



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Kemmerer Field Office
312 Highway 189 North
Kemmerer, Wyoming 83101-9711



In Reply Refer To:
4130 (090)
11306

Dear Permittees and other Interested Publics,

Due to points raised during the protest period, the Kemmerer BLM office has revised the prior Proposed Decision Record (DR) document and has now issued the enclosed Final DR for renewal of Grazing Permits on the Carter Lease grazing allotment.

Should you need or wish to view them, the Environmental Assessment and Finding of No Significant Impact can be viewed at the following web address:

<http://www.blm.gov/wy/st/en/info/NEPA/documents/kfo/grazing2013.html>

Links can also be found on the Kemmerer Field Office (KFO) main page, the 2013 NEPA and the Kemmerer Field Office NEPA pages.

If you wish to appeal this Decision Record, you must contact this office in writing through the USPS or courier service within 30 days of the receipt of this notice and the enclosed DR. Please address your comments to:

Jeromy W. Caldwell
Field Manager
ATTN: Carter Lease
312 Highway 189 North
Kemmerer, Wyoming 83101-9711

Sincerely,


Jeromy W. Caldwell
Field Manager

cc: Aimone, Jerry and Christine
Ashby, Marijane S. Revocable Trust
Broadbent, Joseph
Broadbent, JR Grazing Association, LLC
Broadbent, Vance
Carlisle, Alec
Carlisle, Jon
Carlisle, Wayne
DEQ-Administration
DEQ-Water Quality Division
Fish Hook Livestock, LLC
Foianini, Gino and Glenna
DeMont Grandy, Lincoln Conservation District
Harris, Dale
The Joyce Kay Jacobs Revocable Trust
Julian Land and Livestock Corp.
Julian, Ronnie F.
Larson Livestock, Inc.
Laycock, Bill
Netherly, Pat
Office of State Lands and Investments
Ogden, Larry F.
Painter & Co. Inc.
Redden Grazing, LLC
Short, Darrel
Sims Livestock
State Historical Preservation Office
State Planning Coordinator's Office
William H Tripp Living Trust
Twin Creeks Open Range, LLC
U.S. Fish and Wildlife Office, Mountain/Prairie Region
Western Watersheds Project
Wyoming Business Council
Wyoming Department of Agriculture. Justin Williams
Wyoming Department of Agriculture
Wyoming Game and Fish Department
Wyoming Game and Fish, Mark Zornes
Wyoming State Grazing Board
Wyoming Livestock Board
Zebre Investment Company

Foster, Kimberly, BLM

**United States Department of the Interior
Bureau of Land Management**

**Decision Record
Environmental Assessment
WY-090-EA09-131
January 2013**

**EVALUATION OF LIVESTOCK GRAZING IMPACTS:
Carter Lease Allotment**

Location: Lincoln and Uinta Counties, Wyoming

Applicant/Address:

Larson Livestock
c/o Carl Larson
PO Box 395
Lyman, WY 82937

Painter and Co., Inc.
c/o Brad P. Fearn
PO Box 194
Evanston, WY 82930

Sims Livestock
521 Almy Rd, #107
Evanston, WY 82930

Mike Sims
521 Almy Rd, #107
Evanston, WY 82930
Tripp Family Trust
Dora L. Tripp, Trustee
PO Box 160
Granger, WY 82934

Jerry and Christine Gillins-Aimone
PO Box 65
Fort Bridger, WY 82933

Julian Land and Livestock
409 Quartz Street
Kemmerer, WY 83101

Gino Foianini
1248 CR 230
Lyman, WY 82937
J.R. Broadbent
Grazing Association
c/o Dave Darley
PO Box 58627
Salt Lake City, UT 8

FishHook Livestock,
c/o Rex Weston
409 Eagle Lane
Lyman, WY 82937-4

High Desert District
Kemmerer Field Office
312 Highway 189 North
Kemmerer, Wyoming 83101-971



FINAL DECISION RECORD

Environmental Assessment

EVALUATION OF LIVESTOCK GRAZING IMPACTS: Carter Lease Allotment #11306

BACKGROUND

Under consideration is the reissuance of 18 grazing permits to ten permittees under the National Environmental Policy Act (NEPA). These permits are due to expire in the next few years, beginning in the fall of 2012. The Carter Lease Allotment (Carter Lease) encompasses a total of 257,313 acres (402 square miles) in southern Lincoln County and northern Uinta County, Wyoming. Approximately 42.1% of the land is owned by the federal government, 4.1% of the land is owned by the state of Wyoming and the balance or 53.8% of the land is privately owned by Western Wyoming Range Limited Partnership (WWRLP) and Broadbent Land and Resources, LLC. All of these lands lie in a checkerboard land pattern.

An initial Proposed Decision and FONSI were issued on August 23, 2012. The Kemmerer Field Office received four letters from Western Watersheds Project, Western Wyoming Range Limited Partnership, Bill Laycock and the Wyoming Department of Agriculture with a total of 67 identified protest points.

A second Proposed Decision and FONSI were issued on December 19, 2012 following a revision of the EA. Following the issuance of the second Proposed Decision, additional protests were made by WWR LP and Larson Livestock regarding the sage-grouse protections. Those protest points and responses are attached to the end of this document. This Final Decision replaces the December 19th Proposed Decision.

FINAL DECISION

The action, as outlined under 43 CFR subparts 4160 and 4120.2 (c), is to reissue the grazing permits (#4900005, 4900132, 4900235, 4904064, 4904105, 4904119, 4904121, 4904166, 4904197, 4904204, 4904207, 4912976, 4912938, 4913076, 4913903, 4913904, 4914306, 4914307) on the Carter Lease with modified terms and conditions as described in Alternative 4 of the Environmental Assessment (EA). The EA can be viewed at the following website:

<http://www.blm.gov/wy/st/en/info/NEPA/documents/kfo.html>

Alternative 4 of the EA addresses one permittee's (Larson Livestock, Inc.) and one shareholder's (Redden Grazing, LLC's) requests for livestock kind conversions. Converting permit #4900132 from summer cattle to spring/summer sheep use at a ratio of eight sheep (1.6 sheep AUM) to one cow (1 cow AUM) will improve Larson Livestock's operational flexibility and eliminate the need for continued Temporary Non Renewable (TNR) conversions.

The preference attached to one of Redden Grazing, LLC's four shares of WWRLP (which is leased to DJR Land and Livestock) will be converted from winter sheep only to dual use (winter sheep or summer cattle) but not both, in any one grazing year (March 1-February 28). Converting one share of Western Wyoming Range Limited Partnership, (WWRLP) (the entity that owns an undivided

80.43478% interest in the private land inside Carter Lease), will allow DJR L&L to make direct use of the preference attached to their WWRLP shares. Utilization of portable steel tanks meets the alternative water source criterion required by the Kemmerer Resource Management Plan.

Permits are issued for a minimum of three years, therefore the use of winter sheep (December 1-April 30) or summer cattle (May 16-October 15) will be constant for a minimum of three years before another conversion can be made.

RATIONALE

We are modifying the Terms and Conditions in order to:

1. Facilitate improvement in the condition of the riparian communities along the:
 - Blacks Fork River (Functioning, At Risk (FAR), Downward Trend). Though the issues within the Blacks Fork River system begin well upstream of the Carter Lease and are outside the control of the Carter Lease Permittees, an increase in stubble height in the floodplains and greenline sedges will help facilitate stability and recovery of the system within the Carter Lease.
 - Muddy Creek (FAR, Trend Not Apparent). An increase in stubble height in the floodplains and greenline sedges will help facilitate stability and recovery of the system within the Carter Lease, leading to an improving trend.
 - Little Muddy Creek (FAR, Trend Upward). Current management in the Little Muddy Creek area is achieving the desired response on the riparian and upland communities. (The Little Muddy Creek traverses from west to east through the center portion of the Carter Lease). An increase in stubble height in the floodplains and greenline sedges will help facilitate stability and recovery of the system within the Carter Lease, decreasing the timeline for the system to achieve Proper Functioning Condition (PFC).
2. Facilitate recovery of the riparian communities around the springs inside the Carter Lease. Most of these springs did not meet the Standards and Guidelines for Rangeland Health in 2003 and 2010.
3. Maintain the Good to Excellent condition class of the uplands by cooperating with WWRLP in supporting their trend monitoring studies on their private lands and implementing utilization criteria which are designed to maintain or improve the uplands in the allotment.

Monitoring of 27 upland transects on WWRLP private lands within the Carter Lease indicate that:

- Nine transects (33.33%) showed downward trends (see explanation below).
- 12 transects (44.44%) showed static (changes in species composition were less than 10%) condition. WWRLP's range surveys showed these sites to be universally in Fair to Good condition.
- Six transects (22.23%) showed upward trend indicating that the range conditions on the sites were improving.

Western Wyoming Range Limited Partnership (WWRLP) in 1984 hired a range consultant to set up permanent trend monitoring transects on the private lands of WWRLP located within the Carter Lease. These transects have been read every few years during the past 28 years. When these transects were

set up and for several years thereafter, the concept of increaser plants (plants that would increase in composition under livestock grazing pressure) and decreaser plants (plants that would decrease in composition under livestock grazing pressure) was used in the SCS site guides for each range site based on soil type and average annual precipitation. The site guides during this period of time allowed all of the decreaser plant percent composition to be counted when calculating the site condition score. The SCS site guides were later revised and the increaser and decreaser concept was eliminated and only a certain percentage of each plant located within the transect was allowed to be counted towards the condition score. There has been considerable discussion in the range science community regarding the pros and cons pertaining to the revision of the SCS site guides. This revision has affected the condition score on many trend transects located in the Carter Lease. A case in point is with the plant “winterfat” which is a highly palatable species and which is definitely a decreaser under livestock grazing pressure. When the trend transects were originally set up in 1984, all of the percent composition of winterfat could be counted. The condition score for seven of these transects rated in the Good to Excellent Condition Class. After the SCS site guides were revised, only 5% to 10% of the winterfat composition in each transect could be counted. This resulted in the condition class in these seven transects dropping from Excellent to Good and from Good to Fair. This gave the appearance of a decrease in trend in these seven transects, when, in fact, the upland vegetation in these areas remained in a Good to Excellent condition class. (The SCS name has been changed to Natural Resource Conservation Service – NRCS).

The following utilization criteria are designed to maintain or improve both upland and riparian plant health, leading to healthy communities.

COMPLIANCE AND MONITORING

The following Terms/Conditions/Stipulations are applicable only to federal lands within Carter Lease under the specific season, animal type or conditions designated:

Cattle Authorized by Conversion of one of Redden Grazing, LLC’s Shares

1. The cattle authorized by the sheep to dual-use conversion (applicable to permits #s 4913903, 4913904, 4914306, 4914307) would utilize portable steel tanks placed on private land for water-controlled movement under DJR L&L’s current, operator-committed use during past TNR conversions (see Section 3.3.a.i in the EA).
2. The Bureau of Land Management (BLM) Kemmerer Field Office (KFO) would authorize converting one of the requested four WWRLP share’s worth of preference to dual-use (applicable to permit #s 4913903, 4913904, 4914306, 4914307) at the rate of 1.8 sheep AUMs to one cow AUM. This authorizes the applicant to run 133 cattle over a 169-day grazing season (5/16 – 10/30). The cattle would consume a total of 744 cattle AUMs. When multiplied by 43% (public land), 320 public cattle AUMs would be available should the applicant choose to make use of the cattle option.
3. The KFO will train any prospective cattle permittee utilizing this sheep to cattle conversion in The Landscape Appearance Monitoring Method and provide a copy of the Wyoming Rangeland Monitoring Guide (WRMG). Because DJR L&L is changing current management practices, the KFO and DJR L&L will cooperatively establish additional permanent monitoring

transects at appropriate sites on public or private land throughout the proposed DJR L&L use area to monitor utilization levels of the upland vegetation. Because DJR L&L will be transporting water to the cattle frequently, they will monitor the utilization levels in the current use area at least weekly. The cattle will be moved when the calendar move date arrives or the average utilization level (along any landscape appearance transect in the current use area) reaches the point where the description is transitioning from the 21-40% to the 41-60% use categories as described in the WRMG. When the season end date arrives, or use in the final pasture of that years' rotation reaches the move criteria, the DJR L&L use area cattle will be removed from the allotment.

4. WWRLP, with Board approval, will continue to coordinate and share the data from their existing long-term transects throughout the allotment to detect long-term trend indicators. If it is determined that additional transects may be necessary, the permittee(s) using the DJR L&L use area, any consultant they may hire, and BLM would cooperate in the site selection.
5. If apparent signs of resource damage or decline (see definition below) are observed on the existing, permanent WWRLP transects, the BLM would suspend further use of the cattle permit (based on the authorized conversion) and cause the livestock to be removed immediately. At the discretion of the Authorized Officer, the permit would either be suspended until the resource has recovered, or converted back to winter sheep use at the original authorized level of 576 public sheep AUMs. In this instance, an apparent sign of resource damage or decline is defined as: Composition of indicator grass species shows a decrease equal to or greater than 10%, or an increase in % bare ground equal to or greater than 10% from the 2007 readings on existing WWRLP transects in the proposed use area due to cattle use.

Summer Cattle Use Outside of the DJR Land & Livestock (DJR L&L) Use Area

The following Terms and Conditions apply to all summer cattle grazed in common on federal lands (not in the DJR L&L use area).

- An average of 5 – 7 inch stubble height of sedges (*Carex spp.*) and rushes (primarily *Juncus spp.*) in riparian/wetland areas should remain at the end of the summer grazing season. If the riparian stubble height reaches the move-on-use or end-of-season trigger point(s) prior to the traditional end-of season date, the permittees will either move (within three days) the cattle to portions of the allotment that have lower impact levels or remove (within seven days) their livestock. This is supported by Clary and Leininger (2000) which states that if maintaining a certain riparian stubble height is not producing the desired management goals, raising the target riparian stubble height may be appropriate.
- In the same way, livestock will be moved to a different location or removed from the allotment when floodplain bluegrass stubble height drops to between two inches and one inch. Hall and Bryant (1995) show that cattle grazing habits begin to change after bluegrass stubble height drops below three inches and unacceptable impacts begin when the stubble height reaches $\frac{3}{4}$ of an inch.
- Upland community grass utilization shall not exceed an average of 30%-40% (by weight) of that season's potential vegetative growth for key grass species at the end of the summer grazing season. If the average utilization levels for the key upland species (Indian ricegrass (*Oryzopsis*

hymenoides), needle & thread grass (*Heterostipa comata*) and thickspike wheatgrass (*Elymus lanceolatus*) reach the move-on-use trigger point(s) prior to the calendar move or end-of season date, the permittees will either move the common-use cattle to areas that have lower use levels or remove their livestock from the allotment immediately.

- Cattle use will be coordinated on an annual basis to provide the users with alternatives for watering sources that will provide adequate water sites away from the Little Muddy and Muddy Creeks. As a goal, combined use of upland species such as Indian ricegrass, needle and thread grass, and thickspike wheatgrass will be limited to moderate levels (30-40% by weight) as determined by The Landscape Appearance Monitoring Method as described in the Wyoming Rangeland Monitoring Guide. If grazing use consistently exceeds appropriate levels, or any of Standards 1-4 of the Wyoming Standards for Healthy Rangelands are not met, or if trend monitoring indicates that the condition of range resources is declining and it is determined to be primarily due to livestock management, adjustments to livestock management will be made based on a site-specific analysis.

Winter or Spring/Summer Sheep Use

- Sheep camps and salt and/or mineral supplement placement sites will be located at least ¼ mile away from water troughs, riparian areas, sensitive plant species, and historic trails and monuments or other identified culturally important areas. No supplemental feeding or roughage will be allowed on public lands except where emergency conditions exist; then only by written permission from the Authorized Officer.
- Sheep camps will be avoided within ¼ mile of the perimeter of an occupied sage-grouse lek (outside of the sage-grouse core areas) from March 1 to May 15 (Figure 1).
- Sheep camps will be avoided within 0.6 mile of the perimeter of an occupied sage-grouse lek (within sage-grouse core areas) from March 1 to May 15 (Figure 1).
- Sheep camps will be avoided within perimeters of mapped sage-grouse important winter habitat as coordinated and agreed to between the BLM and permittees from November 15th to March 14th (Figure 1).
- Sheep herds will not be allowed to loiter in riparian areas. If watering at springs or creeks is necessary, the herders may bring the flock in to water. They will then push the animals well away from the riparian area once all the animals have watered. Sheep watering will be avoided at springs measured as FAR with a downward trend. The only springs not included in this category are Roberson Spring and the unnamed/unused spring in SE NE S4-T18N-R116W.
- Riparian vegetation utilization levels shall be set at a minimum of three inches for sheep use ending prior to June 30th, with a minimum of 5-7 inch stubble height for sedge species for fall use as a move indicator to prevent overuse of sedge species and excessive streambank trampling. If grazing use consistently exceeds appropriate levels, any of Standards 1- 4 of the Wyoming Standards for Healthy Rangelands are not met, or if trend monitoring indicates that the condition of range resources is declining and it is determined to be primarily due to livestock management, adjustments to livestock management will be made based on a site specific analysis.

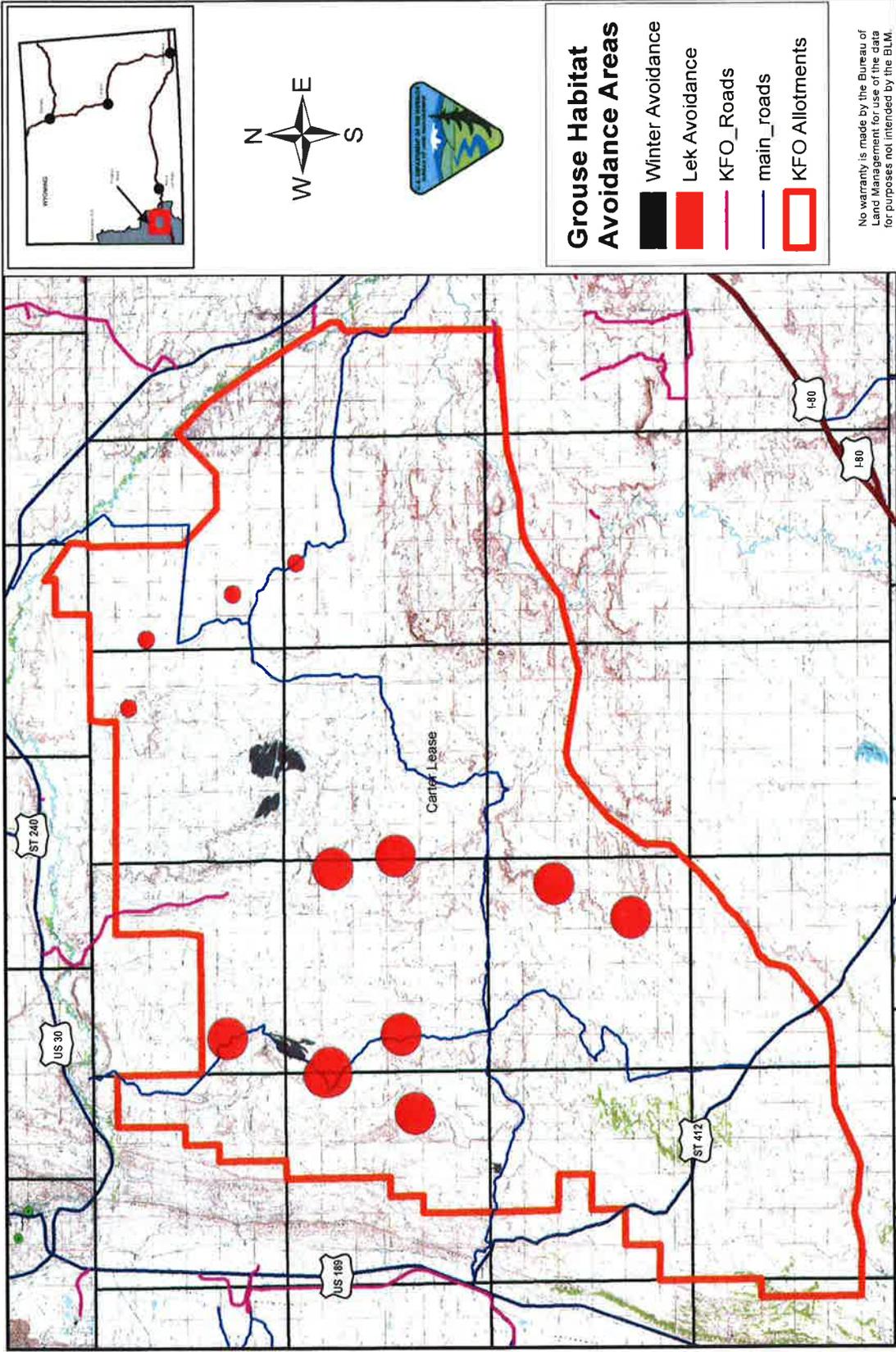


Figure 1. Sheep Camp Avoidance Areas

General Terms and Conditions incorporated into all permits to protect Cultural Resources

- Authorization is for standard livestock grazing only. Any related projects (e.g. fence lines, water pipelines and troughs, spring developments, reservoirs, etc.) and locations for feed supplements (e.g. “crystalix” & other mineral feed supplements, etc.) within the allotment boundaries require separate authorizations.
- In order to protect the remaining National Historic Trail (NHT) corridors within the Carter Lease, all stockherder camps, supplemental feed, salt/mineral blocks, and any other measures that would artificially concentrate livestock in one place are prohibited within the designated ¼ mile buffer zone along the NHT corridor. This stipulation applies specifically to federal surface as listed in the cultural clearance. In addition, adherence to this ¼ mile buffer is recommended along those segments of the NHT located on non-federal surface. Alternatively, a Class III inventory could be conducted on any proposed camp, feed, or salt/mineral block site within ¼ mile of the trail in order to minimize new impacts to the trail setting.
- In order to ensure that historic properties are not being impacted by livestock grazing, periodic inspections of known historic properties will be required. In addition, Rangeland Management Specialists will keep the Cultural Resources staff fully informed concerning areas of livestock congregation and all areas subject to impacts. This information will be shared with the Cultural Resources staff members as these areas become known.
- If future grazing activity within the allotment boundaries should find or encounter previously undetected cultural resources or if BLM determines that significant historic properties are being damaged by grazing activities within the allotment boundaries, the terms and conditions of this permit will be amended to protect any such historic properties until such time as protective barriers and/or mitigation of these adverse impacts can be conducted.
- BLM and WWRLP are currently discussing an action plan to protect and develop (where such actions are both needed and feasible) the springs on both public and private land within the Carter Lease.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s): Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and the Kemmerer Resource Management Plan and ROD, approved May 2010.

Other Alternatives Identified:

Alternative 1 – Continuation of Current Permits (No Action)

This alternative would re-authorize all currently existing grazing permits (see Table 2, p. 39) for the Carter Lease with the current terms and conditions. TNR permits converting the summer cattle use authorized by permit #4900132 to spring and summer sheep use at a rate of eight sheep per one cow (1.6 sheep AUM per 1 cow AUM) would continue to be considered. Existing Terms and Conditions attached to the current permits would be carried forward without modification.

Alternative 2 – Continuation of Current Permits and Adoption of Past Permit Changes

This alternative would re-authorize or convert the existing grazing permits (see Table 2, p. 39) for the Carter Lease with the current Terms and Conditions, and make permanent the summer cattle to spring and summer sheep use authorized by the TNR conversions of permit #4900132 at a rate of eight sheep per one cow (1.6 sheep AUM per 1 cow AUM). The conversion of the permit also shifts the beginning of the grazing season from May 16 to May 1 while similarly shifting the end of the season from Oct 15 to Sept 30.

Alternative 3 – Increase Summer Cattle Use

This alternative would maximize summer cattle use by (Part 1) denying the requested cattle-to-sheep conversion of permit # 4900132 (47 cattle; 235 AUMs) at 100% public land (PL) and (Part 2) authorizing the current DJR L&L-requested conversion to convert four WWRLP shares' worth of winter sheep use (5360 sheep, 2288 public AUMs at 43% PL) to dual use (either sheep or cattle). These shares are currently leased to sheep producers and are represented by permits #4914307, #4913076 and #4913903. If the applicant were to use the entire conversion for cattle, it would authorize a maximum of 532 cattle (1271 public AUMs at 43% PL). The livestock kind conversion would be in compliance with the RMP ROD Decision 6017 (p. 2-45) because the existing, operator-committed method of utilizing portable steel tanks (see Section 3.3.a.i) filled by a water truck provides the necessary means to maintain or improve the existing riparian conditions.

Alternative 5 - No Grazing

Under this alternative, the existing Carter Lease grazing permits would be canceled or allowed to expire without renewal and the BLM would require the permittees to remove livestock from the allotment. Under this alternative, livestock grazing on the Carter Lease would not be authorized by the BLM and none of the available forage on BLM lands would be allocated to livestock. BLM would not collect fees associated with the grazing permits.

Considerations:

Two scoping letters were sent out to current permittees and interested publics in 2009 (see Chapter 1 of EA). As a result of the scoping comments received (as well as the internal scoping process), the five alternatives analyzed in the EA were identified (see Chapter 2 of the EA for full description of each alternative).

Other Alternatives Considered but not Selected:

Alternative 1 – Continuation of Current Permits (No Action)

This alternative does not consider either the conversion from sheep to cattle or the sheep to dual-use conversion requested in response to the first scoping letter.

Current management practices on Carter Lease have not produced readily-identified problems on the allotment. The allotment's condition, depending upon location, varies from slightly upward to static to slightly declining conditions in both the uplands and riparian areas. Range conditions on the Carter Lease continue to meet the criteria for category "M"—Maintain Existing Resource Conditions.

Because indicators are mixed, it is believed that continuation of current management would not continue to provide the stability that the "M" category requires. The slight modifications designed to protect the vegetation should produce subsequent benefits in stream stability, water quality and soil

stability (both riparian and upland). Alternative 1 is likely to produce lower impact levels than Alternative 3, yet is likely to provide less protection and potential benefits to riparian and upland resources than Alternatives 4 and 5.

Alternative 2 - Continuation of Current Permits and Adoption of Past Permit Changes

This alternative differs from Alternative 1 only in that it makes the conversion of summer cattle to spring/summer sheep permanent.

The other shortcomings and all anticipated impacts of this alternative are identical to Alternative 1.

Alternative 3 – Increase Summer Cattle Use

This alternative rejects the summer cattle to spring/summer sheep conversion, and grants the entire (four WWRLP shares' worth) sheep to dual-use conversion that was requested in the first round of scoping comments.

This alternative would reduce anticipated impacts from winter sheep use and raise the level of summer cattle impacts dramatically.

Analysis of this alternative found that the anticipated forage needs of all four shares' worth of cattle would exceed the production within the anticipated use area. This alternative is also considered more likely to increase livestock impacts to the creeks and springs in the Carter Lease.

Given the mixed trend results from both upland and riparian monitoring and the anticipated increase in growing season impacts from cattle on both riparian and upland areas, analysis of this alternative indicated that it was likely to produce higher impact levels than the other alternatives.

Alternative 5 - No Grazing

This alternative would probably provide the greatest benefits to the resources on the public land within the Carter Lease when compared to the other alternatives. This alternative is not in conformance with the 2010 Approved Resource Management Plan (RMP) and Record of Decision (ROD) for the Kemmerer Resource Area, Decision #6023. Implementation of this alternative would require an amendment to the RMP and ROD.

In addition, this alternative would not affect the intermingled private and state lands within the Carter Lease which would probably continue to be used. Selection of this alternative could also lead to erection of fences (which could hinder or injure wildlife) to prevent livestock trespass onto public lands.

Alternatives Considered but not Analyzed

Continuation of Current Permits with no Modifications

This alternative would have held the permittees to the Terms and Conditions of the permits as they are currently written without allowing any conversions in the future. It was barred from further consideration because the current permit requirements do not meet the needs of the permittees and WWRLP shareholders. Similarly, residue requirements do not meet the needs for allowing grazing and sustaining habitat and rangeland health standards. Permit modifications or the issuance of TNR have occurred regularly on the Carter Lease since 2004.

EA Comments

The EA was released to the public for comment on July 22, 2011. A total of 113 separate comments were identified from the responses made by WWRLP, William (Bill) Laycock, Steve DeCecco, Wyoming Department of Agriculture and Michael A. Smith (University of Wyoming). The comments were separated into the following categories:

- AUMs (Animal Unit Months)
- Cultural
- Erosion
- Existing Data
- Legal
- Opinion
- Riparian
- Upland
- Water
- Watershed
- Wildlife

Please see Appendix 8 of the EA for comments and BLM responses.

Authorities:

The authority to issue, manage and modify grazing permits or leases on public land is provided by the Taylor Grazing Act of 1934, the Federal Land Policy and Management Act of 1976 and the following Code of Federal Regulations (CFR):

43 CFR 4100.0-8 which states:

"The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

43 CFR 4110.1(b) (1) (i) which states:

"Applicants for the renewal or issuance of new permits and leases and any affiliates must be determined by the authorized officer to have a satisfactory record of performance."

43 CFR 4110.2-2(a) which states in pertinent part:

"...Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan...."

43 CFR 4130.2(b), (d) & (f) which state in pertinent part:

(b) "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases."

(d)(3) "The term of the grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless..."

(3)The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall coincide with the term of the base property lease;

(f) The authorized officer will not offer, grant or renew grazing permits or leases when the applicants, including permittees or lessees seeking renewal, refuse to accept the proposed terms and conditions of a permit or lease."

43 CFR 4130.3 which states:

"Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

43 CFR 4130.3-1(a) which states:

"The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the carrying capacity of the allotment."

43 CFR 4130.3-2 which states in pertinent part:

"The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

Appeal:

Any applicant, permittee, lessee or other interested party may appeal the final decision under 43 CFR 4160.2, in person or in writing to:

Jeromy W. Caldwell (Field Manager)
Attention: Carter Lease Allotment Permit Renewal
Bureau of Land Management
Kemmerer Field Office

Comment Number	Source	Comment	Response
1	Larson Livestock	<p>Therefore, we protest the addition of these new Terms and Conditions in the "Proposed Decision Record, Environmental Assessment, WY-090-EA09-131, December, 2012, Evaluation of Livestock Grazing Impacts: Carter Lease Allotment"</p> <p>There are other issues of concern with the New Terms and Conditions, including the timing restrictions, etc. We request the opportunity to discuss our concerns with you in order to remove the confusion and potential misinterpretation of the term and condition restrictions included in our permit renewals.</p>	<p>The KFO granted this request and met with representatives from Larson Livestock and WWR LP on 1/14/2013 at 10:00 am to discuss the sage-grouse provisions that were protested.</p>
2	WWR LP	<p>The New Terms and Conditions which are incorporated to protect sage grouse during critical lekking and nesting periods as shown on pages 6 and 7 of your Proposed Decision Record" dated December 2012 have several restrictive stipulations pertaining to livestock grazing. These will become a part of the "terms and conditions" (T&C) attached to our grazing permits. These stipulations state : "Surface disturbing activity or surface occupancy is prohibited or restricted...." "Disruptive activity is restricted.....". "Surface disturbing and/or disruptive activities are prohibited or restricted...." Also the periods of time that one or more of these restrictions will be in force will run from November 15 through July 15th. This would effectively eliminate any livestock grazing use on the Carter Lease Allotment during this period of time.</p> <p>To reiterate, we protest including Terms and Conditions regarding sage Grouse, in our grazing permit renewals. This is not what was intended by Governor Mead's Executive Order. We request these "Terms and Conditions" be eliminated from the "Proposed Decision Record".</p>	<p>WWR, LP submitted a suggested modified ROD for the Final Decision. Some suggestions were accepted such as removing portions pertaining to livestock grazing and movement within the allotment. Some suggestions (which dropped restrictions or prohibitions of disruptions around leks) were rejected. These topics and others were discussed on 1/14/2013 resulting in a change to the "New Terms and Confitions" section. Terms and conditions relating to sage-grouse were incorporated in the "Winter or Spring/Summer sheep use section.</p>

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