Dedicated to the wise use of Wyoming's Section 3 grazing lands.

WYOMING STATE GRAZING BOARD

CENTRAL COMMITTEE
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1/16/11

Lander Field Office RMP/EIS
BLM Lander Field Office
POB 589
Lander, Wyoming, 82520

On behalf of the Central Committee of the Wyoming State Grazing Board, (WSGB), we offer these comments on the Draft Lander RMP/EIS:

Our first comment is that while we very much appreciate obtaining a hard copy of this Draft from your office, we were advised that a decision was made by the BLM to offer this Draft to the public in computer disk format instead of hard copy, and that very few hard copies would be made available to the public.

The WSGB was established by the Wyoming Legislature in 1979 to be of assistance to permittees who hold Section 3 BLM grazing permits in Wyoming on BLM issues. We work directly with them on a number of issues and we are aware, as is the BLM, that a significant number of permittees in their Field Office area either do not own a computer or don't own one that has the capability to download a document of this size. This fact alone will insure that the decision to severely restrict the availability of hard copies of this Draft will discourage many of the permittees whose family ranches will be affected by this RMP from providing comments to the BLM. Providing hard copies at the local library might be of help to certain of the public at large, but family ranches just don't have the time to leave their ranches to visit a local library to develop comments on this draft.

We request that should this decision to severely limit the availability of hard copies result in the BLM receiving very few comments from local permittees, that the BLM print and distribute hard copies of this draft to every Section 3 permittees in the Lander Field office area and extend the time period for comments on this draft for 90 days to those permittees.

Our second comment relates to the size and complexity of this draft RMP/EIS. This draft is much too large for anyone in the public to absorb within the time allowed for comment, even with the extension of time provided for comment.

In addition, the three volumes of documents plus attachments contain an extraordinary amount of narratives that could have been abbreviated by editors into language and paragraphs that conveyed the intent of these subjects into perhaps one volume of concise information the public could understand. We request that the BLM seriously reconsider the entire process of development of a draft RMP/EIS document with the objective being a concise document that clearly and efficiently conveys the relationships and impacts, if any, between the various multiple uses in the field office area.

We understand the requirement to develop a range of alternatives in an RMP/EIS, but we do not believe that alternative D, the preferred alternative, should have contained the attitude that the overall health of rangelands in this field office will be served primarily by the proposed reductions in permitted livestock AUM's. The Range Science community has long been of the opinion that reductions contribute very little to improving the health of the land because it is the entire management plan, not numbers per se, that have the most impact on whether or not resource objectives are met over time. We also do not agree with language in this alternative to reduce the area available for livestock grazing, constrain the placement or types of range improvements, change (down) the number of AUM's available to operators, or change (up, in our opinion) the costs to the permittee associated with livestock grazing management. (pg.xlix)

The WSGB is in support of the goal of the maintenance of, or improvement in where necessary, healthy rangelands for all multiple uses. The BLM should have met and consulted with a wide variety of permittees during the development of this draft RMP/EIS to discuss how best to accomplish this goal. We are confident that this partnership would have produced a preferred alternative that would have proposed the same goal of healthy rangelands without the proposals contained in this draft which will certainly accomplish very negative impacts on the local family ranching industry.

The WSGB is very disappointed with much of the language on page 24 which conveys the attitude that reductions in livestock AUM's are the panacea for resolving "problems and conflicts". (quote from middle of second paragraph)

We also comment that it is most inappropriate for language in an RMP to try to convey the BLM's (incorrect) opinion of the beliefs of "livestock grazing advocates" with respect to how to meet BLM's Standards of Rangeland Health. (Third paragraph, pg. 24)

Our first comment on this subject is that the BLM's "Rangeland Health Standards" as required by 43 CFR, Part 4180, are not considered by the range science community as a science based approximation of the "health" of the land. The state of the art on this subject conveys that the ability of highly trained rangeland scientist to develop a professional opinion about the actual "health" of a polygon of rangeland is in it's infancy and that at best, observations and actual data taken by those who have researched and studied this subject is still nothing more than a first approximation. In addition, we could find NO published literature to support that reductions in livestock AUM's had ANY positive effect on achieving BLM's Rangeland Health Standards.

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We comment that a comprehensive grazing management strategy that includes serious consideration of the use of ALL of the tools available to rangeland managers is the ONLY strategy that can resolve documented resource concerns.

The third paragraph on page 24 is also most inappropriate for an RMP. We comment that yes, "this approach", (the use of the full range of tools), does come with a price, but it's NOT the price as conveyed in this paragraph !! The language in this paragraph conveys a bias against a legitimate multiple use of BLM lands and we comment and request that this entire paragraph be stricken from the Final RMP.

The "price" actually paid is the continuation of the multiple use concept which is not only the law of the land but a Congressional mandate to the BLM and a concept that enjoys overwhelming support from the American public.

The forth paragraph on page 24 is also most inappropriate. This paragraph clearly conveys the anti-multiple use bias of those who wrote it when it conveys that, " The BLM estimates that only 131,449 AUM's are sustainable over the long term if new projects that adversely effect other resources are excluded ". New projects don't automatically have adverse impacts on other resources. Most contribute benefits to a variety of "other" resources and we are under the impression that BLM has the knowledge of how to apply mitigation to insure compatibility. This reduced level of AUM's would be a 35% across the board reduction in permitted AUM's that would accomplish nothing more than to accommodate an unfounded bias against livestock grazing and the viability of local family ranches.

On page 31, we disagree in principal to the part of the narrative in the first paragraph that conveys that range improvements can ONLY be authorized under a "Comprehensive Grazing Strategy" ,(CGS) because we do not yet know what that term means in reality. Yes, the term CGS has a definition in the Glossary but not in language that clearly conveys what a CGS actually looks like or what it actually contains.

It's interesting to note that the WSGB and most of the permittees have for more than 10 years advocated the development of an Allotment Management Plan, AMP, for the Green Mountain Common. The AMP process is a traditional BLM program which most people would consider to be the quintessential procedure to develop a "Comprehensive Grazing Strategy " . We comment that this RMP should recognize the AMP as a preferred procedure to develop a "Comprehensive Grazing Strategy ".

In Table 2.3, on page 32, the 4th box shows the number of "Total Surface in The Planning Area" and "BLM Administered Surface" (acres) that will have "Greater Sage-Grouse Nesting Habitat Protective Buffer (Surface-disturbing and Disruptive Activities Subject To Seasonal Limitations)".

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Our first comment is we do not feel that the BLM should include in this table a proposal to impose restrictions on any acres over which they do not control. The column titled "Total Surface Acres in The Planning Area" should be removed from this Table because it contains acres over which the BLM has no jurisdiction.

Our second comment on this item is about the second footnote on page 36 that applies to the two line items to which we refer. Footnote 2 says, " The increase in acreage results from all suitable nesting habitat within greater sage-grouse Core area being subject to seasonal protection versus the lek buffer approach used in Alternatives A,B, and C. ".

It is our understanding that the Core Area concept and Wyoming Governor's Executive Order does not support the seasonal restrictions for all "suitable" nesting habitat in the Core Area. We comment that this RMP should be totally consistent with all portions of the Wyoming Governor's Core area concept and Executive Order and not apply different criteria between Alternatives.

Our same comment applies to Footnote 1 which also conveys that different criteria for buffer areas were applied by the BLM to different Alternatives. The same criteria should apply to ALL Alternatives in order to be truly comparable on that subject.

On page 37, we do not support the increase in acreages to any of the existing ACEC's. The Definition of the term ACEC in the Federal Land Planning and Management Act of 1976 clearly states that an ACEC designation should only be applied to federal lands in situations where it is necessary to protect those lands from "irreparable harm". We have not read anywhere that an ACEC in this RMP is to protect federal lands from "irreparable harm". Our comment is that until such proof is provided to the public, no ACEC's should be proposed in this RMP.

On page 55, we do not support the statement at the bottom of this page that states that increased restrictions on livestock grazing in Alternative D should be directly related to increased proactive management approaches to improve rangeland health. This statement conveys a presumption that livestock grazing is the cause of not meeting a Standard prior to a determination by the Authorized Officer on that subject. The WSGB could find no narratives in this Draft document that provide science based support for the philosophical concept that reductions in livestock grazing have in the past, or will in the future, directly and automatically contribute to the improvement of the health of the land.

On page 56, we comment that the BLM should remove the concept and acronym "ORV", defined in the Glossary as "Outstanding Remarkable Value" because there are no criteria for what is or is not something that qualifies as an "ORV". In addition, the public has for many years used the term "ORV" to represent "Off-road (Recreational) Vehicle" and this RMP should not assume the authority to make up acronyms that will only be used in this RMP and no where else in the BLM or public arena.

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On page 72, we comment that it is our understanding that the U.S. Congress has prohibited the BLM from actually spending any money to manage non-WSA lands as lands with wilderness characteristics as proposed for Record item 1048 in this table. This item should be removed from the Final RMP.

On page 99, we comment that the proposed narrative for Record 4058 with respect to existing or future fences in the Alternative D column is much too restrictive at least until such time as we fully understand what a "comprehensive grazing management strategy", CGMS, actually looks like.

On page 100, the language in the Alternative D column for Record # 4063 that conveys that livestock water projects in big game critical winter range will "only" be authorized if the project is "critical", (our quote marks) to the success of a CGMS is much too restrictive. Whether or not the project would prove to be adverse to critical winter habitat or "critical" to the success of a CGMS is a subjective opinion.

On page 105, in the narrative for Alternative D for Record 4091, our comment is that the language is too general to be meaningful as a proposed action for this subject. It is our comment that this narrative should convey that as needed, the BLM will develop an appropriate buffer in full consultation with the permittee and State of Wyoming should State lands be involved.

On page 106, we comment that the narratives under this Section that apply to the greater sage-grouse be changed to convey the decision to be in full compliance with and acceptance of the Wyoming Governor's Executive Order on the Grouse.

On page 107, in Alternative D for Record 4098, we comment that there should be additional latitude for the development of water projects near grouse nesting habitats. Restricting water developments to only those that will improve grouse habitat is single species management, not multiple use management.

On page 110, change the language in Record 4112 to convey that it will be a high priority for the BLM to gather horses outside established HMA's as soon as possible after such a report.

In Record 4118, please convey what are the existing HMAP herd health objectives and explain why the RMP would have to go through an 'Update" for that purpose.

On page 111, in Record 4121, Alternative D, we comment that this RMP should not propose to remove existing fences to allow free movement of herd populations because current Herd Management Plans convey an intent to keep horses confined to existing HMA boundaries and the 1971 Horse Act states that BLM's horses should NOT be managed where they did not reside in 1971.

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On page 141, in Record 6061, we comment that all lands acquired by the BLM should be made available for livestock grazing if forage is available on a sustained yield basis.

On page 169, in Record 7020, we comment that the BLM should NOT continue to manage WSA's under the WSA management policy until a Land Use Plan amendment is developed if Congress releases those lands back to multiple use. The return of those released lands to multiple use should be effective on the date of release by Congress. It might take years for the BLM to finalize a LUP amendment contrary to the intent of Congress.

On page 221, in the last column on that page, we comment that he proposed narrative for Alternative D that conveys that, "Range improvement, (we presume this should read "improvements" with an (s)), must result in net beneficial outcome to rangeland health" be removed. To date, we have seen nothing in the BLM Instruction Memo's or other federal sources that contain a procedure for evaluating the relationships between either achieving, passing, or "improving" the BLM's "Health" standards and existing or proposed range improvements. At present, with the exception of riparian areas, the entire allotment either passes or fails a particular standard. It's unrealistic to propose that a range improvement in one corner of an allotment would have any effect on the "health" of the opposite corner of that same allotment. Until such time as the BLM develops a procedure for evaluating these relationships, if any do exist, the proposed narrative sets up a situation that would be arbitrary and capricious.

On this subject, we comment that the BLM should develop maps that display the polygon area(s) within an allotment that either passes or fails one or more of the " Health Standards" and convey the type of information and/or data that was used to draw that conclusion. When that information is available, then the permittees and the BLM could focus their management attentions to the portions of the allotment that perhaps deserve a priority, including the development of range improvements actually designed to help resolve issues in that particular polygon.

On page 223, we comment that the narrative in the Alternative D column across from the column, " Impacts on Quality of Life and Local Culture", is incorrect with respect to the prediction that this Alternative has "Moderate Potential" to impact this subject. A reduction over the life of the RMP of approximately 25% of current permitted AUM's will have much more than a moderate adverse impact. Proposals such as this, when combined with other subjects such as a negative RMP attitude on the use of all of the tools available to rangeland and livestock managers, additional acres placed into restrictive designations on current multiple uses that contribute to the local and State economies, and a general tone through-out the RMP that the ranching industry will be less important to the custom and culture of Fremont County, may contribute to a self full-filling prophecy if these proposals are adopted by the BLM in the Final RMP.

The WSGB supports the protection and enhancement of all resource values, but firmly believes that this goal can not be achieved by a federal planning document that is consistently negative towards the future of local permittees.

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We want an RMP that proposes to enhance the viability of the local family ranching industry so that they can help accomplish multiple use objectives, not one that consistently through-out the draft proposes to contribute to their diminished capacity to remain in a productive partnership with the BLM and local communities.

On page 370, there is extensive narrative with respect to sage-grouse. We comment that the Lander BLM should avail themselves of all of the published literature on how best to include conservation measures for grouse within the multiple use concept. We support efforts to help keep the grouse from becoming listed so long as they are technically and economically feasible and do not become the cure that's worse than the disease.

In the last paragraph on page 905, the first sentence proposes a moderate level of utilization when a "Comprehensive Grazing Strategy", CGS, is in place. That begs the question: what is the proposed level of utilization when a CGS is not in place ?

It is our comment that this draft RMP continues to propose that various livestock and rangeland management actions either can or can not take place until a "Comprehensive Grazing Strategy" is in place, but the draft does not convey what is or is not considered a CGS and we do not find in this Draft a commitment to develop these CGS's in consultation with the permittees in a timely manner ?

We also comment that the permittees are completely at the mercy of the BLM with respect to when their respective Range cons will dedicate the time to work with them to develop a CGS. We comment that the Final RMP should NOT proposal that almost everything both the BLM and permittees need to do to continue the livestock grazing program should wait for the development of a CGS.

The draft narratives at the bottom of pages 994 conveys that, " Alternative D avoids the development of new rangeland infrastructure unless pursuant to a Comprehensive Grazing Strategy ", (CGS). The narrative continues on page 995 to include that the benefits to rangeland health from the improvements (must) outweigh the adverse impacts.

It is our comment that the Final RMP should include the specific details on how the BLM intends to both measure and evaluate this proposal. It would, in our opinion, be grossly unfair to the permittees, the wildlife community and other multiple uses and the public, if this process of evaluation remained an in-house, subjective process. It will serve the agenda of transparency if the Lander BLM would commit to the development of processes of evaluation that not only included the direct participation of those multiple users affected by the projects, but was an objective process based on data and facts, not just opinions.

Under the heading of 4.6.5.2, Methods and Assumptions, page 995, we have a number of comments.

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In the third bullet, we comment that the wording should be changed to say that range improvements could be used, as appropriate, to help correct the specific reason why a portion of an allotment failed a Standard. Range managers know that efforts to correct a site specific resource issue with one or more of the tools available to them may or may not directly, automatically, improve other resource values and may or may not have a measurable effect on other parts of the allotment.

In the 4th bullet, we comment that not all range improvements are "surface-disturbing" activities.

In the 5th bullet, we comment that while we support the narrative that conveys that changes in grazing management are to be based on rangeland monitoring, we comment that the monitoring must include much more than just stubble-height and/or utilization.

We also comment that proposed changes to existing Preference levels of AUM's must be based on long term, science supported trend data monitoring that concludes with a high level of certainly that the original Adjudication of that level of Preference to the base property owned or controlled by the permittee was incorrect. Such a proposed Decision must also provide irrefutable proof that those original Preference AUM's can never be made available in the future for livestock grazing on a sustained yield basis. In addition, any changes in Preference must be proposed to be accomplished under the Rules and Regulations that govern the legal process of Adjudication of grazing Preference to these base properties.

The sixth bullet is a definitive statement that incorrectly conveys that "all" surface disturbances due to range improvements " increases the likelihood" of the introduction of and spread of, noxious weeds. If this "assumption" were true, every range improvement built since the BLM and permittees started grazing BLM lands would now contain noxious weeds and we all know this is not the situation.

In the last bullet on page 995, the language incorrectly conveys what constitutes "permitted AUM's". The BLM's Grazing Regulations at Section 4110.202 states that, " Permitted use shall encompass all authorized use including livestock use, and suspended use, …".

In order to clear up any confusion and to comply with the portions of the BLM's Grazing Regulations that define and discuss the various levels of, and status of, AUM's on each grazing permit, the WSGB specifically request that the Final RMP include a Table that shows for each livestock grazing permit, the Preference level, and suspended use, if any, any temporary inactive use AUM's as a result of agreements between the BLM and a permittee, and the level of AUM's that can be used on any given year provided that forage is available.

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On page 1014, we comment again that the RMP narrative in the third paragraph continues to tie almost everything related to the development of a Comprehensive Grazing Strategy. The WSGB agrees in concept to the development of comprehensive grazing strategies for each allotment. Our concern is based on a long term experience of not being able to obtain Allotment Management Plans for reasons we continue to not understand. We read nothing in the draft RMP that conveys any more of a priority to develop CGS's that we have experienced with AMP's.

We comment that the Final RMP include a commitment to develop AMP's which are certainly a comprehensive grazing strategy, in complete consultation with the permittees and the State of Wyoming.

On page 1015, the narrative in the second paragraph conveys an intent to establish "forage reserves" as opportunities arise. The WSGB is not aware of any authority of the BLM to establish forage reserves. The term "forage reserve" is not defined in the Glossary and it is our comment that prior to proposing this concept, that consultations with the local livestock industry, the County Commission, and State of Wyoming, must take place to discuss whether or not this proposal is legal and if so, is it an appropriate strategy for this area of Wyoming ?

On page 1320 of the Glossary, we comment that the Final RMP should include the BLM's AMP process as an example of what could be considered a "Comprehensive Grazing Management Strategy".

In the definition of "Disruptive Activities", we comment that livestock roundups, per se, should not be considered a "disruptive activity". The Wyoming Governor's Executive Order on the Core Area concept considers traditional livestock program activities as "di minimus". (sp ??) We comment that the RMP should adopt that concept.

On page 1338, we comment that all range improvement construction should not automatically be considered a "Surface-disturbing Activity".

On page 1448, in Table K-1, we comment that it is not clear as to whether or not the Public AUM's shown in this Table are Preference levels, permitted use levels, active use levels, and do these Public AUM's shown include suspended AUM's or AUM's of non-use by agreement ?

We request a Table in the Final RMP that conveys for each permit, these various levels of AUM's recognized by the BLM and permittees for cattle, horses, and sheep. It appears that Table K-1 is incomplete with respect to the public AUM's column.

For example, on pg.1451, we note for Allotment 1363, that there is a season of use shown for horses, but nothing in the "Public AUM's" Column that documents the horse AUM's.

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For Allotment 1366, there is a season of use for horses and sheep, but no AUM's for either.

For Allotment 1401, there is a season of use for sheep but no sheep AUM's. There are other allotments with this same issue.

On page 1485, in Table L.8, Estimated AUM's by Alternative, it is not clear if the Item "Total AUM's lost (over 20 years), are AUM's to be placed into suspension or a reduction in Preference levels that have been Adjudicated to the base properties of the permittees.

Our comment is a request to clarify Table L.8 by clearly stating if these changes in AUM's are proposed to be suspended or canceled in each of the headings under the "Item" column. We also comment that any proposed changes in AUM's be considered either temporary non-use or suspended, as appropriate.

We have been advised by a number of Section 3 permittees of their opinion that the information shown in both Tables L.9 and L.10, page 1486 with respect to the economic and employment assumptions are incorrect. We comment that the Fremont County Cattlemen's Association, the Fremont County Commission and Fremont County Land Use Plan should be consulted prior to the Final RMP in order to obtain and use the most current and accurate information on these subjects.

Our last comment is a concern that this draft RMP/EIS does not, in our opinion, contain an adequate cumulative effect analysis of the issues contained in this Draft. We comment that the BLM should draw from the document titled, " Considering Cumulative Effects Under The National Environmental Policy Act", Council on Environmental Quality, 1997, as a very good source document on this subject. The Final RMP should insure that this subject has been adequately evaluated.

Thank you for considering our comments on portions of the Draft Lander RMP/EIS. As we stated in our opening remarks, this Draft document is just too large for us to have able to identify each narrative that deserved a comment. We respectfully request that the WSGB and our Section 3 permittees be afforded the opportunity in the future to enter into meaningful consultations with the Lander BLM on all issues of importance to the viability of family ranches in this area.

Glen Alameda, Chairman

Dick Loper, Rangeland Consultant

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