WYOMING GAME AND FISH DEPARTMENT

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January 20, 2012

WER 11257
Bureau of Land Management
Lander Field Office
Draft Lander Resource Management Plan Revision and
Environmental Impact Statement
Fremont County

Kristin Yannone
Bureau of Land Management
Lander Field Office
PO Box 589
Lander, WY 82520-0589

Dear Ms. Yannone:

The staff of the Wyoming Game and Fish Department (Department) has reviewed the Draft Lander Resource Management Plan Revision and Environmental Impact Statement in Fremont County. We offer the following comments for your consideration.

The Department commends the Lander Field Office (LFO) for incorporating the majority of our previous concerns and including them in the preferred alternatives.

General

The Department supports the preferred alternative (D) designations as shown on the following maps:

- Map 32: Oil and natural gas development via implementation of constraints/stipulations
- Map 65: Identification of the sage grouse core areas
- Map 41: Closure of portions of the LFO to phosphate leasing
- Map 100: Exclusion or avoidance of wind energy development

With the exception of right-of-way (ROW) and corridor recommendations, the Department supports the resource protection actions identified in Alternative D that protect large portions of intact, high quality sagebrush habitats important to greater sage-grouse, pronghorn, mule deer, elk, and numerous other sagebrush obligate species. In terms of ROW and corridor recommendations, the Department supports recommendations provided by the Governor's Policy Office and believes their recommendations would not have significant impacts to wildlife.

Grazing

Grazing management improvements are needed in riparian habitats and streams. The Department would like a more concise definition of what a "Comprehensive Grazing Management Strategy" is, and how BLM intends to move toward improved grazing management leading to improved rangeland/habitat condition (upland and riparian).

Big Game

Big game seasonal ranges and sage grouse maps should be updated with the most recent data. Seasonal ranges were updated by the Department in 2011 and a few sage grouse leks discovered in 2011 are not depicted in sage grouse maps within the draft RMP revision. Map 62 doesn't appear to include a complete set of raptor nests. The Department recommends incorporating all raptor nests maps available from the Department's nongame section. Map 60 appears to be an old set of migration routes. Map 60 should include migration corridors designated by the Department in 2005.

The Department supports the Lander Slope, Red Canyon, and Beaver Rim ACECs and the management actions outlined in Alternative D.

Sage Grouse

It is inherent that all management actions within greater sage-grouse core areas establish, as a top priority, maintenance and/or improvement of sage-grouse habitats and populations, thus reducing or eliminating the need for "candidate" status under the Endangered Species Act. Sage grouse habitats and populations in the core areas within the LFO are some of the most robust in the entire range of the species, thereby emphasizing the need to conserve and improve conditions under the direction of the Lander RMP.

The Lander RMP revision should have one alternative that is consistent with the Sage Grouse Executive Order 2011-5 (SGEO) and within the range of the Sage Grouse RMP (SGRMP) amendment alternatives.

Specific Management Actions

Record 1018; PR 5.1. The Department supports the concept of site specific interim and final reclamation plans as proposed in Alternative D.

Record 2007; MR 1.2. The Department supports the action proposed under Alternative D; withdrawing lands in the upper Wind River watershed from locatable mineral entry to protect crucial wildlife habitat.

Record 2012; MR 1.3. The Department supports the action proposed under Alternative D; closing lands in the upper Wind River watershed to oil and gas leasing to protect crucial wildlife habitat.

Record 2017; Alternative D: The Department supports the establishment of DDAs and the management actions outlined in Alternative D.

Record 2027 states that no more than 5% surface disturbance in the Township until interim reclamation goals are achieved. It also says that new disturbances must be at least 1.2 miles from existing disturbances.
There are several things of issue here.

- Five percent within a Township is arbitrary. The DDCT process is based upon impacts on a lek by lek basis and also impacts to leks within 4 miles of the project boundary.
- Interim reclamation goals are not defined in the RMP draft. An area should be considered disturbed until reclamation consists of at least 5% sage brush cover or other suitable habitat.
- It will be very difficult to locate every new disturbance 1.2 miles from existing disturbance. In fact it would be better if new disturbances could be collocated with existing disturbances.
- The SGEO recommends using the Density Disturbance Calculation Tool (DDCT) as the process.

Record 4056; BR 8.2. The Department supports the application of seasonal protections for wildlife in conjunction with maintenance and operation activities outside of DDAs as presented under Alternative D.

Record 4058; BR 7.3. The qualifier 'try' should be removed from the language under Alternative D. Instead this item should read: '…Look at opportunities to remove existing fence in migration corridors…'

Record 4058 (Alt. D) The Department supports the LFO in its desire to reduce fencing in big game migration corridors. However, a "no net gain" policy of fences in these corridors may not achieve the desired results as effectively as simply assessing the need for various fences and removing those deemed unnecessary or modifying those deemed necessary, regardless of net loss or gain.

Record 4060 says to limit wind energy to one disturbance per 640 acres. At this time wind is not recommended to be located in core area until research is completed. A wind turbine generator may be more of an impact than an oil and gas well site or a mine site.

Record 4063: BR 8.2. The Department agrees with the language presented under Alternative D.

Record 4076 states that the EIS sage grouse winter stipulations run from 11/15 to 3/1. The SGEO winter stipulations run from 12/1 to 3/14.

Record 4087: BR 11.4. Under Alternative D, any analysis of cumulative habitat loss for a particular species should also document the percent of that species habitat lost or degraded prior to the new analysis.

Record 4094 calls for the prohibition of surface disturbing or surface occupancy within 0.6 mile radius of the perimeter of an occupied or undetermined lek. The SGEO limits NSO activity within 0.6 mile. The SGEO allows for other activities provided the resource is protected by stipulation or other measures. The SGEO only refers to occupied leks and not undetermined leks.

Record 4095 calls for the prohibition of surface disturbing leks from March 1 to July 15 within two miles of an occupied lek. The SGEO calls for no surface disturbance occurring throughout the entire core area from March 15 to June 30. There is no alternative that covers the entire core area (basically the core was built on a 4 mile buffer from the perimeter of the lek) in the analysis. If the LFO stays with the 2 mile prohibition it should be from the 'perimeter' of the lek.

Record 4097 Alternative D contradicts itself. First the paragraph states limit 1 disturbance location per 640 acres and not to exceed 5 percent of the sagebrush within those same 640 acres. Later it states to manage as subunits to facilitate project collocation where it might exceed a 1/640 provided it doesn't exceed the 5% within the subunit. It will be impossible to collocate without exceeding 5% within the same 640 acres. We would prefer that you use the DDCT model to determine 1/640 and 5%.

Record 4098 (Alt. D) Livestock water developments are widely touted as the solution to improving livestock distribution, which is believed to reduce riparian system damage, enable greater utility of upland forage, and improving rangeland condition. However, often these livestock water developments only redistribute some livestock to upland sites previously unused by livestock and not significantly reduce riparian habitat use. New water developments should not be lightly considered within sage-grouse core areas, regardless if the development is in nesting habitat or not. The need for live water sources for sage grouse does not outweigh the need for intact, undisturbed nesting and early brood-rearing habitats

Record 4099 states that new permanent, high-profile structures (higher than 12 feet) within greater sage grouse nesting habitat will be allowed on a case-by case basis. It is our opinion that new structures should not be allowed within Core Areas unless they are proven to not contribute to the decline of sage grouse.

Record 4100, states to conform with Record 4097 (5%, 1/640). This record should also refer to 4060. Regardless, the SGEO recommends wind turbine generators not be permitted in core areas unless it has been demonstrated that there are no impacts to sage grouse populations.

Record 4101 limits noise sources year round. The noise limits are most beneficial from March 1 to May 15, primarily to protect lekking activity. The SGEO limits it to this time period.

Record 4108: BR 11.1. The Department supports Alternative D.

Record 6033: LR 6.1. Under Alternative D, this record states the Whiskey Mountain ACEC will be closed to motorized travel from Dec. 1 to May 1. Map 112, denoting travel management under Alternative D, has legend shading indicating the Whiskey Mountain ACEC will be closed to motorized travel from Dec. 1 to May 15. These dates are not in agreement. We recommend using the Dec.1 to May 15 dates.

Record 6107: LR 12.1. The Department feels the ORV area proposed under Alternative D will be detrimental to large numbers of elk utilizing adjacent areas in the winter. Therefore, we support Alternative B.

Record 7019 The Department has some concerns about current stream bank and riparian vegetation condition in the Sweetwater Canyon Wilderness Study Area (WSA). Livestock (cattle) concentrate heavily on the narrow band of riparian vegetation along the Sweetwater River, due to the severe, incised geology of the canyon. Impacts to willow and other streamside vegetation are apparent and can lead to degradation of these habitats for wildlife and fisheries. The Department would like to work with the BLM and permittee to develop alternative grazing management strategies to reduce impacts.

Record 7073: SD 12. The Department supports Alternative D for this action.

Record 7080: SD 13. The Department supports Alternative D for this action.

Record 7149 states that the BLM should limit vegetation treatment to those that improve and enhance sagebrush steppe habitat. There needs to be a time frame put on this. There are many who believe burning may 'enhance' sagebrush habitat by reducing it below 5%. There needs to be a timeframe associated with the recovery of the treatment for it to be considered beneficial. The SGEO considers treatments as potential disturbance if they do not meet specific criteria.

Other Comments

Page 208, Record SD:25.2, How do you improve leks?

Page 4-6, section 4.2.4 Biological Assessment. The statement 'no lynx tracks were observed during surveys from 1998 to 1999 in the Dubois area' is erroneous. Observers recorded lynx tracks in Horse Creek, Long Creek and the Dunoir in 1997. Tracks were also documented in 1998 in both the Dunoir and Burroughs Creek. Also, Department personnel documented the presence of radio-collared lynx in Long Creek in 2006.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Rick Huber, Staff Aquatic Biologist, at 307-777-4558.

Sincerely,

John Emmerich
Deputy Director

JE/mf/rh

cc: USFWS
Daryl Lutz, Lander Region
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