

Phoonswadi-Brewer, Sean

From: Lander RMP
Subject: Lander RMP Attn: Kristin Yannone
Attachments: Final BLM comment January 20, 2012.docx; From April 13 compensation request.docx

From: Farm Cowboy [mailto:farm_cowboy@msn.com]
Sent: Friday, January 20, 2012 1:40 PM
To: BLM_WY_LRMP_WYMail
Cc: fivemileranch@live.com; LoisHerbst; ronibell; lf1836@yahoo.com
Subject: Lander RMP Attn: Kristin Yannone

Charles Walter Sylvester, Jr.

P.O. Box 155

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Attention: RMP Project Manager,
Project Lead Kristin Yannone
Bureau of Land Management
Wind River / Big Horn Basin District
Lander Field Office
1335 Main Street
Lander, WY 82520

Dear Ms. Yannone,

January 20, 2012

Please consider this "My Comments" regarding: **Lander Draft RMP and Draft EIS**
for **Granite Mountain Open, Allotment No. 1636 - and - Circle Bar 01614**

Addressing the RMP and Draft EIS is challenging, for its very foundation is more-so based on politics than verifiable science.

My particular allotment situations are not unique; in that they've been subjected to the same pattern of errors, poor management and inaccurate methodologies BLM agents have used on many allotment owners in Wyoming (BLM's own admissions).

Some examples:

1) It's common knowledge BLM managers chose not to implement a RMP; possibly because the money and energy is being funneled to other common allotments?

2) BLM never seems to have an "ecological site inventory." So what do they use to declare Permittees turn out AUM's and dates?

3) BLM is to maintain a target maximum herd of 250 *feral horses. Yet, as of 2011, BLM was continuing its refusal to obey Federal Law and remove excess feral horses from grazing lands. Instead, BLM increased the feral horse herd to near a thousand head, or over 400% the max, and reneged on improvements.

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Everyone knows year around use by feral horses puts heavy pressure on forage; in particular spring sprouts feral horses opportune prior to cattle turnouts. Ground and aerial photos show the absence of cattle and an abundance of feral horses... particularly around riparian areas.

4) Through interim agreements, several allotment Permittees gave up 45% +, of their AUM's - in the name of conservation and promises from BLM to cost and labor partner on improvements including water development. Said improvements never materialized.

In the case of Granite Mountain Open, I am one of the Permittees who signed a 1993 interim agreement that has self-terminated through its date expiration and BLM's failure to perform.

Because grazing fees are considered as contributions that go into the Range Betterment Fund (to be used only to build improvements or fund range studies), I as a Contributor demand a full audit to determine if these funds were properly administered under Title X of the U.S. Code as a trust fund. This will show whether or not I (or any allotment owner) should demand a refund.

For the record, please know that I strongly oppose the Lander BLM consideration of downgrading the Circle Bar Allotment 01614 from an M to an I. I oppose this for all of the before-mentioned; and additionally because it is in stark contradiction to what Mr. Scott Fluer claimed (a few years ago) after an extensive day's tour of the Circle Bar Allotment, "I wish all allotments were in as good a condition as the Circle Bar."

Federal Grazing Allotment contracts with Permittees give Permittees guarantees that are considered as private and include water rights, easements, right-of-ways, range improvements, forage rights and other property interests created under Federal Statutory Grants. Once the property interest is developed, appropriated or constructed, it becomes a "vested" property right. I – as a Permittee, have and continue to "perfect my property rights," to the extent I "own a *compensable private property interest in my grazing allotment."

In your files you will find my formal request for compensation. For your convenience, please also find attached with hard copy U.S. Postal mailed.

Although I fail to see the value in your offering of Alternatives A, B, C, and D in the draft BLM Lander Resource Management Plan, in the spirit of cooperation, albeit cautiously, I choose *C, for it appears the least threatening to my property rights. I do though, retain the right to immediately rescind in the case there appears even as much as a modicum of threat to my property rights.

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In summary, please know these things: Public lands were extinguished in the 1976 FLMPA by Congress. Water and property rights granted by Congress in the 1800's have never been extinguished. My cattle grazing allotments are vested property rights that cannot be extinguished. I pray you will not engage in any attempt what-so-ever, to destroy my vested property rights.

Thank you,

Charles W. Sylvester

Cc: Secretary Ken Salazar, BLM Director Bob Abbey, U.S. Dept. of Justice, Governor Matt Mead, Interested parties.

*Constitutionally, because feral horses are within the four borders of the state of Wyoming, Governor Mead has authority to handle them in ways necessary to protect the civil rights, economic and social well-being, and cultural stability of the citizens of Wyoming. I pray Governor Mead will exercise his authority and humanely dispose of all excess feral horses.

*Cattle grazing is a possessory right recognized by courts. In Statutory Construction and Interpretation, you cannot go backwards and extinguish a right. This is called the Doctrine of "Prospectively and Retroactivity." All of these acts of Congress recognize pre-existing right. And, as there are no Police powers within the Boundaries of the States, Federal Regulatory Authority is non-existent.

*The 1976 FLPMA further defines Permittees actually own a compensable private property interest in their *grazing allotments.

*Alternative C is the most utilization of resources with a more intensive human presence on the land to achieve management goals. If rangelands are not meeting Wyoming Standards for Healthy Rangelands, infrastructure including fences and water development projects are utilized along with livestock grazing management to improve conditions. No Areas of Critical Environmental Concern would be recognized under Alternative C.

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An FYI sampling as to what it would cost taxpayers if Permittees were replaced by government employees. Additionally, I can assure you payroll costs would escalate, the quality of service would drop and dollars + their multipliers would be removed from communities.

Invoice to: The United States Department of Interior

Secretary Ken Salazar

From: Charles W. Sylvester

For: Services rendered from _____ to _____

At a rate of \$25.00 per hour X's 1 hour per day + 365 days = \$9,125 dollars per year X's _____ years = _____ due.

Services rendered include: Development and maintenance of water, food and habitat for wildlife, trail, fence and general land and water upkeep on property that federal alleges it owns.

I give you this, not in expectation of being paid, but instead so you can get an idea of the services Permittees of Grazing Allotments provide free and on a year around 24-7 basis, if, Permittees were replaced by government employees. Additionally, I can assure you payroll costs would escalate, the quality of service would drop and dollars + their multipliers would be removed from communities.

Thank you,

Chuck

From April 13, 2011 letter to Secretary Ken Salazar regards: Granite Mtn. Open and Circle Bar Allotments – owned by Charles W. Sylvester P.O. Box 155 LaSalle, CO 80645

f) Compensation of losses accrued by Permittees.

Federal Grazing Allotment contracts with Permittees give Permittees rights that are considered as private and include water rights, easements, right-of-ways, range improvements, forage rights and other property interests created under Federal Statutory Grants.

The 1976 FLPMA further defines Permittees actually own a compensable private property interest in their grazing allotments.

Compensation should also include forage feral horses have stolen from Permittees; this shall be figured from the point of time feral horses exceeded the 250 number.

For example, in my particular instance, I figure my accrued losses – 1993 to 2011, to be close to \$200,000. Each Permittee will have their own loss statement.

We recommend an independent review board, with oversight by Wyoming State Auditor/Treasurer, to review and determine amounts Permittee compensations.

Under your leadership, we expect compensation will be forthcoming.

Secretary Salazar, we feel confident you will honor the original Granite Mountain Open Grazing Allotment contracts, and resolve this manner equitably.

January 20, 2012 Addendum

As of today's date - January 20, 2012 - there has been no acknowledgement of my April 13, 2011 request for compensation.

Additionally, we have accrued a loss of value of ranch asset value worth, \$300,000.

Please consider - 3rd submissions for compensation- and initiate payment posthaste.

Thank you,

Charles W. Sylvester

Charles W. Sylvester P.O. Box 155 La Salle, CO 80645 970-284-6874