

October 30, 2009

NOTICE OF FIELD MANAGER'S FINAL DECISION

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

Split Rock Holdings, LLC
P.O. Box 517
Eaton, Colorado 80615

Dear Split Rock Holdings, LLC:

On April 30, 2009, I issued a Proposed Decision regarding the renewal of your grazing permit no. 493729 which authorizes grazing use on the Diamond Springs (11509), North Dobie Flat (11511), South Dobie Flat (01512), and Black Jack Ranch (11513) Allotments within the Lander Field Office. My proposed decision included the establishment of a grazing season of May 21 to December 10 for a total of 204 days with a herd size of 1,100 head of cattle and 6,473 public land AUM's being authorized. The final long term use level of 6,473 BLM AUMs for cattle is 69 percent of the current permitted use of 9,400 BLM AUMs and is 80 percent of the long-term (1993-2008) actual use of 8,054 BLM AUMs.

I received letters of protest dated May 15 and 18, 2009, submitted by Karen Budd-Falen on your behalf for Split Rock Holdings, LLC. These protest letters were timely received and a summary of the substantive points of protest with my responses are listed below.

I also received Western Watersheds Project Wyoming Office Director, Jonathan Ratner's letter of protest dated May 31, 2009, for my proposed decision of the Split Rock Holdings, LLC grazing permit renewal (WY-050-EA09-035). I have carefully reviewed his protest points and have taken them into consideration in my final decision, including providing him with a response to the substantive points.

The following are the responses to the Split Rock Protest:

1. Failure to Cite Report Prepared by Wyoming Department of Agriculture's Technical Review Team (TRT)

"On September 12, 2005 a report was prepared collectively by a Technical Review Team selected by the Wyoming Department of Agriculture. The team consisted of a senior Range Management Specialist and a senior Watershed Specialist from the University of Wyoming, the Wyoming State Soil Scientist with the Natural Resources Conservation Service, and a senior wildlife biologist from the Wyoming Game and Fish Department. This report openly criticized the rangeland assessments and determinations issued by the BLM. The findings of the report and the report itself have been largely ignored by the BLM. In fact, the report was not referenced in the "Literature Cited" section of the Environmental Assessment. The failure of the BLM to acknowledge a valid scientific report in preparation of an Environmental Assessment, as well as the observations of

another group of outside range specialists, constitutes a blatant attempt to suppress a considerable amount of additional available scientific information on which an accurate condition of the allotments could have been evaluated.”

Response – The BLM’s Split Rock interdisciplinary team (IDT) carefully reviewed the TRT report once it was received on October 11, 2005. I am well aware of this report, having attended the field review on August 11, 2005 when I served as the Wyoming Range Program Lead and having subsequently conferred with some of the TRT specialists. The TRT report was generated in response to Field Manager Jack Kelly’s original assessment on March 31, 2005. In June 2006, Bob Ross, the newly appointed LFO Field Manager (FM) rescinded the previous Field Manager’s decision to apply the grazing guidelines based on the Rangeland Health Standards (RHS) determinations. Mr. Ross wanted the opportunity to review the information himself so he could determine whether the process had been properly followed. The FM directed his staff to review its findings in association with those of the Split Rock Ranch’s (SRR) Technical Review Team and, within 60 days, resubmit any determinations of nonconformance with the fundamentals of rangeland health with an appropriate level of documentation.

The IDT thoroughly reviewed the TRT report in response to the FM’s request. Those findings were issued in a memo back to the FM on June 20, 2007. On July 20, 2007, the FM issued those findings in a letter back to the SRR permittee (Split Rock Holdings, LLC). In that letter, the LFO FM wrote “I have determined that livestock grazing is a causal factor in these allotments not meeting the rangeland health standards and, therefore, grazing management needs to be modified to bring about positive change in the health of the rangeland.” I am the third Field Manager to review the situation, including the TRT report, and conclude that changes in the grazing authorization are warranted.

The TRT report was also reviewed and considered by Wyoming BLM’s State Office Peer Review Team when they completed a review of the S&G assessments and determinations for the SRR allotments in April of 2007. Again, I participated in this process at the request of Mr. Ross as the Wyoming Range Program lead. This team of State Office resource program leaders (soils/water, range/vegetation, and riparian systems) reviewed the LFO’s Split Rock RHS assessments and determinations in addition to the Wyoming Department of Agriculture’s TRT Report. After completing their review, the peer review team concurred with the findings of the LFO ID Team, indicating that “The Lander interdisciplinary team (IDT) used scientifically accepted and well established procedures to assess and characterize the health of the soil and riparian resources. Professional experience was appropriately integrated with hard data to support the Field Office’s conclusions” (Split Rock Peer Review, April 18, 2007). Based on the findings of the BLM’s State Office peer review team, the FM re-issued the RHS determinations virtually unchanged from before.

The first twelve items of protest under this heading allege that the BLM did not consider the Wyoming Department of Agriculture (WDA) Technical Review Team’s (TRT) report. A Rangeland Health Standard (RHS) determination is a non-appealable, assessment used to evaluate rangeland health; it is neither a final agency decision nor an appealable action. National and Wyoming BLM guidance does not allow for appeals of RHS assessments. Furthermore, BLM did not note any major differences of opinion in the TRT report with the LFO RHS determinations.

What is offered in the TRT report is not “scientific information” but professional opinion, as was expressly stated by all four of the TRT members who met together for the first time for a day and a half field tour of the Split Rock Ranch Allotments (SRRA).

The BLM is aware that a second review of the SRR grazing allotments took place. Although the BLM was verbally informed of the field review taking place, the invitation came too late for the BLM to participate. This group of individuals was selected by the SRR permittee without consulting the BLM or without consideration for interdisciplinary involvement. The BLM is unaware of the group's findings as we have not been furnished with a copy of the report or any other type of documentation from that field review.

2. Reduction in Livestock Grazing

“The proposed decision is based upon the resolution of perceived resource damage to the riparian and upland vegetation located throughout the Diamond Springs, North Dobie Flat, South Dobie Flat, and Blackjack Ranch Allotments. A long accepted notion of rangeland management provides that reductions in authorized livestock grazing use (i.e., stocking rates or authorized numbers of livestock) will not adequately resolve, or appropriately address, perceived damage to riparian and upland vegetation. Any concerns with utilization of riparian vegetation by livestock are more appropriately addressed by management actions relating to distribution, timing, and duration of livestock use, and not by the imposition of reductions in the numbers of livestock. Furthermore, advocating reductions in livestock use will permit available forage on the uplands to remain without use, thereby failing to promote orderly use of the rangeland resources. See 43 U.S.C. § 315a (mandating that the BLM “provide for the orderly use, improvement, and development of the range.”).”

Response – BLM is proposing an overall reduction in AUMs as one of several actions to achieve rangeland health objectives. Based on the information and data gathered during the rangeland health assessment, including past history of use and monitoring, I have concluded that a reduction in AUMs is warranted.

The following excerpts are taken from pages 55 and 56 from the EA:

“Blaisdell and Holmgren recommended the basic stocking level on Intermountain salt-desert rangelands at 75 percent of the long-term average forage production because of the normal inability to adjust animal numbers to the wide variations in forage yield. This recommendation is based on long term forage (1935-1974) production on moderately-grazed (11 acres per AUM) salt desert rangeland. This recommendation provided adequate forage except in years when production was extremely low.”

The proposed long term use level 6,473 BLM AUMs for cattle would be an average stocking rate of 13.9 acres per AUM on the public land within the SRRA. This proposed use level is near the mid-range for recommended stocking rates on the predominate ecological sites occurring on SRRA. The mid-range stocking rate of 13.3 acres per AUM would be for shallow sandy and shallow loamy sites in mid-seral status (fair condition) within the 5-9 and 10-14 inch precipitation zones which occur on or adjacent to SRRA. This average stocking rate is commensurate with the ecological site recommendations when considered in aggregate.

“Blaisdell, Murray and McArthur summarized the importance of stocking rate (grazing intensity) in improving or maintaining range condition on sagebrush-grass ranges in the Intermountain West (*Managing Intermountain Rangelands-Sagebrush Grass Ranges*, 1982). Several studies from Wyoming were reviewed in this summary (Gibbens and Fisser, (1975), Smith et al. (1967), and Cooper, (1953) as well as, several by Laycock and others from Idaho and Utah. While the

specific study results varied depending on the location and grazing system implemented, two conclusions were evident; that the existing range condition and then the grazing intensity (stocking rate) applied were the overriding factors on whether grazing systems improved, maintained or degraded these sagebrush-grass rangelands. Further, they stated that “Rate of stocking-balancing numbers of grazing animals with forage resources-is the most important part of good grazing management (Pechanec 1956).”

A review of more recent range science literature was conducted in preparing this final decision (see Literature Cited). It is obvious there are strong differences of opinion concerning the need for grazing intensity (utilization) and stubble height guidelines for appropriately managing public rangelands. Several authors Sharp et al. (1994), Frost et al. (1994), McKinney (1997) and Burkhardt (1997) argue against using utilization guidelines as a primary management tool for public rangeland management. However, Holechek, J.L. et.al. (1998) again state that “keeping animal numbers in balance with forage resources is an essential part of any ranching operation on public or private lands. Various measures of grazing intensity, although imperfect, remain as our primary means for decisions on how well this being accomplished.”

Managing public rangelands efficiently requires prescription range management. Limited BLM labor and travel constraints require setting stocking rates on term grazing permits rather than flexible stocking during the permit tenure. Livestock numbers must be about 30% below grazing capacity to avoid range degradation (Holechek, J.L. et.al. 1998).

Furthermore, the BLM is obligated to leave residual cover and forage for other multiple uses. The majority of the SRRA falls in sage-grouse core areas identified by the State of Wyoming. Because sage-grouse rely on herbaceous plant material from the previous year for nesting cover, and to a lesser extent early brood rearing, it is critical that residual cover beyond the physiological requirements of the plants be retained on the landscape.

Several factors have led me to conclude that a reduction in authorized AUMs is warranted:

- The long-term (1993-2008) livestock actual use figures for the SRRA are 8,054 public land AUM's and 9,700 total (including private and state land) AUM's. These long-term actual use numbers indicate the grazing intensity the four allotments have actually received. SRR proposed in the EA to graze under Alternative Three, 1500 cattle for 258 days requiring 9,649 public land AUM's, a number that is clearly unsustainable based on a careful analysis of the vegetative production that was measured at the SRRA key areas during 1998-2001. This analysis was conducted as part of the RHS assessment and reviewed again in preparation for this decision. This analysis clearly shows that the vegetative production available for allotment to livestock grazing indicates that a reduction from the current permitted use is necessary. Our analysis used the current forage requirement (26 pounds per day) for an animal unit as defined by the Society for Range Management (SRM 1998).
- The past history of overutilization of riparian areas and transition uplands close to riparian areas is a result of the long term livestock actual use described above. The heavy grazing use (61-80%) documented on these areas was caused by the long term livestock actual use. These riparian areas and transition uplands were identified in the RHS assessment as not meeting Standards One, Two, Three and Four.
- The ecological (range) condition of portions of SRRA is close to crossing a threshold (a decline in rangeland health). This threshold occurs where the cool season bunchgrass reference state crosses into a plant community dominated by sagebrush, blue grasses and

rhizomatous wheat grasses. These upland sandy and loamy ecological (range) sites were discussed in Standards One and Three in the RHS assessments and where this threshold has been crossed, were identified as not meeting these Standards. If this threshold is exceeded, the cool season bunchgrass plant communities would be very difficult to re-establish without a major disturbance i.e., a management action such as a prescribed fire, mechanical or chemical treatment. These cool season bunchgrass plant communities would then no longer be able to come back on their own. The proposed reduction in authorized AUMs would reduce the overall grazing intensity and combined with the proposed deferred-rotation grazing system, would prevent the at-risk cool season bunchgrass plant communities from exceeding this threshold. This threshold appears to have been crossed on one of the three upland groups in the SRRA. It is apparent that while sandy sites (primarily in the southern part of the SRRA) have largely retained their large cool season grass component dominated by needle and thread grass, many loamy sites in the north appear to have lost the cool season bluebunch wheatgrass component. Some higher elevation areas near Beaver Rim still retain the preferred Idaho fescue base plant community. Loss of the large cool season bunchgrass component in one area warrants a conclusion that the others are at risk with current management.

3. Non-Livestock Related Reasons

“The Proposed Decision infers that the major management concern of these allotments are the condition of riparian areas due to past grazing practices and “non-livestock related reasons.” The BLM must identify the “non-livestock related reasons” which have contributed to the decline in the condition of the riparian areas. The BLM must further assess the degree to which these “non-livestock related reasons,” have contributed to said decline, as compared to the impacts of livestock grazing. An assessment of these “non-livestock related reasons,” and their contributions to the decline in the condition of the riparian areas, must include, but is not limited to, the following activities: off-road vehicle use; wildlife concerns (i.e., antelope and mule deer); brush infestations (i.e., pinion-juniper and sage brush); and lack of road maintenance leading to accelerated erosion and sediment deposition in water channels.”

Response - The intent of the EA was to analyze grazing management alternatives for the purpose of issuing a ten year grazing permit for the Split Rock Ranch. Contributing factors to why RHS were not met were identified in the health assessments for each of the four grazing allotments. The Beaver Rim Road was identified as a contributing factor in the Diamond Springs Allotment and corrective actions to address the issue will be analyzed in a separate EA.

The BLM acknowledges that wildlife utilize riparian areas for water, forage and cover. Grazing impacts to riparian areas from wildlife would come primarily from antelope and mule deer, but because these species are principally browsers, their use of the riparian herbaceous vegetation was determined to not significantly contribute to the unhealthy condition of these areas. Several wildlife accessible exclosures on the SRRA document that management of cattle is the key to riparian health.

4. Failure to Consult or Cooperate with the Permittee

“The BLM failed to adequately consult, cooperate, and coordinate with the permittee prior to issuance of the Proposed Decision. The grazing regulations provide that:

After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within this area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer.

The BLM in this case did not make an adequate, or even reasonable, attempt to fulfill its statutory obligations to consult, cooperate and coordinate with the permittee regarding the modified terms and conditions of the proposed Decision. The BLM clearly did not engage in active cooperation with the permittee for the “purpose of obtaining advice, or exchanging opinions on issues, plans, or management actions.”

Response –The BLM developed the EA alternatives through consultation, coordination, and cooperation with not only the permittee, but interested publics as well. This was completed through a series of public meetings with Split Rock Ranch CRM participants, numerous mailings, and meetings with the permittee. The BLM encouraged the permittee to put forth a proposal that could be analyzed by the ID Team as one of the alternatives. Alternative Three was submitted by SRR for analysis by the BLM’s ID Team. The alternatives were developed to resolve resource issues and provide for the management of livestock grazing, consistent with BLM policy and applicable laws and regulations. In addition to the above, the Lander Field Manager consulted with Mr. Horton and other SRR employees at the LFO on April 24, 2009 regarding the Proposed Decision. On June 25, 2009 at the request of Mr. Horton, the LFO FM and two IDT members participated in a field tour of portions of the Diamond Springs and Blackjack Ranch Allotments to discuss several of the disputed RHS issues. Also participating on this tour, were SRR employees and range consultants hired by Mr. Horton. Finally, the Lander FM discussed with Mr. Horton by phone in August a proposal to increase the authorized number of cattle in the Final Decision if he would agree to fund the incorporation of a “rider” to keep cattle well dispersed to avoid overusing the forage allocation for cattle.

5. Lack of Alternatives Considered

“The BLM must consider all reasonable alternatives: the alternatives considered should be feasible and be reasonably related to the purpose of the proposed action; in other words, alternatives that can be accomplished and also fulfill the purpose sought to be achieved by the action. The BLM failed to identify or even discuss any reasonable alternatives to the blanket reduction in permitted livestock grazing use, the imposition of a six-inch stubble height on certain riparian areas, and the lack of additional range improvements and/or vegetative treatments.”

Response – The BLM is confident that a reasonable range of alternatives was considered during the development of the EA. In the Proposed Decision, the Lander FM selected a combination of Alternatives 1 and 2 that would make significant progress towards meeting the Standards for Rangeland Health. The BLM is confident that the implementation of stubble height requirements, monitoring protocols and other action items will significantly move the portions of the SRR allotments not meeting the rangeland health standards, to meet the standards over time. The development of additional range improvements was also considered, however, only those improvements identified for development under the Proposed Decision were recommended due to wildlife conflicts.

The BLM did in fact consider the No Action Alternative. However, the alternative was not analyzed in detail because continuing the current management would be “detrimental to the riparian zones and wetlands as stated in the Standards for Healthy Rangelands assessments.”

(Split Rock Holdings, LLC Grazing Permit Renewal EA, Page 13). The BLM feels we have met the guidance and intent of NEPA as described in the BLM's NEPA Handbook "although the regulation at 40 CFR 1508.9(b) makes no specific mention of the No Action alternative with respect to EAs, the CEQ has interpreted the regulations generally to require some consideration of a No Action alternative in an EA" (H-1790-1), page 79.

6. Lack of Scientific Analysis

"The BLM provided no data to indicate that meeting a six-inch stubble height will result in improvement of riparian conditions."

".... Accordingly, the BLM failed to take a hard look at the effect of reductions in stocking rates when addressing perceived concerns to the riparian resources on the allotments."

"Since no objectives were cited in the Environmental Assessment as a reason for the terms and conditions, the BLM did not rely on any site-specific analyses to ensure the terms and conditions were necessary or appropriate for each individual riparian area."

Response – The EA states on pages 69-70:

"EFFECTS ON RIPARIAN/WETLAND AREAS

The condition of riparian/wetland areas in the Diamond Springs, Blackjack Ranch, and North Dobie Flat Allotments is one reason why these allotments are not meeting the Rangeland Health Standards. The North Blackjack Ranch pasture has been identified as a priority for riparian/wetland improvement. There are impacts that would be common under the three different alternatives. Grazing during the hot season could result in the high utilization levels of riparian/wetland plants under all alternatives. Successful grazing systems have, on an average, approximately 12 days of hot season grazing (Myers, 1989). One pasture under Alternative One would have 12 days or less of hot season grazing, but all other pastures would exceed 12 days. Myers (1989) also found that timing of grazing, duration of use, and frequency of fall grazing were important factors in successful riparian management. Any grazing system must provide for regrowth of riparian plants after use, or should leave sufficient vegetation at the time of grazing for maintenance of plant vigor and stream bank protection (Clary, 1989). Riparian/wetland plant regrowth after grazing is essential to slow down spring runoff, capture sediment, and prevent soil erosion and bank degradation.

The average date of the first frost in this area is September 10 and grazing after the first week of August would typically not allow enough time for plant regrowth except on those plants at the water's edge. This issue would be common to all alternatives. The use of a rotation system would allow most pastures to see some plant regrowth before the end of the growing season. According the Myers (1989), successful grazing systems receive an average 35 days of post-grazing regrowth. To reach the recommended number of days of post-grazing regrowth, cattle would have to be removed from the Blackjack Ranch, Diamond Springs and North Dobie Flat Allotments by early August. All of the alternatives would have pastures that would not receive adequate time for riparian/wetland plant regrowth prior to the end of the growing season.

Limiting hot season grazing on riparian/wetland areas to 21 days or less is successful in improving riparian/wetland areas, whereas limiting grazing to 30 days or less is successful in maintaining riparian/wetland areas (Myers, 1991). The level of impacts and the speed to which riparian/wetland areas improve under each alternative would be directly related to the duration of grazing, forage utilization levels, and the effectiveness of cattle management.

With-in pasture herding would not be required under Alternative One, therefore cattle would likely concentrate on riparian/wetland areas while in the pasture, particularly during the hot period between mid-June to mid-September. Cattle spending a lot of time in one area could lead to trampling and heavy utilization of riparian plants. This issue would be of most concern in the Blackjack Ranch Allotment, the south pasture of the Diamond Springs Allotment, and the North Dobie Flat Allotment. The majority of the riparian areas in the North Diamond Springs pasture would be fenced off under this alternative.

There would be less days of grazing authorized under Alternative One. Reducing the days cattle are in a pasture should reduce the level of plant utilization in each pasture, resulting in greater stubble heights being left going into the dormant season. Utilization levels would be dependent on the time of year the pasture is grazed and how long cattle linger on the riparian areas. Myers (1989) found that the duration of grazing is a key factor in determining the severity of impacts such as utilization levels and mechanical damage from trampling and hoof action.”

Further review of the literature by Clary (1989) in “an evaluation of 34 grazing systems in place for 10 to 20 years showed the importance of providing residual vegetation cover (Myers 1989). Vigorous woody plant growth and at least 6 inches of residual herbaceous height at the end of the growing/grazing season typified the riparian areas in excellent, good, or rapidly improving condition. This residual plant cover appeared to provide adequate stream bank protection and sediment entrapment during high stream flow periods.”

Skinner (1998) concluded after an extensive literature review entitled Stubble Height and Function of Riparian Communities, that “higher stubble heights may be required to maintain channel bank integrity and to reduce grazing of other desired woody plants during specific seasons.”

He further stated that “stubble heights measurements should predict how managers can best alter desired changes between the different stages of bank building recognized as major components in channel succession. Short stubble may increase sediment deposition and production of above ground biomass and not damage health attributes of grass-like plants. However, in the process of grazing to short stubble, bank and hoof imprinting on soft and wet soils may occur, and forced use of other desirable plants may increase.”

In summary, he said “the desirable attributes of using stubble height to predict change in management of riparian zones support this approach. Examples of these are: a) stubble height estimates remaining vegetation and not the amount that has disappeared as consumed forage; b) stubble height monitoring is relatively easy to explain to a varied audience; c) stubble height is relatively easy to measure and therefore serves the wide range of expertise associated with managing riparian zones; and d) a large number of

measurements can be taken in a short time which provides for adequate sampling intensity and more precise estimates than conventional utilization methodology.”

Hook (2003) in his review of the role of stubble height and grazing in Sediment Retention in Rangeland Riparian Buffers wrote “Although one of the goals of riparian grazing guidelines has been to reduce nonpoint-source pollution (Clary and Webster, 1989), publications that recommend stubble height criteria general do not argue that they predict pollutant retention. Instead, stubble height can serve as an indirect indicator of trampling, soil compaction, stream bank damage and shrub browsing, as well as, a direct measure of herbaceous plant defoliation (Clary and Webster, 1989; Clary, 1995; Clary and Leininger, 2000).”

He further states that “research has demonstrated improvements in riparian vegetation and aquatic habitat under moderate or light cattle grazing (35-50 or 20-25 % forage utilization, 10 or 14 cm stubble height, respectively) (Clary, 1999).”

7. Failure to acknowledge the accomplishments achieved by Split Rock Holdings, LLC on the Split Rock Ranch during the last several years

“The Split Rock Ranch met all objectives every year, for approximately seven years, while under the Coordinated Resource Management supervision. The Split Rock Ranch was awarded the Wyoming Stewardship of the Year award...”

Response – A thorough review of the CRM meeting minutes, field trip notes, and annual monitoring data indicates that SRR did not meet all objectives every year since 2000 (actually since 1998) while the CRM team was operating.

Specifically, in years 1998, 1999, 2000, 2001, 2002, 2004 and 2005 SRR did not meet objectives established by the CRM team. Stubble heights and utilization levels on both riparian areas and uplands were exceeded on key areas during these grazing seasons. Objectives for cattle performance were not met in several of these years as well as, issues with maintenance and operation of range improvements and compliance with the annual operating plan including interfering with lawful users of the public land. Documentation exists to support all these examples.

The Split Rock Ranch, with James Baker as managing partner, did receive the 1999 Environmental Stewardship Award (ESA) from the Wyoming Stock Growers Association. This award was presented on June 24, 2000 to Jim and Shirley Baker for their long term (1981-1999) efforts to improve the productivity and financial soundness of the SRR while maintaining and enhancing multiple uses and their associated values on the ranch. The ESA was presented to Jim and Shirley Baker and not to the limited liability companies that came after 2000.

The BLM acknowledges that the last two years have produced an “uptick” in riparian conditions. This is attributable to three factors including, 1) superb precipitation over the last two years, 2) intensive scrutiny by the BLM enforcing pasture move indicators, and 3) an improvement in the Split Rock Ranch’s grazing management. The first two factors are not sustainable. Climatic conditions will almost certainly return to normal, and the BLM must redirect staff time to different allotments. Just as we are on the threshold of losing cool season bunchgrasses from the plant community if no action is taken, the BLM believes that this decision, in combination with the recent improvement

in grazing management will result in improved conditions on the allotments.

The following are the responses to the Western Watersheds Project Protest:

1. Delay In Issuing the Appropriate Actions

Response – On July 20, 2007, the Lander Field Manager, in recognition of his regulatory duties issued the findings of non-conformance with some of the Wyoming Rangeland Health Standards for the four Split Rock Ranch Allotments. On March 14, 2008 the Lander Field Manager issued his proposed decision to initiate the implementation of certain appropriate actions designed to start meeting the rangeland health standards. Finally, on June 27, 2008, the Lander Field Manager issued his final decision to ensure appropriate actions were taken to govern Split Rock’s grazing use in the 2008 grazing season. The final decision was clearly meant to serve as an interim measure until BLM completed its environmental analysis of long-term modifications to Split Rock’s permitted grazing use. The environmental analysis is now complete and this final decision is in compliance with 43CFR 4180.2.

2. The Proposed Management Actions Are Not Adequate To Improve Rangeland Health

Response – In March of 2005, the Lander Field Office completed a rangeland health assessment for the Split Rock Ranch Allotments (SRRA). Based of the findings of the assessment and the determinations of whether they met or not met the standards for healthy rangelands, appropriate actions were identified. These appropriate actions were indentified and carefully considered in the development of the Split Rock Holdings, LLC grazing permit renewal environmental assessment. A complete list of the appropriate actions can be found in Appendix 1 of that document. The implementation of these appropriate actions will ensure, over time that the rangeland health standards will be met.

An integrated approach to monitoring has also been developed and will be implemented through this final decision that will measure whether the BLM is making significant progress towards meeting the Standards for Healthy Rangelands. The final decision includes a detailed schedule for a six pasture deferred-rotation grazing system, a reduction in grazing use (in numbers and time), as well as constructing a large grazing enclosure on the upper portion of East Sage Hen Creek to quickly restore riparian and fishery habitat. The final decision also includes the implementation of rotation indicators for each pasture that prevents riparian areas from being over-utilized by cattle. Lastly, the final decision incorporates the most recent, scientifically-based guidelines for the protection of key greater sage-grouse seasonal habitat. These are significant actions that are not business as usual.

3. Pasture Rotation Indicators Are Not Adequate To Meet RHS

Response - The BLM is confident the pasture rotation indicators coupled with the implementation of the integrated monitoring plan and reduced season of use and permitted livestock numbers is adequate to meeting the RHS. We have modified several of the pasture rotation indicators and prescribed monitoring techniques for this final decision that will restore and monitor the progress of improving the condition of important upland and riparian areas and critical sage grouse habitat.

4. Significant Changes In Management Are Not Proposed

Response – The BLM completed a comprehensive rangeland health assessment for the Split

Rock Ranch Allotments (SRRA), and issued a determination detailing whether the allotments were meeting or not meeting the Standards for Rangeland Health. As part of this process, the BLM made a determination that some of the Rangeland Health Standards were not being met. An environmental analysis was completed and a proposed decision was issued on April 30, 2009. In combination of Chapters Three and Four of the Split Rock Ranch grazing permit renewal environmental analysis and the rangeland health assessment, the BLM used the nine BLM Wyoming Guidelines for a Livestock Grazing Management “guide” to develop the appropriate actions necessary to achieve the healthy rangelands. As discussed in responses two and three above, the BLM is confident that significant changes are being implemented through the final decision and a mechanism to monitor significant progress has been developed through the use of the integrated monitoring plan.

5. The Proposed Decision Does Not Discuss Permittee Compliance History and BLM Enforcement History

Response – Permittee compliance is obtained through administrative remedies, usually through actions contained under the terms and condition of the grazing permit and operating plan. Permittee non-compliance is dealt with on a case-by-case basis; however the BLM does recognize the need to issue a more comprehensive and detailed set of operating instructions. These operating instructions will be incorporated into the terms and conditions of the grazing permit. A comprehensive monitoring program is also part of the final decision. The monitoring program will help determine if the grazing allotments are making significant progress in meeting the rangeland health standards and it will also ensure a high degree of permittee compliance with the terms and conditions of the grazing permit.

6. The Proposed Decision Does Not Discuss Carrying Capacity

Response – The EA does state that current stocking levels exceed the carrying capacity of the utilized portions of the allotments. The proposed and final decisions do consider the carrying capacity and past actual use data for the four allotments. The EA does provide actual use data (1983-2008) that does allow for an understanding of stocking rates over the past sixteen years. We agree that both the carrying capacity and actual use data are important to understanding the potential effectiveness of the proposed action and they have been analyzed, considered and incorporated into my proposed and final decisions.

DECISION

My final decision is offer a ten year grazing permit to Split Rock Holdings, LLC c/o Dallas Horton with terms and conditions that implement management actions from Alternatives One and Two described in EA No. WY-050-EA09-035. Specifically, my final decision includes the establishment of a grazing season of May 21 to December 10 for a total of 204 days with a herd size of 1,200 head of cattle and 6,669 public land AUM’s will be authorized. My final decision also includes the implementation of a six pasture modified-deferred rotation grazing system as described in Table 1 below:

Table 1. Dates of Use and Number of Days to be Grazed per Pasture

Year	North Blackjack Ranch (42 DAYS)	South Blackjack Ranch (25 DAYS)	North Diamond Springs (44 DAYS)	South Diamond Springs (36 DAYS)	North Dobie Flat (28 DAYS)	South Dobie Flat (20 DAYS) 05/21- 05/30	Shipping Pastures (9 DAYS) 05/31- 06/04
2010	06/30-08/10	06/05- 06/29	08/11- 09/23	09/24- 10/29	11/03- 11/30	12/01- 12/10	10/30- 11/02
2011	06/05-07/16	10/05- 10/29	08/22- 10/04	07/17- 08/21	11/13- 12/10	11/03- 11/12	10/30- 11/02
2012	07/19-08/29	08/30- 09/23	06/05- 07/18	09/24- 10/29	11/03- 11/30	12/01- 12/10	10/30- 11/02
2013	07/11-08/21	10/05- 10/29	08/22- 10/04	06/05- 07/10	11/13- 12/10	11/03- 11/12	10/30- 11/02
2014	06/30-08/10	06/05- 06/29	08/11- 09/23	09/24- 10/29	11/03- 11/30	12/01- 12/10	10/30- 11/02
2015	06/05-07/16	10/05- 10/29	08/22- 10/04	07/17- 08/21	11/13- 12/10	11/03- 11/12	10/30- 11/02
2016	07/19-08/29	08/30- 09/23	06/05- 07/18	09/24- 10/29	11/03- 11/30	12/01- 12/10	10/30- 11/02
2017	07/11-08/21	10/05- 10/29	08/22- 10/04	06/05- 07/10	11/13- 12/10	11/03- 11/12	10/30- 11/02
2018	06/30-08/10	06/05- 06/29	08/11- 09/23	09/24- 10/29	11/03- 11/30	12/01- 12/10	10/30- 11/02
2019	06/05-07/16	10/05- 10/29	08/22- 10/04	07/17- 08/21	11/13- 12/10	11/03- 11/12	10/30- 11/02

Full Time Ranch Employee

A full time Split Rock Ranch employee will manage these four allotments and provide the labor to implement and operate the deferred-rotation grazing system including maintenance of existing water developments and fences.

Season of Use Flexibility: The BLM recognizes that operator flexibility may be necessary when implementing the season of use and six pasture deferred rotation grazing system under the final decision. In order to provide that flexibility, the following action is part of my final decision: The May 21st on-date will be used as the official turnout date. However, approval to place the cattle on the allotment scheduled to be grazed first in any given year may be earlier, on a case-by-case, and year-by-year basis provided that no cattle are turned out earlier than May 10th and the authorized AUMs of 6,669 are not exceeded. The off-date of December 10th will be the last day of the permitted/authorized season of use. These authorizations, when approved will be documented through the annual operating plan.

Permit Transfer Application and Approval

On October 5, 2009 we were notified in writing by Dallas Horton that the Split Rock Holdings, LLC recent base property lease with Cluck-Cameron Cattle Company c/o Casey Cameron was being terminated on February 20, 2010. Mr. Horton has requested to transfer the grazing permit back to Split Rock Holdings, LLC and the application is pending as of this date. Upon approval of this application, a ten year grazing permit incorporating the terms and conditions in this final decision will be offered to

Split Rock Holdings, LLC c/o Dallas Horton.

Other Management Actions Under the Final Decision: The following management actions are also part of my final decision and will be implemented as described in the EA WY-050-EA09-035:

East Sage Hen Creek Riparian Exclosure Project

To restore the cold water fishery of East Sage Hen Creek, a riparian protection fence will be constructed and livestock grazing will be excluded on approximately 455 acres. This exclosure will encourage the growth of woody species, such as willows and allow for seedlings and younger plants to become established. The objective of establishing the woody species is to provide habitat for the reintroduction of beaver to this stream. Fence materials necessary to construct the riparian exclosure will be provided by the BLM and maintenance responsibility will be assigned to the grazing permittee.

Resource Management Objectives

The attached resource management objectives are proposed to guide the livestock management for the next ten years. Establishment of these objectives is a necessary appropriate action to measure significant progress towards meeting the RHS on the SRRA.

Pasture Rotation/Utilization Indicators

A minimum height of riparian vegetation left after grazing, or utilization level, will be used as a guideline for determining when the movement of livestock is necessary. There are minimum vegetation height requirements for the uplands that are intended to ensure sufficient herbaceous upland vegetation for suitable sage-grouse habitat is left after the grazing period is over. Table 2 describes the site, species and rotation indicator to be used.

Table 2. Final Forage Utilization Levels/Rotation Indicators

Pasture	Site	Species	Rotation Indicator**
South Blackjack Ranch	Upland	STCO/AGSP	5" residual herbaceous cover on key areas number 1 and 6
	Riparian	CANE/JUBA	6" greenline stubble height in fall
		CANE/JUBA	4" first terrace stubble height in fall
North Blackjack Ranch	Upland	STCO/AGSP	5" residual herbaceous cover on key areas number 2, 3, and 7
		CANE/JUBA	6" greenline stubble height in fall
		CANE/JUBA	4" first terrace stubble height in fall
North Diamond Springs	Upland	STCO/AGSP	5" residual herbaceous cover on key area number 6
	Riparian	CANE/JUBA	6" greenline stubble height in fall
		CANE/JUBA	3-4" stubble height in fall
South Diamond Springs	Upland	STCO/AGSP	5" residual herbaceous cover on key areas number 7 and 10
	Riparian	CANE/JUBA	3-4" stubble height in fall
North Dobie Flat	Upland	STCO/ORHY	5" residual herbaceous cover on key areas

			number 1 and 2
	Riparian	CANE/JUBA	3-4" stubble height in fall
South Dobie Flat	Upland	STCO/ORHY	5" residual herbaceous cover on key areas number 1 and 2

** Stubble height monitoring would be conducted during the grazing season and again after livestock are removed from their respective allotments. During the time livestock are in the first two pastures of the rotation schedule, stubble height monitoring would not be used as a move indicator. If livestock are in either of the last two pastures of the rotation sequence, and stubble height monitoring indicates the utilization standard has been reached, livestock would be moved to the last pasture of the rotation schedule or off the allotment if in the last pasture.

Diamond Springs and Blackjack Ranch Division Fences

Beginning in the late 1990's temporary electric fences were employed to facilitate livestock handling, substitute for herding to keep livestock from over using riparian areas, and to achieve better utilization on some of the uplands. In practice however, the fences proved impractical to operate and maintain. In 2006 and 2007 the Diamond Springs and Blackjack Ranch Allotments were divided with permanent barbed wire fences to break these large allotments into more manageable pastures to facilitate timely pasture and allotment moves within the grazing rotation strategy. These fences would also reduce the time spent on the riparian areas of these allotments. These two large allotments can now be used as four pastures in a grazing rotation that includes the North and South Dobie Flat Allotments.

Beaver Rim Road Realignment

Road maintenance problems have occurred within the BLM's Beaver Rim Road (#2401) through the Diamond Springs Allotment. The problems were typically related to wet road conditions and channel erosion from spring runoff in the vicinity of the several springs that the road crosses. At several of the springs, the roadbed forms a small dike impounding water behind it which is not conducive to maintaining a dry, stable roadbed. The soils at the springs are high in silt, clay and soluble salts making them easily erodible and subject to rutting from vehicle traffic when moist. Also, in several locations, the public road traverses private land parcels of SRR with no easement or access agreement for the public. To remedy these maintenance problems and to secure legal access to the road by the public, it is necessary for the road to be relocated around these private parcels on drier ground.

Cold Spring Exclosure

In previous field meetings with the SRR, there was general agreement on the need to protect the wetland/riparian resources at Cold Spring which is located on private land. BLM will seek to work cooperatively with the SRR to develop protection measures for this sensitive riparian area.

Salt, Mineral Placement, and Supplemental Feeding

Salt and mineral supplements shall be located at least 0.5 mile from water sources to promote better livestock distribution and discourage livestock from concentrating near water sources. Supplements or salt shall not be placed within 0.6 mile of all known sage-grouse strutting grounds unless the location is agreed to by the BLM. On rare occasions when emergency supplemental feeding is authorized, only certified weed-free forage shall be used on BLM-administered lands.

Drought Planning

Wyoming BLM has implemented a drought policy that addresses drought conditions on a case-by-case basis (Instruction Memorandum No. WY-2004-020: Drought Management). BLM would meet with the grazing permittee prior to livestock turn-out to consider proposed grazing plans and contingencies and would review range conditions with the permittee on the ground, as necessary. During emergency conditions related to drought, insect infestations, or wildfire, the BLM would close pastures or the allotment to livestock grazing.

BLM's Instruction Memorandum No. WY-2004-020 goes on to state:

“As we manage through [a] drought, the main focus of our actions should be to maintain the long-term health and productivity of Wyoming's public rangelands. We also need to keep in mind that every action taken may place a hardship on those who use, or rely on, the public lands for their livelihood. It is critically important that we communicate early and often with the permittees during these challenging times.

The importance of maintaining rangeland health cannot be over emphasized as consideration is given to returning uses to rangelands following the end of a drought.”

Predator Control

Predator control by the grazing permittee would be limited as follows: The permittee/lessee and/or his/her employees would not use or place poison or M-44 devices for prairie dog or predator control on BLM-administered public lands. Predation control actions would be carried out by the Animal and Plant Health and Inspection Service (APHIS), Wildlife Services (WS), or the Wyoming Game and Fish Department, or whoever has the responsibility for the offending species.

Sage-grouse Guidelines

Based on the most recent research concerning the seasonal habitat needs of the greater sage-grouse and its response to disturbance, the following vegetation management objectives and restrictions would be applied to livestock management within the SRR:

- No surface occupancy or surface disturbance within 0.6 mile radius of the identified perimeter of a lek.
- No placement of salt or mineral supplements within 0.6 mile radius of the identified perimeter of a lek unless location is agreed to by the BLM.
- No disruptive activity within 0.6 mile radius of the identified perimeter of a lek between one hour before sunset to one hour after sunrise from March 1 to May 15 (this restriction does not include casual use as described by the Code of Federal Regulations).
- No surface disturbing or disruptive activities within a three-mile radius of the perimeter of an identified lek or in identified sage-grouse nesting/early brood-rearing habitat outside the 3 mile radius from March 15 to July 15 (this restriction does not include casual use as described by the Code of Federal Regulations).
- Range improvement projects should not be located in areas that are detrimental to nesting/early brood rearing habitat. If this is not possible, these projects should be located in areas that are deemed to be the least detrimental to these habitats.

- Range improvement projects located inside suitable sage-grouse nesting/early brood-rearing habitat must be mitigated to prevent excessive predation on breeding or nesting/brood rearing sage-grouse from perching raptors.
- No vegetation manipulation within 0.6 miles radius of the identified perimeter of a lek or in identified winter concentration areas, unless the action would benefit greater sage-grouse habitat.
- No surface disturbing and/or disruptive activities in identified winter concentration areas from November 15 to March 14 (this restriction does not include casual use as described by the Code of Federal Regulations).

Monitoring

Rangeland health monitoring would be conducted in accordance with BLM standard operating procedures and policy. Existing range condition and trend studies shall continue to be monitored in accordance with existing direction provided in the Lander Field Office Resource Management Plan (1987). A cooperative monitoring effort with the active participation of the grazing permittee and affected interests would be encouraged. The grazing permittee would be required to continue submitting the actual use reports as a grazing permit condition. To accomplish the necessary monitoring, the following items apply:

1. The BLM Manual, Wyoming State Office Supplement Handbook H-4423-1, Section 4423.56 would be used as a general guide in developing range condition trend-monitoring procedures. Plant frequency, density, production and utilization, and ground cover would be sampled to evaluate vegetation and soil erosion trends. Other parameters, such as canopy cover, seedling or shrub characteristics would be considered as needed on unique areas such as riparian zones, aspen stands, and bitterbrush or other mountain shrub thickets.
2. During and after the grazing of each pasture, forage utilization would be measured using the height-weight method or the key forage plant method described in BLM Manual, Wyoming State Office Supplement Handbook H-4423-1, Section 4423.47. This would aid in determining whether existing stocking levels are providing proper use and what adjustments in the present management, if any, would be needed. These studies would also help determine a schedule for seasonal use within a grazing system.
3. Selected key areas (meadows and riparian areas) would be monitored to determine impacts from grazing as described in the BLM Manual, Wyoming State Office Supplement Handbook H-4423-1, Section 4423.56C; Marlow and Clary (1996); Winward (2000); and BLM Technical Reference TR 1737-3, Inventory and Monitoring of Riparian Areas.
4. Existing rain gauges within or adjacent to the SRR allotments would continue to be used to measure precipitation to help interpret vegetative production variations resulting from climatic changes. Currently, there are three rain gauges that the BLM is actively monitoring that are within or adjacent to the analysis area.
5. Soil quality monitoring would utilize data that is being collected as part of other monitoring efforts in this allotment. Soil cover will be of primary concern to discern how well the monitored sites would be protected from erosion under the chosen management scenario. This data can then be used to compare existing cover to that expected to be present on a particular ecological site.

6. Actual use information would be required to evaluate the future use levels of the allotments. Direct and indirect methods (according to the guidelines in BLM Manual 4400.23A, Wyoming State Office Supplement Handbook H-4423-1, Section 4423.3) would be used to collect this information.

7. The approval and use of rangeland monitoring data collected by non-BLM entities will comply with existing Wyoming State Office policy. The BLM may approve and utilize monitoring data collected on public land by parties other than BLM; however, the acceptance of this data by the BLM is not automatic. The BLM will have the final decision authority concerning the planning, collection, and interpretation of monitoring data that is used to make resource management decisions. The BLM will take advantage of these offers of monitoring data from non-BLM entities to the extent feasible, and will honor the concept of public involvement and stewardship in the management of the public rangelands.

Additional Terms and Conditions

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Hazardous Materials: No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (307)332-8400.
- C) Administrative Access: The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- D) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- E) Human Remains/Cultural Resources: Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

All proposed actions with the allotment on public lands will have a cultural/paleontological resource evaluation completed by the field office archeologist and/or regional paleontologist. Standard cultural inventory and evaluation procedures will be followed. Appropriate inventories and mitigation measure must be completed prior to project implementation.

- F) All range improvements will be maintained in accordance with cooperative range improvement agreements and range improvement permits on file with the Bureau of Land Management pursuant to 43 CFR 4120.3.

RATIONALE

In 2005, a comprehensive rangeland health assessment and evaluation report was completed to determine whether public lands within the Diamond Springs (11509), North Dobie Flat (11511), South Dobie Flat (01512), and Black Jack Ranch (11513) Allotments were meeting the standards for rangeland health. The evaluation concluded that rangeland health standards were not being met. In particular, riparian health

and upland soils was determined to be the biggest rangeland health issues on the allotments. The action items identified in this final decision will make significant progress towards meeting rangeland health objectives.

In April, 2009 the Bureau of Land Management prepared an environmental assessment (WY-050-EA09-035) that described and analyzed three management alternatives for cattle grazing within these four allotments. This analysis has been developed following consultation and coordination with the grazing permittee, state and local agency personnel, other affected parties, and interested members of the public.

The final decision is a combination of Alternatives One and Two which provides the Bureau of Land Management with the best opportunity to improve rangeland health and meet the bureau's multiple use mission.

The final decision is consistent with present and projected future uses in the subject area and is environmentally acceptable as it does not result in undue or unnecessary environmental degradation. The final decision is also consistent with the Lander Resource Management Plan which was approved on June 9, 1987, and will fulfill a need (livestock forage use) that has been expressed by the public.

AUTHORITY

The Bureau of Land Management has authority to renew these grazing permits consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and the Lander Resource Management Plan, approved on June 9, 1987. Further, an approved grazing permit is required to authorize grazing use on public lands and this authority is contained in the following sections of the 43 Code of Federal Regulations (CFR):

43 CFR 4130.2(a) which states.

(a) Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing and suspended use. These grazing permits or lease shall also specify terms and conditions pursuant to § 4130.3, 4130.3-1, and 4130.3-2.

43 CFR 4110.3-2(b) which states.

(b) When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

43 CFR 4110.3-3(a) which states.

(a) After consultation, cooperation, and coordination with the affected permittee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing 4110.3-2 shall be issued as proposed decisions pursuant to 4160.1.

43 CFR 4120.2(a)(1)(2)(3)(4) which states.

- (1) include terms and conditions under 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, and subpart 4180 of this part;
- (2) Prescribe the livestock grazing practices necessary to meet specific resource objectives;
- (3) Specify the limits of flexibility...
- (4) Provide for monitoring to evaluate the effectiveness of management.

43 CFR 4130.3-1(a) which states.

- (a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, and the amount of use for every grazing permit.

43 CFR 4130.3-2 (c)(f) which states.

The authorized officer may specify in grazing permits 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. These may include but are not limited to:

- (c) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands.
- (f) Provisions for livestock grazing temporarily to be modified to allow for the restoration of vigor of plants, provide for the improvement of riparian areas.

43 CFR 4130.2(d)(4) which states.

- (d) The terms of 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--
- (4) The authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management.

43 CFR 4180.1 (b)(d) which states.

The authorized officer shall take appropriate action under subpart 4110, 4120, 4130, and 4160 of this part as soon as practicable but no later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

- (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained,
- (d) Habitats are, or are making significant progress toward being, restored, or maintained for Federal threatened and endangered species.

43 CFR § 4130.7(c) (e) which states:

- (c) The authorized officer may require counting and/or additional special marking or tagging of the authorized livestock in order to promote the orderly administration of the public lands.

(e) The brand and other identifying marks on livestock controlled, but not owned, by the permittee or lessee shall be filed with the authorized officer.

RIGHT OF APPEAL

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision. The appeal may be accompanied by a petition for a stay of the decision pending appeal, in accordance with 43 CFR 4.471. The appeal and petition for stay must be filed in writing within thirty (30) days following the receipt of this final decision with James A. Cagney, Lander Field Manager, at the Lander Field Office, P.O. Box 589, 1335 Main Street, Lander, WY 82520.

The appeal must clearly and concisely state the reasons why the appellant thinks the final decision is wrong and must otherwise comply with the provisions of 43 CFR 4.470. The appellant must serve a copy of the appeal by certified mail on the Office of the Field Solicitor, Rocky Mountain Region, 755 Parfet Street Suite 151, Lakewood, Colorado, 80215 and person(s) named (43 CFR 4.421(h)) in the "Copies sent to:" section of this decision.

Should you wish to file a petition for a stay, you must comply with the provisions at 43 CFR 4.471. Among other things, that regulation requires that a petition for a stay show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Any person named in the decision from which an appeal is taken who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. The person must serve copies of the motion to intervene and response on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

If you have any questions regarding this decision, please contact me at 307-332-8400.

Sincerely,

James A. Cagney
Field Manager

Attachments: (2)

- 1 - Literature Cited
- 2- Resource Management Objectives

Copies sent to: (by certified mail)

Western Watersheds Project
c/o Jonathan B. Ratner
Wyoming Office Director
P.O. Box 1160
Pinedale, WY 82941

Interested Public(s) - see attached list

ATTACHMENT ONE

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ATTACHMENT TWO

RESOURCE MANAGEMENT OBJECTIVES

BLM Goals/Objectives

The current grazing regulations (43 CFR 4100) state that the Bureau's objective is to promote healthy, sustainable rangeland ecosystems; accelerate restoration and improvement of public rangelands to proper functioning condition; promote the orderly use, improvement and development of the public lands; establish efficient and effective administration of grazing of public rangelands; and provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.

The Bureau of Land Management's minimum desired condition for public riparian wetland areas is achieving proper functioning condition (PFC) and functioning at risk with an upward trend. The proper functioning condition definition is, in essence, that riparian vegetation will be present along streams sufficient to dissipate stream energy during high flows, provide stream bank stability, improve water quality, aid floodplain development, develop diverse channel characteristics, and support greater biodiversity. Riparian areas when in proper functioning condition will provide for the greatest number of beneficial uses which may include use by wildlife as habitat, forage for livestock, and where possible high quality fisheries.

Allotment Resource Objectives

The 1987 Lander RMP identified several allotment specific objectives/opportunities for the Split Rock Ranch Allotments:

- Use grazing systems and/or range improvements to solve problems where livestock are concentrating on riparian areas. Total exclusion of livestock for several years might be needed on some riparian areas to allow them to recover.
- Improve distribution by developing water for livestock, salting and herding away from riparian areas.
- Adjust livestock stocking levels based on monitoring.
- Potential exists for vegetation manipulation on appropriate sites.
- Implement a grazing system based on phenological requirements of the vegetation.

Several general objectives that were developed with the former Coordinated Resource Management Team for the Split Rock Ranch Allotments and are applicable to this decision are listed below.

- Improve or maintain riparian area health and water quality on the ranch to meet or exceed State standards.
- Improve or maintain upland range health on each allotment.
- Improve or maintain wildlife habitat.
- Minimize soil erosion for acceptable soil health maintenance.

Desired Plant Community

The Desired Plant Community (DPC) is the plant species assemblage which currently exists, or which, through natural succession and/or management actions, is reasonably sustainable on an ecological site,

and which best supports land use goals. The DPC must be a plant community, consistent with the site potential and it becomes the focus of management. DPC goals and objectives will be considered achieved as long as the communities being monitored are approaching or are within reasonable range of these defined targets.

Riparian Vegetation Desired Plant Community Objectives

The Desired Plant Communities (DPC) should have desirable, deep-rooted herbaceous and (in some cases) woody vegetation (including, but not limited to sedge, rush, willow, currant, and native riparian grasses and forbs) with the short-term objective of achieving proper functioning condition on all streams.

Riparian Areas without Willows

This desired plant community (DPC) should be achieved within 15 years. In the first evaluation (proposed for 2014), if monitoring shows a particular riparian area has willows, then they will be evaluated under the criteria for "Riparian Areas with Willows."

1. As identified by site-specific resource objectives; increase or maintain the proportion of desired, deep-rooted riparian species within plant communities along the greenline, which are capable of holding soils, retaining sediment, and buffering the erosive forces of the stream.
2. No more than five percent (5%) of the perennial stream banks, as measured on the cover transects, should be devoid of vegetation (eroding or aggrading).
3. Riparian cross-section data will be used to determine site-specific objectives for community types at each monitoring site. This will include a percent canopy-cover figure for willow (as needed).

Riparian Areas with Willows (currently or in future)

This desired plant community (DPC) should be achieved within 20 years.

1. Twenty-five percent (25%) or more of riparian plant communities as measured on the cover transects should be composed of willows or other desirable woody species. The remainder of the riparian plant communities along the greenline should be composed of desirable, deep-rooted riparian species capable of holding soils, retaining sediment, and buffering the erosive forces of the stream.
2. No more than five percent (5%) of the perennial stream banks, as measured on the cover transects, should be devoid of vegetation (eroding or aggrading).
3. Riparian cross-section data will be used to determine site-specific objectives for community types at each monitoring site. This will include a percent canopy-cover figure for willow (as needed).

Age-classes of willow, as measured by stem-count along a belt-transect parallel to the greenline, should consist of: sixty percent (60%) young/sprouts (less than 4-feet high, single-stem to simple branching, and not seed producing); thirty to forty percent (30% - 40%) mature (greater than 4-feet high, complex branching, more than ten (10) stems, seed-producing); and zero- to ten-percent (0% - 10%) decadent/clubbed/ severely-hedged.

Upland Vegetation Desired Plant Community Objectives

Goals for upland vegetation are set at the landscape, rather than at a site-specific level, due to a desire to maintain a healthy mix of plant communities and successional stages across the entire area. An inventory of successional stages on upland sites has not been completed since 1983. However, the professional opinion of the Interdisciplinary Team (IDT) is that a high percentage of these upland Wyoming big sagebrush/grassland communities are in a mid to late seral stage, and are dominated by decadent Wyoming big sagebrush plants. The following upland landscape objectives were developed to improve the health of these upland plant communities.

Landscape Objectives for Specific Upland Plant Community Objectives

The following objectives are not intended to allow implementation of the grazing plan but are meant to reflect the vegetative conditions which should provide a stable community to enhance the historic range of variability for rangeland health reasons, improved habitat for wildlife, and provide an ecologically sound pattern (similar to naturally expected conditions) on the landscape through time. They are not a measure of the success of the grazing plan per se, but rather will reflect the success of natural fire and/or vegetation manipulation through a variety of methods over time. The attainment goal for 2050 is based on the expectation that the implementation of vegetation manipulation needs to be completed over a long time frame to achieve the diversity of age classes and canopy covers without adversely affecting a large proportion of the allotment(s) at any one time.

Also, the landscape stability principles given in BLM Resource Notes 19, 44, and 64 authored by BLM Hydrologist Dr. Bruce Van Haveren (retired) will be used as a guide to assess the hydrologic stability of the uplands. Generally, these publications related upland hydrology research from the Stratton Hydrology Project, in the Savory area, of southern Wyoming. This area is located in the same range site zone as the SRRA. Bare ground, litter, and plant basal area data from the planned monitoring will be used to indirectly assess erosion resistance and water infiltration.

Wyoming Big Sagebrush/Grassland: The long-term landscape goal is to attain a mosaic of different successional age classes by the year 2050, 30% of sagebrush/grassland (S/G) communities in $\leq 10\%$ sagebrush canopy cover; 40% of the S/G communities in 10-20% sagebrush canopy cover; 30% of the S/G communities in $\geq 20\%$ sagebrush canopy cover.

Allotment Resource Specific Objectives

The attainment/non-attainment of these objectives will be analyzed after the 2010 and 2014 grazing seasons.

1. Attain an average stream bank vegetative shade canopy of 40%.
2. Bank trample will be allowed on less than 25% of the stream banks.
3. Have brook trout in the potential but currently unoccupied streams.

The vegetative use level objectives are:

1. The stubble height objective for the standing stubble on the green line on the public riparian areas in all pastures will be an average of six inches of standing stubble for Nebraska Sedge,

Carex nebraskensis, or Baltic rush, Juncus balticus, the identified key species. This use will be measured after all livestock have left the allotment in the fall. Six inches has been identified as the minimum stubble height needed to provide stream bank protection for the following spring runoff.

The BLM Riparian RHS is for 100% of all streams to exist in PFC. Our short term goal is to restore and maintain riparian-wetland areas so that 75 percent or more of the areas are in proper functioning condition and the remainder is functioning at risk with an upward trend by 2014.

1997 RATING (public land miles) PFC = Proper Functioning Condition					
	FUNCTIONAL AT RISK				NON-FUNCTIONAL
	PFC	UPWARD TREND	NO APPARENT TREND	DOWNWARD TREND	
CURRENT MILES/ PERCENTAGE	0 0%	0 0%	0.7 9%	7.3 91%	0 0%
OBJECTIVE MILES/ PERCENTAGE	6 75%	2 25%	0 0%	0 0%	0 0%