for grazing.” (p. 4-176)

Comment: The BLM must identify the Palmer Draw area as the areas where the 970 acres are unavailable for livestock grazing. Additionally, WDA believes the BLM should provide the reasoning for making this area unavailable.

“Management of these recreation sites would continue to exclude forage from livestock use because these areas would be fenced. Because of the relatively small size of these sites, the impacts to livestock grazing would be minor.” (p. 4-176)

Comment: This section does not provide the number of acres livestock grazing is fenced out from utilizing forage. Additionally, the section does not tie back to the 970 acres mentioned earlier, leaving WDA unsure if these acres are above or in addition to the previous statement. Finally, “would be minor” assumes this will occur in the future, but Alternative A is the current management and would provide the existing impacts based on the management already occurring from when the plan was last revised.

“Designated OHV areas that are closed to livestock grazing would result in a small loss of forage.” (p. 4-177)

Comment: Alternative A neglects to identify how many acres are closed to livestock grazing. Are the 970 acres unavailable to livestock grazing different than what this statement indicates? Closure and unavailability to livestock grazing are two different management actions.

4.16.3 Livestock Grazing Management, Alternative B:

“Impacts resulting from management of the air quality, fire, cultural resources, recreation, vegetation and hazardous materials management would be the same as the Alternative A.” (p. 4-177)

Comment: This statement is false. Alternative B requires numerous management changes and requirements to manage or reduce livestock grazing, including reduced annual utilization levels, closure to exclosures, and mandatory rest for five growing seasons for vegetative treatment areas.

“Managing lands with wilderness characteristics specifically to preserve those characteristics would prevent surface disturbance...” (p. 4-177)

Comment: Preventing surface disturbing activities under Alternative B, and according to the BLM would exclude all range improvement projects. This will have significant impacts to the livestock grazing industry by reducing the ability to manage livestock to meet or make progress towards meeting Wyoming Land Health Standards.

“Animal damage control activities under this alternative could directly benefit livestock operations by removing predators known to have killed livestock. (p. 4-178)

Comment: The analysis for Alternative B is flawed. Alternative B removes lethal control for predators and has restricted control areas found on pg. 2-60. There is no benefit to livestock grazing under Alternative B, especially regarding predator control. In fact, livestock losses due to predators will undoubtedly increase.

“Under Alternative B, 3,583,789 acres would be available for livestock grazing and 8,576 acres would be unavailable for grazing use.” (p. 4-178)

Comment: Alternative B analysis neglects to explain why livestock grazing is unavailable in the 8,576 acres and what permits are impacted by the action.

“The effects on livestock grazing resulting from the development of ROWs would be similar to Alternative A, except 2,480,876 acres would be excluded from ROW development (481% increase, which would decrease the extent of related forage removal, but could decrease opportunities for access to remote locations within the allotments.” (p. 4-178)

Comment: ROWs should not prohibit livestock grazing permittees access to their allotments. ROWs excluded from development does not equate to road closures or inability to manage range improvements using vehicular access.

“Impacts on livestock grazing from managing OHV use would be similar to those presented under Alternative A, except the areas currently designated as “limited to existing roads and trails” (2,398,839 acres) would be changed to “limited to designated roads and trails” (3,367,576 acres) and all routes would be designated as open, closed or limited.” (p. 4-178)

Comment: Changing the terminology from “existing” to “designated” roads and trails leaves the public unable to determine the actual impacts because the “designation” is unknown under Alternative B. Livestock grazing permittees should not lose access to administrative access for the purposes of managing their permits, livestock, and range improvements.

4.16.5 Livestock Grazing Management, Alternative D:

“Under Alternative d, 3,589,859 acres would be available for livestock grazing, with 2,515 managed as unavailable for grazing use, about 1545 fewer acres available for grazing compared to Alternative A.” (p. 4-181)

Comment: BLM neglects to identify the areas where livestock grazing is unavailable. These areas are: Pine Creek Special Status Plant Exclosure, McKinnon Special Status Plant Exclosure,, and Palmer Draw Exclosure. Under Alternative A, Palmer Draw excluded livestock grazing from 970 acres. Alternative D analysis fails to explain why the BLM needed to increase the size of the exclosure, why the previous size exclosure is inadequate, and special status plants are now requiring additional protection in comparison to Alternative A.

“The acres designated as ACECs would be decreased...Management within a portion of the Little Mountain ACEC would require a grazing plan prior to approval of an annual grazing authorization. This management could lead to a delay when livestock use could occur once an operator identifies a desire to graze within area (Previously known as the Red Creek Portion of the Greater Red Creek ACE, 55,880 acres).” (p. 4-181)

Comment: This is the first time the BLM is requiring a grazing management plan. The BLM must explain why this is necessary for not only this area, but also at the RMP level. WDA does not support restricting grazing and putting the ownness to develop a grazing plan on the livestock grazing permittees/operator. If the BLM is requiring the plan, BLM must cooperatively complete the plan in a timely manner with the livestock grazing permittees and ensure grazing is not delayed.

4.19.3 Lands and Realty, Alternative B:

“Under this alternative, areas managed as exclusion areas for ROWs would increase to 68% of the planning area (2,480,876 acres) and areas managed as avoidance areas for ROWs would decrease to 4% of the planning area (133,903 acres). This would increase the acres in which ROWs are precluded, which would potentially increase the number of ROW facilities precluded from development.” (p. 4-211)

Comment: Alternative B directly conflicts with the agency’s push for increased renewable energy development. This would undoubtedly decrease potential for solar development.

4.20.2 Renewable Energy, Alternative A:

“Renewable energy development requires surface disturbance...Management Actions to minimize impacts...” (p. 4-218)

Comment: The two paragraphs are verbatim from page 4-217. Remove from either page.

“The granting of ROWs is crucial to supporting national energy plans that include developing renewable energy.” (p. 4-220)

Comment: This sentence indicates the agency and administration’s interest in increasing renewable energy, but the Preferred Alternative B will directly conflict with this process.

“ACEC habitat prescriptions to manage land development, occupancy, and view sheds would limit renewable energy developments. The placement of renewable energy facilities, structures, and transmission/pipe lines; allowance of surface disturbing activities associated with construction, and vehicle access to development sites would be impacted adversely by those restrictions.” (p. 4-221)

Comment: Again, the BLM has selected Alternative B as the Preferred Alternative, yet directly conflicts with the statement mentioned above. Alternative B increases ACEC, and prohibits surface disturbing activities throughout the Plan Revision.

4.20.3 Renewable Energy, Alternative B:

“Prohibiting renewable energy projects in big game crucial winter range and parturition habitat, raptor concentration areas, currently mapped unique habitats, or new areas identified as part of site-specific investigations would preclude renewable energy development.” (p. 4-223)

Comment: In addition to reducing development of ROWs, increased acres of ACECs, and the numerous wildlife habitats, renewable energy under Alternative B will be nearly impossible.

“The management actions for renewable energy development under this alternative are similar to Alternative A, except ROW exclusion areas would be greater (2,480,876 acres excluded, which is 2,054,167 more acres than Alternative A.” (p. 4-224)

Comment: The statement is incredibly misleading. The two alternatives A and B are not similar in any way regarding renewable energy in ROW areas. Alternative B will be nearly impossible to develop with the substantial exclusion area.

4.22.2 Methods Analysis:

“Total authorized AUMs are the same for Alternatives A and D. Total authorized AUMs are 6,202 less under Alternative B due to provisions that management alternative (prohibition on grazing in certain allotments. Under Alternative C, total authorized AUMs are limited to the highest level of billed use over the last 10 years (2009 -2018). That figure is 160,387 AUMs, which is 142,881 less than the authorized AUMs under Alternatives A and D.” (p. 4-234).

Comment: WDA fails to see in Alternative B, Chapter 2 where the total authorized AUM count is reduced by 6,202. Chapter 2 states: “The total authorized livestock use for a grazing season within RSFO would be the active use AUMs

sustained on an allotment-by-allotment basis for livestock grazing.” (p. 2-119). In addition to these AUMs, BLM is proposing to reduce grazing where standards are not met, and suspend AUMs in closed exclosures. BLM must combine all of these actions and compile the total AUMs impacted. We don’t believe 6,202 AUMs is representative of the actual number of lost AUMs under Alternative B in its entirety.

4.22.3 Summary of the Quantitative Economic Impact Analysis:

“Total labor earnings attribute to BLM-administered land in the RSFO total \$379 million annually in 2016 in Alternative A, \$168 million in Alternative B, \$388 million in Alternative C, and \$377 million in Alternative D.” ((p. 4-243)

“Annual total employment attributable to BLM-administered land in the RSFO totals 5,435 jobs annually in 2016 in Alternative A, 2,515 jobs in Alternative B, 5,549 jobs in Alternative C, and 5,399 jobs in Alternative D.” (p. 4-244)

“Many ranchers work elsewhere part-time and rely on the ranch for only 20% of their income (Hanus 2011), relying instead on outside jobs or other savings to support their ranching lifestyle. (p. 4-253)

“In addition to its role in supporting lifestyle values for ranchers, livestock grazing on BLM-administered land supports the publicly and privately held open space that is a key component of the landscape of the west.” (p. 4-253)

Comment: The statements above regarding the economic impacts from BLM selecting Alternative B are greatly concerning. The fallout of selecting and implementing Alternative B extends well outside of the project area. Specific to local ranchers in the Sweetwater County area who work off the ranch part or full time, could get hit financially in a number of ways,

As an example, if ranchers using BLM lands for livestock grazing loses AUMs through Wyoming Land Health Standards evaluations and reductions, closures of grazing areas, or simply the inability to graze due to the numerous factors under Alternative B, these could impact their overall ranching operation.

For those ranchers who also work off the ranch in the project area, which may include oil and gas, trona, coal, trucking, excavation, reclamation, etc. all of those jobs are likely impacted and reduced or eliminated by Alternative B. The BLM’s decision to select Alternative B in the Final Record of Decision would economically devastate the community and county.

4.22.5 Impacts of Alternative B, Quantified Economic Impacts:

“The quantified impacts of livestock grazing, coal and soda ash production, and recreation are the same under Alternative B as Alternative A.” (p. 4-258)

Comment: The economic impacts analysis for livestock grazing is solely based on the difference between AUMs, which is 6,202. While this seems relatively benign in relation to the total AUMs in the project area, the economic impacts analysis neglects to include the cumulative impacts and subsequent economic effect Alternative B will have. The economic impacts left out of this analysis include the predator losses to livestock producers who no longer can lethally remove predators. The death loss of livestock without lethal control is likely to increase significantly.

Additional economic effects the impact analysis neglects to calculate is the loss of AUMs from implementing the management actions which reduce AUMs by 20% where Wyoming Land Health Standards are not met. Regardless if

livestock grazing is the significant causal factor, up to 60% of AUMs could be removed. This could dramatically change the economic impacts analysis if BLM provided the information based on existing standards evaluations.

4.22.5 Impacts of Alternative B, Other Market Based Economic Impacts:

“Alternative B would restrict certain management practices, which could increase costs. Chemical treatments for vegetation management are specifically allowed under Alternative A, but not included as an option under Alternative B.” (p. 4-259)

Comment: Areas infested with cheatgrass, or other noxious and invasive weed species, can be one of the reasons a Wyoming Land Health Standards determination is not met, especially pertaining to Greater Sage-grouse. Reductions in livestock grazing could result in a 60% reduction by the third year due to not meeting the Standard for Special Status Species. However, BLM’s Alternative B prohibits the use of chemical treatments to address these noxious and invasive species. Unless weeds are addressed, there is no possibility to work towards meeting the Standards. This is just one more example of cumulative effects and direct economic impacts to the livestock grazing industry where the analysis of Alternative B fails to address or identify the full impact of the Preferred Alternative.

“A number of livestock grazing management actions under Alternative B could reduce the number of AUMs available for grazing, increase expenses or alter management practices of operators. Examples include:

- If monitoring shows that the Wyoming Land Health Standards are not met and livestock grazing is show to be **among the contributing factors** (emphasis added), Alternative B would implement a 20% reduction annually from the 10-year average of actual billed AUMs, for each permit/lease up to three consecutive years (60%) in active AUMs until standards are met.
- Livestock would be prohibited in wetland and riparian areas that are not meeting PFC.”

Comment: Again, the economic impacts analysis fails to fully capture the extent of selecting Alternative B. Chapter 3, page 3-22 states the following: “Where livestock grazing has been identified as **a significant causal factor** (emphasis added) for not achieving land health standards, grazing use has been changed.” As written Alternative B is legally non-compliant with 43 CFR 4100. The effects to the livestock grazing permittees from BLM modifying the permits by up to 60% for livestock being “among the contributing factors” will be devastating.

Pertaining to the second bullet where Alternative B prohibits livestock in wetland and riparian areas for not meeting PFC, we reiterate our concern how BLM is misapplying PFC as a regulatory tool, not simply as a monitoring tool to inform the Wyoming Land Health Standards. There are infinite reasons why a stream may not be at PFC, but again, as a monitoring tool, PFC does not identify any causal factor. It simply informs BLM if the stream is capable of withstanding large flow events.

By prohibiting livestock grazing in these areas, the economic impacts analysis neglects to utilize current data where PFC is failing across the project area and how many livestock grazing permits and AUMs would be negatively impacted.

Conclusion:

As a Cooperating Agency who has participated and worked cooperatively with the Rock Springs Field Office for over a decade on this RMP, we can not support the BLM’s Preferred Alternative B. The decision to choose Alternative B as the Preferred Alternative has caused a statewide upheaval, triggering community members, local governments, and state agencies to spend thousands of dollars and countless hours to comment on Alternative B, when many believe this is not

a reasonable alternative and has the ability to devastate the local economy. We urge BLM to not select Alternative B, and to work closely with Cooperating Agencies in the development of a revised Preferred Alternative in the coming months before issuing a Final Record of Decision.

We look forward to working with your staff on this project. If you have questions, please 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
Wyoming County Commissioners Association
Public Lands Council