

# Wyoming Department of Agriculture

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



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John Etcheberry, Director

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Casper RMP/EIS  
Bureau of Land Management, Casper Field Office  
2987 Prospector Drive  
Casper, Wyoming 82604-2968

Following are our comments on the Draft Resource Management Plan and Environmental Impact Statement (Draft RMP/EIS), Casper Field Office.

Our comments are specific to our mission within state government: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed revision possesses the potential to dramatically affect the welfare of our agriculture industry, our natural resources, and our citizens for the next 15 to 20 years, we believe it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

Please accept our sincere appreciation for allowing the participation of state and local government officials as cooperators in accordance with the National Environmental Policy Act. We believe that the interchange of information and active consideration of suggestions has been and can continue to be valuable.

We offer the following suggestions to further improve this Draft RMP/EIS.

## Definition of Surface Disturbing Activity

We recommend use of the definition of Surface Disturbing Activity as it is worded in the Glossary in the Draft RMP/EIS. We note that the definition in the Glossary is followed by the parenthetical phrase that says the State BLM office is revising this definition. Yet, the term Surface Disturbing Activity is used often throughout the Draft RMP/EIS and the exact definition for this term is needed to understand the Draft RMPEIS and its consequences. The public can not intelligently evaluate and comment on the Draft RMPEIS if this definition is unknown or changed by the State BLM. For this reason, we recommend not changing the definition currently used in the Glossary.

## Definition of Occupied Sage Grouse Leks

Currently, there is no definition for Occupied Sage Grouse Leks in the Glossary. The general public may assume the definition of "occupied" is the same as used in dictionaries, i.e. "resides

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in” or “possesses” the lek. However, we understand that the Draft RMP/EIS relies upon the Wyoming Game and Fish Department definition of “occupied lek”, which is any lek in which some breeding activity has been noticed at any time within the last ten years. The public deserves to understand the significance of this definition in the Draft RMP/EIS.

### **Definition of Wildlife Disturbing Activity**

We are gravely concerned about the broad, sweeping generalization of this definition, which could inadvertently prohibit human presence and resource use in the planning area. As currently defined in the Glossary of the Draft RMP/EIS, this definition applies to virtually every natural or human-caused event and could outlaw the existence of humans in areas that may contain any species of wildlife in a critical life stage that could be excessively stressed or displaced. These prohibitions against human presence and resource use would include hunting, fishing, and other recreational activities, timber harvests, energy development, and livestock grazing, among others.

Another example of the disastrous effects of this definition is reflected in Section 2.4.5.2, Physical, Biological, and Heritage Resources, on pages 2-24/25. This section states, “Occupied greater sage-grouse leks also have a four-mile buffer (190,856 acres of BLM- administered surface and **339,906** acres of BLM-administered mineral estate) where surface development or wildlife-disturbing activities are restricted from March 15 through July 15 (TLS).” Because occupied leks are defined by the Wyoming Game and Fish Department as any lek in which sage grouse breeding activity has been seen at any time within the last ten years, all human presence and resource use will be outlawed within four miles of all known “occupied” leks during this time. As the actual locations of these “occupied leks are not identified or fenced, human presence and resource use will have to be prohibited during this time in any area where “occupied” leks are suspected or the presence and use could inadvertently disturb these unidentified leks. Thus, this definition, as currently worded, invites legal challenges to prohibit human presence and resource use **in any** area where leks might have existed. This definition needs to be more specific.

Worse yet, the application of this definition in the Draft RMP/EIS creates unintended but dangerous consequences for other resources and resource uses. The Bureau of Land Management is supposed to manage for a balance of resources and resource uses. But this definition applies to all wildlife. The protection of all wildlife, even those in critical life stages, should not trump all other resources and resource uses in the Casper FO planning area. Given all the thousands of wildlife species that exist in the planning area, there are probably critical life stages being experienced nearly all the time across the planning area. Applying the definition of Wildlife Disturbing Activity in the Draft RMP/EIS to all wildlife species -- that is, saying no species can be stressed or displaced during any number of critical life stages -- sets wildlife protection on a pedestal which towers over all other resources and resource uses. According to

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the definition of Wildlife Disturbing Activity, this prohibition includes the presence of humans in the planning area. With this definition, wildlife protection in the planning area becomes predominant and preeminent and creates an imbalance in BLM management that prevails over all other resources and resource uses, including human presence. This definition and the application of this definition in the Draft RMP/EIS need to be changed to ensure one resource does not prevail over all others at all times throughout the planning area.

### Anti-Livestock Grazing Bias

The DEIS accurately describes the affected environment and environmental consequences upon and by livestock grazing in most places in the DEIS. However, there are still occurrences of unnecessary and inappropriate anti-livestock bias. The 2<sup>nd</sup> paragraph of Section 4.6.6.2 on page 4-215 is an example. We unequivocally recommend this paragraph be deleted. This paragraph does not describe environmental consequences common to all alternatives. Rather, it appears as if it was written by an anti-livestock grazing activist to unnecessarily disparage livestock grazing. As the DEIS notes previously on the same page, "Over the last 50 years, rangeland health has improved across the planning area due to improved grazing management practices." Moreover, the Draft RMPEIS notes in Table 2-3 that the grazing management goals and objectives for all alternatives are to improve rangeland health. There are no other similarly written diatribes for any other resource or resource use in the DEIS. If this paragraph is not deleted then it needs to be correctly rewritten to reflect the intent of grazing management in the planning area and the intended environmental consequences for all alternatives. The paragraph would then read

*Grazing practices are managed to enhance rangeland health. Grazing management includes allotment management plans and annual operating instruction to manage the timing and location of grazing to enhance riparian areas and wildlife habitat, increase growth of desirable vegetation, and decrease noxious and invasive weeds. Rangeland improvements including fencing, stock ponds, piping of water from springs, seeps, and wells, and other management practices are as grazing management tools. The effects of livestock grazing management on other resource topics are discussed under the appropriate resources.*

The paragraph currently in the Draft RMPEIS makes another grievous mistake in referring to livestock grazing and not livestock grazing management, when other sections in this Draft refer repeatedly to the management of the resource or resource use. As but one example, the effects of wildlife management are mentioned, not the effects of wildlife. The environmental consequences of management of other resource topics are discussed throughout the DEIS. To be consistent and free of the appearance of an anti-livestock bias, we strongly urge that the RMPEIS refer consistently to the environmental consequences of the management of livestock grazing. After all, livestock grazing on

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BLM lands in the Casper FO planning area is managed; it doesn't occur haphazardly. BLM range specialists and grazing permittees use allotment management plans, annual operating instructions, construction of range improvements, and other progressive range management practices to enhance rangeland health and meet their other goals and objectives. Conversely, gross failure by grazing permittees to meet goals and objectives for their permits can result in removal of livestock and loss of the allotment. Livestock grazing in the planning area has been, is, and will be managed, and verbiage to the contrary does not belong in the RMP/EIS.

This discussion above also applies to the first two sentences of the second paragraph on page 4-219 in the subsection entitled, Changes in Rangeland Health. Nowhere else in the DEIS is there a discussion of mismanagement or non-management, and yet mismanagement or non-management can afflict wildlife, recreation, culture, and other resources uses. However, the intent of Chapter Four of the EIS is to describe the expected environmental consequences of adopting each alternative. The National Environmental Policy Act and its implementing directives direct federal agencies to accurately portray the environmental consequences of the intended project or plan upon each resource and resource use. To adhere to NEPA and to be consistent with the discussions of the environmental consequences of all other resource topics, we unequivocally recommend the discussion in Chapter Four of this EIS should be reserved and focused on specifying only the expected environmental consequences of each alternative.

The second paragraph on page 4-220 under Section 4.6.6.2 in the Livestock Grazing area of Chapter four is another example of anti-livestock grazing bias and inappropriate discussion. Chapter Four is established to discuss the environmental consequences of the plan upon each resource topic. In the Livestock Grazing area, the environmental consequences of the plan and of the other resources and resource uses upon livestock grazing are supposed to be described. Yet, this paragraph doesn't discuss the environmental consequences of weeds upon livestock grazing. No, it discussed the environmental consequences of livestock grazing on weeds. That paragraph belongs in the **INPS** area of the DEIS, not the Livestock Grazing area.

However, there are several other disturbing statements in this paragraph reflecting an anti-grazing bias which has no place in the DEIS. The paragraph begins "Although not classified as a surface-disturbing activity, livestock grazing..." If livestock grazing is not a surface disturbing activity, then there is absolutely no need to mention it. Wildlife is also not classified as a surface-disturbing activity, but they also can decrease forage and disturb soils, thereby providing opportunities for **INPS**. But the reference to wildlife as not being classified as a surface disturbing activity is never made in the DEIS. Moreover, the paragraph is wrong in several other aspects. Livestock grazing

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management results in clipped forage which results in stimulated forage and regrowth. This clipping is not a surface disturbing activity. In fact, the stimulated growth crowds out and discourages the growth of weeds and enhances rangeland health. This important attribute of livestock grazing is an important environmental consequence of livestock grazing management and needs to be mentioned in this paragraph.

Another aspect is the sole reference in this paragraph to livestock grazing, when in fact wild and domestic animal grazing and browsing also restrict the introduction and spread of weeds and provide opportunities for **INPS**. Introduction and spread of weeds are also caused by human activity, vehicles, wind, development and many other resources and resource uses. To unfairly single out only one resource when nearly all other resources also contribute to **INPS** reflects an unconscionable prejudice that has no place in a **NEPA** document.

The first full paragraph on page **4-106** finds another example of this bias. Livestock grazing management may but does not necessarily or usually disturb wildlife. Yet livestock grazing is depicted in this paragraph as always being a disturbing and harmful activity. However, livestock grazing management is credited on page 4-215 with improving rangeland health across the planning area over the past 50 years. Improved rangeland health is beneficial for wildlife, vegetation, soils, and visual appearance, as well as for livestock. The facts are that the environmental consequences of livestock grazing management are beneficial, not detrimental, for wildlife, and in that context, that resource use is not a wildlife disturbing activity. To inaccurately portray livestock grazing management as *only* a surface disturbing activity for wildlife reflects a bias that does not belong in the Draft RMPEIS. Moreover, proper management of livestock grazing does not just “avoid or minimize adverse impacts to wildlife” but it enhances the habitat for wildlife. The paragraph needs to be rewritten to accurately, objectively, and without prejudice reflect all environmental consequences.

We have spotlighted those few instances reflecting an anti-livestock grazing bias that somehow sneaked into the DEIS, but we realize and appreciate the many instances in the DEIS where the consequences of livestock grazing management is accurately described.

### **Congressional Intent to Provide Food and Habitat for Domestic Animals**

We continue to assert that the Congressional intent expressed in the Federal Land Policy and Management Act of **1975** for BLM to provide food and habitat for fish and wildlife and domestic animals be stated in the livestock section of Chapter Three, Affected Environment, or elsewhere in the RMP/EIS. We emphasize this recommendation for several reasons. One, there is no mention of it in the Draft RMP/EIS. Two, the public and many BLM staff, including some in the Casper FO, are not aware of this Congressional declaration. Three, grazing permittees, BLM

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staff, and the public are constantly reminded that grazing is a right, not a privilege, which is correct. But this statement implies, erroneously, that BLM has the right to remove livestock grazing as a resource use throughout the planning area. But that removal would conflict with the Congressional intent expressed in FLPMA. Casper FO officials indicated the Congressional intent would be addressed under resources common to all, but it is not addressed in that area of the Draft RMP/EIS. For the public and government officials at all levels to know of and fully appreciate the affected environment in which grazing permittees operate, the congressional intent for providing food and habitat for domestic animals needs to be stated in the RMP/EIS.

### **Bates Hole SMA**

We support the designation in the preferred alternative of Bates Hole as a Special Management Area (SMA). We agree that this area does not possess the unique characteristics necessary to qualify as an Area of Critical Environmental Concern (ACEC).

### **Bates Hole Four-Mile Buffers**

We remain concerned about the severe limitations imposed upon resource uses in the 375,221-acre (158,023-BLM-surface-acre) Bates Hole area. The preferred alternative calls for a four-mile buffer around occupied sage grouse leks from March 15 through July 15. That duration equals one-third of a year. Because the Wyoming Game and Fish Department defines an "occupied" lek as any lek upon which sage grouse breeding activity has been observed at any time within the last ten years and because the locations of these leks are not identified, the four-mile buffer could effectively close much, if not most, of the Bates Hole SMA to any wildlife disturbing activity, including livestock grazing. Because RMP defines human presence as a wildlife disturbing activity, and because the locations of these leks is not known, the four-mile buffers could effectively outlaw human presence in much of the Bates Hole area for a third of a year.

We have several problems with the buffers being four miles in size. One, there is no science to support the prohibition of all wildlife surface disturbing activities, including the presence of humans and livestock, at a four-mile distance around an occupied lek. Two, there is no science to support the setting of a four-mile distance. Three, there are no other areas in public lands in Wyoming which have established a four-mile buffer from all wildlife disturbing activities including all human presence. Four, livestock grazing has historically and successfully coexisted with sage grouse. In fact, sage grouse were more plentiful at times and on lands where livestock populations were far greater at those times and on those lands.

Given the information provided above, we strongly recommend that the provisions of alternative D for sage grouse in Bates Hole be adopted and Alternative E provisions not be adopted. Alternative D requires avoiding surface disturbing activities and disruptive activities within two

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miles of an occupied sage grouse lek or in identified greater sage grouse nesting and early brood-rearing habitats outside the two-mile buffer. We also strongly recommend that the RMP/EIS specifically state that livestock grazing will not be prohibited during the March 15-July 15 period in the Bates Hole SMA.

### **Bates Hole and Livestock Grazing**

The discussion of the affected environment for Bates Hole (Proposed SMA) in Section 3.7.1.2 on page 3-14 fails to mention, but needs to specify, the amount and type of livestock grazing that currently occurs on this large 375,000-plus planning area. Livestock grazing is a significant resource use of this area.

### **Livestock, Sage Grouse, and Other Wildlife**

The RMP/EIS needs to reflect the importance of ranchers and grazing permittees to the conservation of habitat for sage grouse and other wildlife. The daily operational duties such as fixing fences, irrigating, calving and lambing, haying, and other on-site tasks, give the landowners the opportunity to view wildlife such as sage grouse. Most landowners are fully aware of the upward and downward trends of all types of wildlife. Keeping these ranchers and grazing permittees on the ground is important to assisting federal and state wildlife managers aware of the general trends of leks, brood survivals, and range conditions.

### **Livestock Grazing Goal and Objectives**

We endorse the goal (LR:6) and objectives (LR:6-1, 6-2, and 6-3) for rangeland health and livestock grazing as expressed in Table 2-3, Detailed Table of alternatives, on page 2-63. This goal and these objectives reflect the congressional intent as expressed in the Federal Land Policy and Management Act of 1976 for the Bureau of Land Management to public lands to provide food and habitat for fish, wildlife, and domestic animals. The goal and objectives also recognize the importance of livestock as a tool to manage and improve rangeland health.

### **Stock Driveways**

The preferred alternative requires a review and recommendations of withdrawals for stock driveway trails that are no longer active and incorporate these lands into adjacent allotments. We agree with this requirement, but we recommend that these SDW trails be identified.

### **Closures for Livestock Grazing**

We recommend the adoption of Alternative A, vice Alternative E, regarding the number of acres closed to livestock grazing in the RMP/EIS. The preferred alternative says additional areas may

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be closed to livestock grazing for the protection of management of specific resource values uses. **As** worded, this provision says any resource value or use may close additional acres to livestock grazing. This provision is just too sweeping a generalization that makes livestock grazing subordinate to all other resources and resource uses for any reason whatsoever. Congressional intent is clearly stated in FLPMA that BLM is to provide food and habitat for fish and wildlife and domestic animals. The sweeping generalization removing livestock grazing for any reason, with no reasonable justification required, opposes the Congressional intent expressed in FLPMA.

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### **Livestock Grazing, Wildlife Habitat, and Rangeland Health**

Over the years, livestock producers have voluntarily lowered stocking rates to create better forage and habitat for both their livestock and the wildlife using these lands. **As** a result, livestock numbers in the Casper FO planning area have decreased over the past 50 years. Moreover, grazing permittees and federal range specialists have developed allotment management plans and annual operating plans that have significantly improved rangeland health on the public lands in the Casper FO planning area. In fact you note on page 4-215 in the last bullet in Section 4.6.6.1 "Over the last 50 years, rangeland health has improved across the planning area due to improved grazing management practices." Those successes should be specified in Section 3.6.6, Livestock Grazing, on page 3-103.

In that same section, the importance of ranchers to creating better forage and habitat for wildlife and the loss of that contribution should be added to the sentence detailing lost benefits resulting from the replacement of ranches by subdivisions.

### **Erroneous Implication that Livestock Grazing is a Air Polluter**

We strongly object to the erroneous inference in the DEIS that livestock grazing is a consequential producer **of** air emissions. The inference needs to be removed and livestock grazing needs to be added as an activity that produces inconsequential amounts of air emissions.

We have strongly and repeatedly made this recommendation. The response to our objections by BLM staff was that we were right and livestock grazing is an insignificant emissions source. The basis of the BLM agreement to our objections was that emission calculations showed that livestock grazing activities produced less (far less) than one percent of the total emissions for any of the project alternatives within the CFO.

The facts are that livestock grazing is an inconsequential producer of air emissions and for that reason, livestock grazing needs to be added to the list of activities that produce inconsequential amounts **of** air emissions in the RMP/EIS. Yet, despite these admissions that livestock grazing is an activity that produces inconsequential amounts of air emissions, the Draft RMP/EIS persists in refusing to add livestock grazing to that list. BLM staff say in their comments to us that

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livestock grazing is an insignificant emissions source, but refuses to put livestock grazing on the list of activities that produce inconsequential amounts of air emissions. Thus, the Draft RMP/EIS erroneously implies that livestock grazing is consequential producer or air emissions. Again, we assert in the strongest possible terms that this grievous wrong in the Draft RMP/EIS needs to be corrected and that livestock grazing be added to the list of activities that produce inconsequential amounts of air emissions.

As supporting evidence, following are the reasons we originally provided for ensuring livestock grazing is added to the list of activities that produce inconsequential amounts of air emissions.

The Livestock Grazing tables (Tables J-31/J-33) say the primary cause of emissions are fugitive dust from heavy equipment. Yet, virtually no heavy equipment is used by grazing permittees or lessees in support of livestock grazing management. Even the construction of range improvements rarely requires the use of heavy equipment. Moreover, the Draft RMP/EIS notes on page 3-107 that "on average, the BLM completes 11 to 12 new range improvement projects per year...." These projects are for extremely short durations of time and are scattered across the 1.4 million acres of BLM-administered surface lands. This construction would not, repeat not; generate consequential amounts of air emissions.

These tables say the next primary cause of air emissions from livestock grazing is fugitive dust from commuting vehicles on unpaved roads. Yet, recreation air emissions are considered inconsequential, despite the fact that the PDEIS documents 123,507 hunting and fishing recreation days in the CRMPPA in 2001. These recreation days do not include sightseeing, touring, photography, wildlife viewing, mountain biking, camping, skiing, hiking, or other non-hunting and non-fishing recreational pursuits. The recreational activity is project by BLM to increase dramatically over the life of the revised RMP. Most of these recreational activities involve fugitive dust from vehicle use on unpaved roads as either part of the activity or getting to and from the activity. The estimates for the amount of vehicle traffic in support of livestock grazing are not stated. **But** if the traffic to support well over 200,000 recreation days is considered inconsequential for air emissions, then the traffic to support livestock grazing would have to significantly exceed that amount of traffic to be deemed consequential for air emissions. We contend that it does not. Traffic to support grazing occurs infrequently and only during the grazing season. Moreover, that traffic is scattered over the planning area. For these reasons, air emissions from livestock grazing are inconsequential.

To summarize, The Draft RMP/EIS needs to be corrected by adding livestock grazing to the list of activities that produce inconsequential amounts of air emissions.

### **Specific Recommendations**

Section 4.4.7.2, page 4-135, fourth paragraph, last sentence. This sentence needs to be deleted.

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It addresses a study that claims “grazing has been considered a factor in the endangerment of 33 percent of all imperiled plant species in the United States (Wilcove et al 1998).” We are concerned about the erroneous implications that could be drawn from this statement about the actual environmental consequences of livestock grazing on special status plant species in the Casper FO planning area. The previous sentence in this paragraph appropriately describes the environmental consequences upon specific plants in Casper planning area. To generalize from the Wilcove study that livestock grazing will imperil 33 per percent of all plants in the Casper planning area is a gross leap of logic. The facts are as you stated at the beginning of this paragraph: grazing (both livestock and wildlife) may provide both adverse and beneficial impacts to special status plant species. Most of this paragraph accurately described the known impacts of grazing upon the special status plant species in the planning area. The sentence about the Wilcove study has no known relevance to the planning area. There are many studies that have drawn conclusions about grazing in the United States. Those studies may have total, some, or no applicability in the Casper FO planning area. Until the Wilcove study applicability to the Casper FO planning area can be shown and proven in a peer reviewed study, reference to the Wilcove study and its speculative applicability to the Casper FO planning area has no place in the RMPEIS.

Section 4.6.6.1, page 4-2 15, Fourth Bullet: Move this bullet, “Surface disturbances increase the likelihood for the introduction and spread of INPS, which degrades rangeland health” to the INPS section on page 4-87. This bullet does not belong in the section on Livestock Grazing. There are many surface disturbances and many resources and resource uses that affect rangeland health other than livestock grazing.

Section 4.6.6.1, page 4-215, Fifth Bullet: We had earlier made the suggestion to add “wildlife and” before “livestock” because to varying degrees, both livestock and wildlife can concentrate in areas such as riparian and wetland areas. BLM specialists agreed and said they would modify the language to address our comments. However, the language has not yet been modified. Please modify the language, as agreed upon.

We also recommended adding to that fifth bullet “Range improvements and managed livestock grazing methods disperses livestock and minimizes livestock concentrations.” Again, BLM specialists said they agreed and would add the sentence. However, the sentence has not yet been added. We believe the sentence needs to be added because it depicts the reality for livestock grazing management in the Casper FO planning area.

Section 4.6.6.1, page 4-215, Ninth Bullet: Change this bullet from “Management actions for other resource uses can affect livestock grazing allocations and management” to “Management actions for other resource uses can be a significant short- or long-term impact upon livestock grazing allocations or management.” Reason: The previous sentence implies short-term effects of management actions, but the actions can have significant devastating long-term and chronic

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impacts on livestock operations in the Casper FO planning area.

Section 4.6.6.2, page 4-220, second paragraph. This paragraph in the Livestock Grazing section belongs in the section on INPS, not livestock grazing. Furthermore, it needs to be rewritten to reflect the environmental consequences of grazing and browsing by both wild and domestic animals, as grazing and browsing by both.

Section 4.7.1.11, page 4-242, first paragraph. The sentence "Grazing use is maintained as presently authorized" was inadvertently deleted and needs to be reinserted. All discussions among cooperating agencies indicated that grazing in the Bates Hole area would be maintained as presently authorized and that assertion needs to be in the RMPEIS.

Section 4-11, page 4-310, fourth paragraph in the section. We had noted in comments to BLM **specialists that there is a discrepancy between the air quality wording about recreation on page 4-6** and the effects of recreation depicted on page 4-310. Page 4-6 says recreation's effects on air quality are inconsequential. Yet, on page 4-310, the effects of recreation on air quality are significant. The facts are that there are significant recreational impacts on air quality, soil erosion, and soil compaction. The DEIS is inconsistent in its depiction to the public about the impacts of recreation on air quality. The BLM air quality specialist has explained that page 4-6 refers to the emissions related to the BLM authorized recreation actions such as construction of facilities. However, that is not explained on page 4-6. The wording there simply says "Emissions from activities related to cultural resources, paleontology, recreation, noxious and invasive weed control, forest and woodlands, and fish and wildlife are assumed to produce inconsequential amounts of air emissions." However, to the public "Activities related to ... recreation..." include those depicted on page 4-310. If, in fact, the assumptions about air emissions on page 4-6 relate only BLM-authorized activities such as construction of facilities, the public deserves to know that and that explanation needs to be added to the discussion on page 4-6.

We appreciate your active consideration of our comments **and** appreciate the opportunity to comment. We **look** forward to working with you to further improve the RMP/EIS.

Sincerely,



John Etchepare  
 Director

cc: Governor's Planning Office

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