

BLM WYOMING RESOURCE ADVISORY COUNCIL (RAC) Meeting Notes

July 11 – 12, 2012

The Cody

Cody, WY

Attendees:

RAC Members and BLM Staff: Christine Aimone, Penny Bellah, Larry Claypool, Tom Clayson, Gary Cukjati, Marshall Dominick, Buddy Green, Donald Hartley, Marilyn Mackey, John Ruhs, Don Simpson, Kevin Stowe, Doug Thompson, Mary Wilson, Steve Dondero.

Non-RAC Members, other BLM Staff, and Presenters: BLM: Tricia Hatle, Jack Mononi, Alicia Brown, Mike Stewart, Sarah Beckwith, Peggy Truman, Scott Fluer, Fred McDonald and Destin Harrell; Marathon Oil Company: Bob Whisonant and Mike Williams; FOAL Board members: Ada Inbody, Warren Murphy, Marion Morrison, Michael Dimock and Sue Forst; Julia Stuble (Wyoming Outdoor Council) and Barbara Cozzens (Greater Yellowstone Coalition).

Agenda:

Day 1 – Wednesday, July 11, 2012

Welcome and overview of tour:

Don Simpson, Steve Dondero, and Mike Stewart

Tour - McCullough Peaks Herd Management Area:

- *Stop 1 Whistle Creek Road*
Tour attendees completed round robin introductions and there was a presentation of the overall goal of the tour.
- *Stop 2 Reservoir cleaning project and other FOAL Projects*
FOAL projects of the reservoir building processes were explained.
- *Stop 3 Gilmore Hill*
Herd numbers and the process of bait trapping were reviewed. The steps and requirements for darting female horses using PZP as a contraceptive were demonstrated. The reduction percentages of offspring, when using the PZP application, were presented. An explanation of how this process also reduces the need for horse gathers.
- *Stop 4 FOAL Property*
Marathon Cooperation water partnerships, habitat, and leasers were discussed. The FOAL organization and their plans for this property were outlined.

Marshall Dominick – Give line managers authority to negotiate on matters of litigation and get WO out of the picture completely. In order to avoid the cost and energy – recommendation should be that we try to find a solution to this problem.

Larry Claypool – once it is litigated the sideboards on BLM are that it is now in the Solicitor's hands and anything has to be in the legal arena. Once it happens it is out of our hands.

Marilyn Mackey: Horse overpopulation is an issue; as a RAC perhaps we could put together a letter of recommendation that horse overpopulation encourages BLM to use all scientific tools to maintain and manage for viable habitats and populations.

Doug Thompson: Wyoming support and encourage healthy wild horse herds managed within AML using all tools (contraceptives, sex ratio, gather, adoption Wyoming consent decree) and effective solution to the RSGA law suit. Further sustainable funding through partnerships and properly setting BLM Wyoming priorities, with the goal of eliminating long term holding (add cost).

Thompson, Mackey and Dominick will work as a subcommittee to draft a letter and send it off to Don Simpson.

ACTION ITEM: Don Simpson: Cindy Wertz will set up a 30 minute phone call. The Subcommittee will put together a letter, set up conference call in the next month; send draft for review prior to the call.

Thompson moved and Don Hartley – seconded: Subcommittee for putting together wild horse recommendation letter.

Election of Officers:

- *Nominations for Chairperson*
Hartley nominated Chris Aimone, seconded by Thompson
Hartley moved that nominations cease. Ayes carry.
Christine Aimone is the new Chairperson
- *Nominations for Vice Chairperson*
Thompson nominated Marilyn Mackey, seconded by Gary Cukjati
Tom Clayson moved that nominations cease. Ayes carry
Marilyn Mackey is the new Vice Chairperson
- Discussion of member terms, time limits and members that will be retiring. A proactive approach to inform new members on what is going on was suggested.

Panel Discussion:

Working Lunch Panel Presentation and Discussion

Panel: Bob Whisonant, Mike Williams, Scott Fluer, Marshall Dominick, Mike Stewart, Tricia Hatle; Moderated by Mike Stewart.

- The Marathon Oil Cooperation partnerships were presented by Whisonant and Williams. Requirements regarding water discharge emissions in Oregon Basin were also presented.
- Wild horse partnerships: From the BLM perspective: Tricia Hatle
- FOAL water projects and PZP was presented by Dominick.
- Overall Wild Horse program discussion. Powerpoint Wild Horse & Burro Program was presented by Fluer.

RAC Business Session Day One:

Follow up Issues from Laramie Meeting:

Discussion: RAC Mission and Goals:

What is good for Wyoming?

- Broad-base of skill sets and experiences.

What are we doing as the RAC?

- Format and/or strategy

What is our common goal?

- Subcommittee to input information and work into the next meeting on a Statewide level.

Round Robin:

Thompson: A broad-based skill sets of experiences is needed.

Mackey: Regarding format and strategy - The major issue facing the BLM with wild horse herds is overpopulation which causes degradation of habitat and a decrease in herd health. We support the use of all proven, science-based tools available to manage the wild horse herds with the ultimate goal of a healthy horse herd maintained on a healthy range resource to eliminate the need for periodic gathers and short-term and long-term holding facilities

Simpson: The purpose of the RAC is to advise the State Director and to help advise BLM Wyoming. Do we need a sub-committee group?

Thompson: Put together comments to reflect our position. Example given: Mule deer trigger, federal planning, accountability, and consistency are needed. We need to always recap and determine for the State Director what is the most beneficial from this group. Do we need motions from this group to develop papers? Further discussion of next steps to take would be beneficial. A process to post and share meeting minutes would be helpful.

Mackey: As a RAC the group needs to decide a priority process. How do we tell if we are getting anything done?

ACTION ITEM: Simpson: Discussing implementation should be added to the next agenda. An instruction memorandum (IM) can give life to what was decided. Broadly scale or TMC models are helpful.

Thompson: The biggest problem is that we get comments regarding the way of life, accountability and the economy. How do these suggestions affect the outcome?

Cukjati: I ask myself if I am effective, I need to combine patience with philosophy. What is the impact made? I keep asking myself if it is OK to talk without producing anything. I feel a one page update at each meeting providing talking points and outcome of the discussion is needed.

Mackey: Keep a log to follow up next meeting

Simpson: We should have issues, recommendation and action.

Continued Group Discussion/Summary:

What are we to do?

- What goes into how decisions are made?
- A feedback loop needs to be detailed in the agenda and worked through the chairperson.
- Change structure of agenda to reflect old and new business.
- Do we need a mission statement as a RAC?

Wild Horse and Burro

Discussion regarding WH&B:

- Buddy Green: Lander Complex Gather EA is on streets and will start getting comments. There will still need to be gathers with long term holding
- Ruhs: We are competing for funding.
- Simpson: Horses going out of state makes us part of the national program. One way to fix this is to control populations that we manage within the state. Funding is a consideration.
- Ruhs: An eco-sanctuary would primarily be Wyoming horses. We may have a few go to Idaho.
- Hartley: I am surprised with the model and how it is managed but hopefully this will lead to change from "Lessons Learned".
- Thompson: I saw healthy herds within the AML. The RAC should consider purchasing the tools needed to get the money for the projects. We need a healthy Sage-Grouse impact. We need to bring groups together and cooperative funding. We need the tools to keep the funding coming. A strategy for partnership funding could provide more money. There is a perception of risk. We need more formal support. It has been demonstrated that these groups can manage and track the horse welfare.
- Kevin Stowe: I have an appreciation of the horse darters (birth control). How would the RAC be on advising partners to the BLM?
- Mary L. Wilson: Please see the BLM Facebook. It is an effective tool.
- Dominick: I feel we need more clarification. It is hard to track the cost. Regarding the BLM we need them to post state levels. I was told the cost was \$2,000.00 per horse. How do we track the cost? I am frustrated with the adoption process. We need to clean up the records. The system is imperfect. Regarding SPAYVAC we are hearing a lot of flak. We need results from control herds first. There is a request from the Rock Springs Grazing Association for the removal of wild horses from the checkerboard areas. We have long term and short term needs.

- Steve Dondero: We have great partnerships. We are on the cusp of a great opportunity.
- Claypool: This is a very unique situation. We know every horse by name. This template can't be posted anywhere else. Horses are unique because it is an emotionally driven program. I am impressed with Marathon. It is the right thing to do to get water to the herds.
- Cukjati: The goal is to set horses back on the range or get rid of holding pens. We need to come up with a way to manage them aggressively. How can we help reach a goal to keep horses on BLM? Money seems to be a constant issue.
- Ruhs: Once we have removed the horses off of the range the goal is to maintain and manage. The numbers we are allowed to remove has declined due to many factors. We shouldn't have to do lab test on the range but that is what is required. We have to have some other tools.
- Mackey: It would seem that we are spending millions to manage a non-native species. Private people are putting time and money where their mouth is. High population in AML. We are creating a Wyoming product – the Mustang. I would like to see the BLM commercial entity go away. I am wondering what to do globally. We need to educate people that horses die naturally in the wild. The vaccination seems to be working. The emotional issues are not factual.
- Dominick: Act responsibly on a manageable area.
- Penny Bellah: It is still a success story. We need to sell this Cody model of cooperation. The selling points for this idea to other cooperators will spread the money out and provide for more. Influence that emotion of dollars spent to help with this cause and good things will happen.
- Aimone: To manage nonnative species we have caps and we have our mandates. The wild horse population should be managed to the same degree established with other wildlife populations and we must manage them wisely.
- Thompson: Is this the original act? It is not managed, ignored, or changed? Is there a regulatory change?
- Simpson: Facebook provides opportunity to discuss issues.
- Mackey: Over adoption goes forward.
- Dominick: BLM Wyoming is ready to cooperate. I am comfortable supporting as a RAC member the position that Wyoming horse money stays in Wyoming ... and is that good?
- Group: Table this discussion and continue tomorrow at 2 p.m.

5:00 PM: Adjourn

Day 2 - Thursday, July 12, 2012

Tour - North Fork to Rattlesnake Mountain Stop at Mooncrest Ranch:

- Vegetation Management and partnership presentation and discussion. Explained 8,000 acres where half has been BLM and half has been private. Partnerships with the Game and Fish, Fire Districts, and Rocky Mountain Elk were explained. Burning takes place in the spring and the fall. If budget was not an issue there would be a lot more that we could do. We have to manage for multiple uses.
- Sheep Mountain acquisition discussion.

RAC Business Session Day Two:

Continuation of RAC business from previous meetings:

Chairperson Aimone: Call for further/continued discussion about wild horses.

- Dominick: We had further discussions in the car. BLM Field Managers need latitude to work with local groups. The State Office needs to work with the Washington Office line managers to make sure that they have the local pertinent information. Each HMA is different. Local managers know best how to manage their particular area not dictated by the Washington Office.

There are problems for ranchers. The recommendation I would make is that we find a solution locally rather than in DC. BLM shared that when these issues go to the solicitor it is taken out of the local arena. The effort/opportunity to keep or work out issues at the local level has to be approached before it goes to litigation. A team of solicitors; are they government employees? (Provide Table of Organization for RAC.) Explanation requested regarding how the solicitor's office was provided. BLM staff is not at liberty to talk about cases once they go to litigation.

- Mackey: We can use a statement from the RAC regarding format and strategy - The major issue facing the BLM with the wild horse herds is overpopulation of horses. Wild horse overpopulation causes degradation of habitat and a decrease in herd health. We approve the BLM to use of all proven, science-based tools available to manage the wild horse herds with the ultimate goal of a healthy horse herd maintained on a healthy range resource to eliminate the need for periodic gathers & short-term & long-term holding facilities
- Thompson: Statement from the RAC. Commissioners are looking along the same lines. WY BLM RAC support and encourage healthy horses within AML effect healthy local base solution. Funding and BLM WY priorities. Eliminating long term holding.
- Ruhs: Add the language about "when the opportunity exists."

- **ACTION ITEM:** Chris: Do we need a motion or will Marilyn, Marshall and Doug collaborate to draft a letter next week, send to the group and discuss via a conference call by the end of next week? (Cindy Wertz and Buddy Green will set up.) Thompson made the motion to draft a letter, Hartley seconded, ayes carried. A conference call is scheduled for Monday, July 23 at 8 a.m.
- Group: Provide the law to RAC members. The discussion brought to the RAC's attention that the letter has stayed within the law but the letter may want to reflect words from the law.

Introduction: RAC members, BLM staff and members of the public introduced themselves and told who they were with and what their job was.

Readability of NEPA Documents Toolkit:

Presented and discussed by Mary L. Wilson.

Discussion:

- Thompson: Hardest thing to deal with is the pre-decisional content. There needs to be latitude. Volume is a problem regarding time to get document read. Summary would be better for speed of reading.
- Tom Clayson: Would be useful to limit to alternatives or working documents.
- Simpson: Our hope was to provide a good way for us to work together.
- Mackey: After the planning is not the best time for discussion - it would be better prior to that time/decision.
- Wilson: We have discussed how to give better sideboards to cooperators and get better input.
- Simpson: We have the most cooperators of any state. If we are going to develop this we need to approach other cooperators to get their input.
- Thompson: The best time to go out in one of these forums is when you have the scoping comments and before the alternatives are developed.
- Mackey: After we developed the range of alternatives and I saw things I was concerned about I wanted more feedback from others that this would impact.
- Thompson: We would like to have a forum after the range of alternatives is presented.
- Simpson: We need to define when information is pre-decisional and when is it not and when it is a good time for the cooperators to engage the public.

- Dominick: The goal is to get the public involved. The public's perception is that the BLM has it decided already and our input does not have any power.
- Simpson: I feel like we offer many public opportunities but how we engage cooperator conversations needs to be determined.
- Thompson: What do you guys think needs to be added to the process?
- Simpson: We should ask the Association of Wyoming County Commissioners and come back to the RAC.
- Mackey: I thought it would be helpful to get more public involvement before the meeting.
- Clayson: We may want to capture a readability toolkit.
- Wilson: Increase participation and knowledge.
- Simpson: We could turn Mary's bullets into an instruction memo. Separate from that we should prepare instruction for documents consistency and plan implementation. We will get back to the RAC after we talk to the county commissioner's group. We will clean it up after the next discussion.
 - *clarify what is pre-decisional for the cooperating agency meetings
 - *Look at ways to eliminate volume. It is an impediment to readability
 - Cooperators can discuss issues with constituents prior to draft being issued.
 - Put together and bounce off RAC again regarding cooperator information/communication with constituencies;
 - Prior to alternative development, using scoping comments as springboard but that out and summarize scoping comments prior to alternative development – would be most advantageous for cooperating agencies at the table
- Mackey: At the beginning you're not sure where you're headed; where I wanted feedback was after developing the range of alternatives so I could see potential concerns, but wanted a little more feedback from folks
- Thompson: you're not proposing these be limited to certain times; if you're in a project, cooperators can say we'd like to have forum before the preferred, but after the range of alternatives is focusing.
- Simpson: BLM can define what's pre-decisional and what is not
- Dominick: Goal is to include public, so timing is critical; perception is you can say all you want but decisions are made; we want to allow public input at a critical time so their input has power. If as cooperators you want to engage public prior to or during

development of alternatives, cooperators have to make that decision; but should be given that opportunity.

- Simpson: We offer open houses and field trip opportunities. You may want to host a meeting with your constituents, or WGFD.

Plan Implementation Process Template:

PowerPoint Presentation: Steve Dondero and Mike Stewart Overview of the WRBB District.

Discussion:

- Mackey: Abandoned mine money to reclaim?
- Stewart: We work in partnership to do this.
- Mackey: Ranch Acquisition? ... Concern and interest that there not be any additional federal land ownership, tracking method?
- Stewart: This question always comes up... we are 3 to 1 Government to non-government to private ownership. Informally we are able to track their transaction ratios.
- Green: You summarized it pretty well... the impact will be 60 million last year as opposed to 15 million. It is so recent that we don't know the answer yet.

Cooperating Agency MOU:

- Thompson: Some effort to put some local pieces or additions to allow cooperators and BLM to input more. Example: some counties want to be involved, some want it to go away, others just want to be informed. Temple and I are working on a draft document to see if this would be a benefit. We want to avoid boilerplate MOU's. We need to have the ability to negotiate planning and rules.
- Wilson: The current template has been handed out.
- Simpson: Within the discussion in of chapter 3 of the Desk Guide to Cooperating Agencies we are trying to update.
- Thompson: RS MOU offered their boiler plate and it has provided us to work through the process. Local people working on local issues.
- Current template was handed out for coop agency guidelines; Temple and Doug are working on getting MOU language together.

- Thompson: Local people working on local issues – Wyoming is making a lot of things work this way.
- Plan implementation process: one comment on cooperator meeting portion – almost goes back to what Marilyn was talking about regarding after work is done you find out about it. “When workload is complete, schedule meeting with cooperators, meetings continue on annual basis to involve cooperators ...” first sentence – idea should be cooperative working relationship – philosophy of involving the cooperators. Important that cooperators that helped develop it continue to help set priorities and help be part of the solution.
- Mackey: Follow up meetings in the Buffalo Field Office coops thought that was important that there be a follow up process to maintain communications, and to maintain continuity and accountability going forward.
- Aimone: Turnover of field managers – important to have entire IDT participate and have managers aware of the existing management scenario.
- Thompson: Process might help BLM’s defensibility of the plan, and prioritize it during a year; then move funding and staff to that...can only do so much
- Simpson: We can clean up the 3rd to last paragraph on the last page.

Developing a resource management agenda:

- Simpson: The document that Mary provided.... If this is what you are interested in, we can take the next step to make this document official.
- Thompson: When the workload is complete the next step is continue to inform cooperators... contrary to the spirit of cooperation - word should change from inform to involve. “We spent 5 years doing this so we don’t want this to set on a shelf.”
- Mackey: A follow-up process is important and will keep relationships in place and keep people engaged and communicating.
- Aimone: The FM need to look at the FO priority rather than just looking for change. Consistency throughout the BLM needs to be emphasized.
- Thompson: Bullet proof your plan by writing down what you have committed to do and keep doing that.
- Simpson: When a new administration comes in we can take priority work already agreed to and select those that fit the priorities.
- Mackey: Having a plan to show is where you are going and where you have been is a good thing.

- Aimone: Do you have any more questions, recommendations, or changes?

Discussion:

We will have a conference call once the paragraph is changed.

Travel Management Planning Process

Presentation by Fred McDonald, Assistant Field Manager, Cody Field Office:
Planning for Travel and Transportation Management:

Highlights:

- Off Road Vehicle vs. Off-Highway Vehicle
- 2011 new handbook/guidance H-8342-1
- Important to be comprehensive
- Interdisciplinary team in place
- Overview of why we need to be collaborative
- Outcome-based
- Relationship Between TTM and the BLM Mission
- Objectives of Travel and Transportation Management
- Designation Criteria From - 43 CFR 8342.1
- Relationship Between Travel Management and Population Growth or Use Trends
- Relationship Between Plans
- Open, Closed, Limited, and Special Designation RMP Level Planning. Subpart -8341 & 8342
- TMP Components
- Interdisciplinary Team Approach
- Do TMP concurrently with RMP or Defer to TMP
- Identify issues of concern
- Report out
- Administrative Record – Data, Data, Data!!
- Wyoming Statewide Travel Management Strategy

Questions (Q) and Answers (A):

Q: Written strategy?

A: No – see the handbook. We are getting training and gearing up based on the RMP. Some Districts are going deeper (county, BLM, etc.) into the RMP level.

Q: Range of contingencies... does that include if the court decides on their Landless law?

A: BLM is not involved.

McDonald: We will get good at it and with your help we will succeed. Thank you.

Unfinished business:

Next RAC meeting in Buffalo - September 19 – 20 or October 25 – 26.

- Discussion: Because we have WH&B and Sage-Grouse still under discussion we might want to consider the Rock Springs area for the meeting. Buffalo was chosen to review oil and gas and transportation. We talked about condensing; not putting too much in our agenda that was new and only focus on one new thing for that area and also complete the WH&B discussion.
- Thursday/Friday is best day for Marilyn. October is a good time for Doug. October 25 – 26 was picked. Suggest that we defer Rock Springs for meeting in January.

Continued focus on next agenda:

- Reclamation/vegetation and habitat enhancement management, Powder River, and Sage Grouse will be the focus. (Energy and Sage Grouse)
- We won't need to revisit WH&B at the Buffalo meeting.
- Update on MOU's if anything gets done.
- Energy/Impact related could be brought into the meeting.
- Discussion: Field trips at this meeting – yes or no. Stephanie will coordinate through Chris the details of tours and if the meeting will be in Gillette rather than Buffalo and determine if a coal mine tour will be offered.
- A preliminary agenda will be sent out and then can be scrubbed.
- Rock Springs will host the February 7 – 8 meeting.
- For efficiency the change of guard needs to be considered. Three members will go off after the winter meeting. (March 1)
- Discussion: Regarding effects on government during an election year.

Public comments:

Mary L. Wilson explained when we can hear questions from reporters and other public.
 WOC – Julia Stuble: Thank you. I appreciated the tours.
 GYC – Barbara Cozzens: Thank you.

Recap:

- Help new members by providing minutes from previous meetings.
- It would be helpful to have a pre-meeting to go over the expectations with new members.
- **ACTION ITEM:** Bellah and Stowe will put together a list for welcome packet items.
- Aimone: I would like a list of challenges
- Bellah: I found it refreshing to look outside of energy. I learned a lot.
- Simpson: What we should bring to you folks, at the next meetings, are the wave of new issues coming your way. We should keep looking at ways to get better.

Adjourn:

Bellah moved and Clayson seconded to adjourn the meeting. Ayes carried.

4:00 PM: Adjourn

The following documents/templates/PowerPoints/Aids were passed out at this meeting:

- Developing a Resource Management Plan Implementation Strategy
- Memorandum of Understanding Between The Department of the Interior, Bureau of Land Management
- PowerPoint Printout: Working Together for Working Landscapes – Jack Mononi
- Memorandum of Understanding Dry Creek Water Augmentation
- Memorandum of Understanding between U.S. Department of the Interior – BLM, Cody Field Office and Friends of a Legacy – McCullough Peaks Mustangs Cody, WY
- PowerPoint Printout: Sage-Grouse Habitat Management, Techniques and Partnerships – Destin Harrell
- A Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners 2012
- Resource Advisory Councils Brochure

Approved: /s/ Christine Aimone
RAC Chairperson

Dated: August 20, 2012