

**LOCAL GOVERNMENT COOPERATING AGENCIES
COMMENTS ON THE BUREAU OF LAND MANAGEMENT
SUPPLEMENT TO THE BIGHORN BASIN
DRAFT RESOURCE MANAGEMENT PLAN AND
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Prepared for

**Bureau of Land Management
Bighorn Basin
Cody Field Office
Worland Field Office**

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Local Government Cooperating Agencies (LGCA):
Big Horn County, Hot Springs County, Park County, and Washakie County, and the
Cody, Hot Springs, Meeteetse, Powell-Clarks Fork, Shoshone, South Big Horn,
and Washakie County Conservation District

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APPENDIX

LGCA 2013 Lands with Wilderness Characteristics Draft Inventory

1. INTRODUCTION

We appreciate the opportunity as Cooperating Agencies to participate in the Bighorn Basin Resource Management Plan (RMP) revision process. The Bighorn Basin Local Government Cooperating Agencies (LGCA) have reviewed the July 2013 Supplement to the Bighorn Basin Draft RMP and Draft Environmental Impact Statement (SEIS), focusing the time for review to look at three major items: 1) assess for major changes and potential large impacts to local governments, 2) to make sure that Alternative F is characterized in enough detail, so it shows the significant differences from Alternative E, and 3) to consider suggesting small changes to management actions in the new alternatives for clarity. We understand it is in the interests of all parties to provide timely wildlife protections to reduce the need for Endangered Species Act listing restrictions to protect greater sage-grouse, and that the development of



Figure 1 Ditch constructed with heavy equipment in LWC unit 0005

benefits of grazing and recreation, as well as to the wilderness characteristics the BLM proposes to manage, has been vigorously debated over the last several decades. Yet assessing potential impacts is relatively straightforward.

Alternatives E and F are the BLM's response to federal direction regarding sage-grouse subsequent to the release of the Sage-Grouse National Technical Team (NTT) report. We recognize the difficult situation of having to supplement a Draft RMP, and applaud the BLM's effort to address both Wyoming and federal directives.

However, the LGCA finds Alternatives E and F unacceptable, and have provided these comments to explain why. These comments provided here are not meant to deflect attention from previous LGCA submitted comments and suggestions regarding the April 2011 Draft RMP and EIS. The following comments on the SEIS are therefore not our complete or comprehensive comments. Our September 2011 comments on the Draft RMP, and our March 2013 comments on the Preliminary Draft SEIS, are still relevant, and are incorporated into this comment document by reference.

The difficulty of assigning market values to the cultural, ecological and quality-of-life

This leads us to one of our major concerns about the SEIS: we would like to see in the final the inclusion of a full characterization of the socioeconomic impacts of Alternatives E and F. We request that the BLM fully characterize the socioeconomic impacts of new alternatives both quantitatively and qualitatively. The LGCA wants the information contained in the Final RMP and EIS to allow decision makers and our constituents to understand the impacts of additional management restrictions. The potential impacts to the socioeconomic, livestock grazing, and minerals resources are considerable under both Alternatives E and F. We would like the Final RMP and EIS to adequately measure the impacts to these resources under Alternative E, which is very restrictive of multiple uses and sustained yield, but also of Alternative F. At various times throughout the SEIS development process, BLM staff members have communicated to the public and to the LGCA that the difference between Alternative E and F is not significant, and/or that the difference between Alternative D and F are also insignificant in terms of impacts to grazing, oil and gas, and therefore socioeconomics. Our analyses of the management actions actually indicate the opposite: Alternative E and F both have major impacts.

Lands with Wilderness Characteristics (LWC) are also one of our major concerns. The BLM is still using incomplete and incorrect inventories to characterize the resource. While we understand that the LWC inventory is technically not a part of the SEIS, we feel that this may be our last opportunity to offer formal comment on this matter. LWCs comprise 18% of the planning area. Our hope is that the BLM will coordinate with us to update and correct the LWC inventory with correct data, thereby showing significant reductions in areas designated as LWCs. We are concerned that if errors are not corrected now, severe constraints on oil and gas development could result. We have included a draft of our 2013 field inventory of LWCs in the Appendix. The LGCA would welcome the opportunity to perform an on-the-ground analysis of LWCs with the BLM before the completion of the final RMP.

Lastly, the LGCA continues to support the Wyoming Governor's Executive Order 2011-5 regarding Greater Sage-grouse Core Habitat, and Executive Order 2013-3 regarding Sage-Grouse Core Habitat grazing adjustments. We request that all key habitat designations and management stipulations in the Final RMP and EIS be changed to Core, in keeping with Wyoming's directive and priorities. We also request that BLM work with the State of Wyoming and the LGCA to determine what conformance to the Executive Order means specifically for the Bighorn Basin Planning Area.

2. AIR QUALITY

2.1 SUMMARY OF IMPACTS BY ALTERNATIVES

On Page 4-4 the SEIS states that “Alternative E would result in the lowest levels of emissions in 2015 and 2024 and, therefore, it is unlikely that emissions under this alternative would contribute to an exceedance of the National Ambient Air Quality Standards (NAAQS) or Wyoming Ambient Air Quality Standards (WAAQS).” It does not follow logically that just because it has the lowest emissions, Alternative E will not exceed NAAQS or WAAQS. Please indicate whether this statement is based on modeling predictions, on the logic that since current air quality in the planning area is within National and Federal Standards thus the future air quality must also be within standards, or on some other reasoning.

2.2 DETAILED ANALYSIS OF ALTERNATIVES

On Page 4-6, the SEIS states that “Wildland fires, including prescribed burns, would also result in CO₂ emissions. However, CO₂ from fires, particularly prescribed fires, is typically considered to be counterbalanced by the increased productivity of existing larger vegetation and new growth of vegetation post-fire.” While it is possible that prescribed fires would have such a benefit, it seems that large wildfires may only be partially balanced by vegetative re-growth, and such re-growth may take years to accomplish. Please provide a reference for this statement that CO₂ from prescribed fires is “typically considered to be counterbalanced” by increased productivity of existing larger vegetation and new growth.

Footnote 1 for Tables 4-3 and 4-4 reads as follows: “Carbon Dioxide Equivalent is a measurement that allows an aggregate comparison of multiple greenhouse gases, created by multiplying the emissions of each gas by its relative global warming potential. For this analysis, however, metric tons of Carbon Dioxide Equivalent includes only carbon dioxide (CO₂) emissions.” Since the analysis does not include any additional greenhouse gases, please remove the word “Equivalent” in the titles of both tables and delete the footnote in order to avoid confusion. Secondly, why were the other greenhouse gases not included in the calculation? The omission of methane from the table is especially confusing, given the following statement on page 4-6 states, “CH₄ is more than 20 times as effective as CO₂ at trapping heat in the atmosphere and accounted for 8.2 percent of GHG emissions in 2008 (based on CO₂ equivalents (EPA 2010).” Lastly, please explain why the carbon dioxide analysis was conducted for 2018 and 2028, rather than the years 2015 and 2024, as in all other air emission analyses.

2.3 REQUESTED CHANGES

Please provide a reference for this statement that CO₂ from prescribed fires is “typically considered to be counterbalanced” by increased productivity of existing larger vegetation and new growth.

Please clarify why only carbon dioxide emissions were included in the calculations in Tables 4-3 and 4-4.

3. RIGHTS-OF-WAY AND CORRIDORS

The LGCA believes that Alternative E and F management actions for rights-of-way (ROW) and corridors would limit or prohibit facilities and infrastructure necessary for the development and extraction of oil and gas resources and that the associated socioeconomic impacts that would occur remain unknown. The LGCA encourages the BLM to develop a management plan that encourages and facilitates delivery, utilization, and sequestration of CO₂ in the planning area related to enhanced oil recovery (EOR) operations. Accordingly, the LGCA supports designating ROW corridors as defined under Alternative C in order to eliminate or reduce land use conflicts. This will provide ROW corridors that parallel existing pipeline infrastructure and will allow for feeder pipelines to access new development and exploration areas.

The LGCA also supports the State of Wyoming's request made during the public comment period on the Draft RMP/EIS that ROW avoidance/mitigation areas be removed from areas designated as oil and gas management areas and corridors under all alternatives.

3.1 REQUESTED CHANGES

It is requested that the BLM adopt Alternative C ROW corridors in the Final RMP/EIS.

The LGCA suggests that ROW avoidance/mitigation areas be removed from areas designated as oil and gas management areas and corridors under all alternatives. This includes segregating avoidance and mitigation areas into two separate analyses so that it is clear to the public which areas should be avoided and which areas will require mitigation.

4. LANDS WITH WILDERNESS CHARACTERISTICS

LWCs remain one of the most controversial aspects of the Bighorn Basin RMP/EIS revision process. We are opposed to the management of LWCs for wilderness characteristics on all but a few of the LWC units within the planning area. The LGCA has been working for years to provide help to the BLM to do its job: the job of responsibly updating the LWC inventory to reflect the actual character of the lands under that designation. The BLM's completion of a rigorous evaluation would be in accordance with the Federal Land Policy Management Act and more recent BLM directives regarding LWCs. We believe that the BLM has not fully compiled or evaluated the LWC landscape. Coupled with the subjective nature of the BLM's requirements, we believe this situation calls for a collaborative effort before the completion of the RMP.

On the eve of the RMP and EIS revision process, the agencies and citizens of the Bighorn Basin are now faced with a set of alternatives that all contain outdated information and inadequate assessments of over 571,000 acres (18%) of the planning area. The USFS and many interested parties are still arguing over the Inventoried Roadless Areas (IRAs) reviews conducted in the 1970s. These IRAs are now managed by the USFS as de facto wilderness, regardless of their actual state. We would like to avoid this experience. We believe that an accurate inventory of LWCs is an extremely important part of an RMP. As Coordinating Agencies, we want to continue to work with the BLM. While we appear critical, this stance arises from our fear that we may lose the ability to use these lands. Our best hopes are that the BLM will work with us to correct and field check the inventory before the Final RMP and EIS is issued.

Beyond providing extensive comments on the Preliminary and the Draft RMP/EIS, the LGCA have, as Cooperating Agencies in the BLM's land use planning, acted in good faith and expended considerable time, money, and effort to research and complete reports on LWCs for use by the BLM. A partial list of these reports includes the following:

Lands with Wilderness Characteristics Confirmation Inventory (February 2011)

Bighorn Basin Lands with Wilderness Characteristics Economic Analysis (April 2011)

Tracking Road Definitions, Safety/Maintenance, and Access Issues (May 2011)

Wilderness Characteristics Evaluation Process Used in Confirmation Inventory Report (June 2011)

We contend that the spirit and substance of these reports have been ignored. Contrary to criticisms of our 2011 reports, we did not assert that all two-tracks are roads (Wilderness Society 2011). Our previous inventories and our 2013 Draft LWC Inventory acknowledge that some two-tracks are quite compatible with wilderness characteristics. However, we found many routes in the LWCs that were obviously made with mechanized equipment. Further, while we understand that a "natural appearance" may be interpreted as a characteristic of wilderness by the untrained eye, we insist that nonnative plants that have been mechanically reseeded do not contribute to wilderness character.

Our latest attempt to rectify the situation has been the September 2013 completion of our own inventory of LWCs. This inventory shows that almost all of the LWCs, regardless of their current management, are amply roaded and contain manmade structures. This complete September 2013 Draft Inventory is included as an Appendix. Below we review the milestones to date in this labyrinthine process, highlight the major recurring issues that we have encountered in the LWC evaluations, as well as in the BLM's responses to the LGCA concerns regarding these roadblocks. We include a few illustrative examples of our 2013 inventory and analysis and of the BLM's characterization of the same unit for comparison. This section then concludes with comments on sections of specific text regarding LWCs within the SEIS.

A representative sample of a road in a LWC that we found is shown in the photograph below. There is a large drainage pipe installed beneath the so-called "two-track," and it is clearly graded. Both of these attributes are consistent with the definition of a "road," not a "two-track."



Figure 2 The eastern portion of unit 008 DH is bisected by this road, called a "two-track" by the BLM

4.1 MILESTONES IN THE PROCESS

In 2009, the BLM identified a total of 571,295 acres (18% of the surface lands administered by the BLM in the planning area) as LWCs in the Preliminary Draft RMP/EIS. At this point, there were no clear agency directions or standards regarding LWCs, then called Multiple Use Lands with Wilderness Characteristics (MILLIES). The BLM's 2009 inventory of MILLIES was of poor quality, in part due to this lack of direction.

In December 2010, Secretarial Order 3310 directed the BLM to "maintain wilderness resource inventories on a regular and continuing basis... [and] to protect wilderness characteristics through land use planning and project level decisions" (USDI 2010b). In response to Order 3310, the BLM issued three new planning manuals: 6301 – Wilderness Characteristics Inventory, 6302 – Consideration of Lands with Wilderness Characteristics in the Land Use Planning Process, and 6303 – Consideration of LWCs for Project-Level Decisions in Areas Not Analyzed in Accordance with BLM Manual 6302 (BLM 2011b; BLM 2011c; BLM 2011d). In April 2010, a provision of the federal fiscal year 2011 budget prohibited

federal funds from being used to implement, administer, or enforce 3310. In April 2011, the BLM substantially reduced the inventoried acres of LWCs in the Bighorn Basin Draft RMP/EIS. After the release of the Draft, the BLM completed its own inventory using guidance from Manual 6301 – Conducting Wilderness Characteristics Inventory on BLM Lands (BLM 2012). Despite the new direction (which was followed only in part by the BLM), the 2011 inventory was incomplete. At this point in the process the LGCA became convinced that the BLM inventories completed prior to the development of agency direction were quite subjective and incomplete. While they look official with the many signatories to the nomination forms, there was no assessment of roads, of which there are many. The vegetation descriptions avoid any discussion of noxious weeds and introduced plants, both of which are good indicators of disturbance, nor is there any quantification of oil and gas leases and existing wells. BLM State Director Simpson told the Wyoming County Commissioners Association (WCCA) that the BLM would put all the man-made features on the LWC maps that the LGCA could identify, and that the BLM would ground-truth these features with the LGCA if necessary (Simpson pers. comm.). We hope that the BLM will work with the LGCA to field-check some of the LWCs prior to the finalization of the RMP and EIS.

4.2 INVENTORY DESIGN AND EXECUTION CONCERNS

The LGCA requests that the BLM inventoried areas be corrected so that the BLM and local governments do not suffer through two decades of disagreement due to an improper and exaggerated inventory. The data sheets prepared by the BLM during 2009 clearly show that roads and other developments were ignored by the BLM staff and overruled by managers. The 2012 BLM inventory did not correct these errors. Many of the roads that purportedly do not exist have been used for decades by ranch families to doctor cattle, fix fences, and make range improvements. Current BLM inventories incorrectly designate many roads as two tracks, minimizing the importance of these travel routes to local stakeholders and over-dramatizing and exaggerating the scenic qualities into wilderness like characteristics. Roads and GIS data quality are our major concerns with the BLM Inventory.

Roads

Changing of the definition of a road to allow lands to be classified as having wilderness characteristics is disingenuous. In the Bighorn Basin, roads that are clearly shown on BLM travel map legends, Wyoming Department of Transportation maps, and USGS quadrangles as roads are now referred to as two tracks; allowing landscapes with long term motorized vehicle use to be designated as LWCs. This is misleading. Our report on roads defines what a road is, and whether two-tracks (user-created roads) should be considered roads by the BLM (Bighorn Basin Local Governments Cooperating Agencies 2011). We used the following documents for our 2011 roads analysis:

- Wilderness Act of 1964 (United States Congress 1964)
- Wilderness Inventory Handbook (U.S.Department of the Interior 1978)
- BLM Manual 9113 – Roads (BLM 1985)
- Washakie Resource Area RMP (BLM 1988)

- Cody Resource Area RMP (U.S.Department of the Interior 1990)
- Grass Creek Planning Area RMP (U.S.Department of the Interior 1998)
- H-6310-1 Wilderness Inventory and Study Procedures (U.S.Department of the Interior 2001)
- BLM Roads and Trails Terminology Report (U.S.Department of the Interior 2006)
- Bighorn Basin Preliminary Draft RMP and EIS (U.S.Department of the Interior 2010b)
- 6300-1-Wilderness Inventory (U.S.Department of the Interior 2010a)

In sum, if any construction-related activities have been performed to improve or maintain a travel route, such as dugways or waterbars, then they should be considered roads due to maintenance and improvement. Beyond definitions, other inconsistencies were found when we compared the BLM GIS Transportation geodatabase with other sources (BLM 100K Surface Map, USGS Topographic Quadrangle, and WYDOT).

Wilderness Character

The LGCA recognizes the beauty and importance of many of the lands assessed in the BLM inventory. Beauty and importance, however, do not automatically equate to wilderness characteristics. The BLM inventory is currently more a wish list of preservation and anti-grazing groups than a correct characterization of the resource. The 2009 BLM LWC Evaluation forms illustrate these discrepancies. For example, on one form a BLM staffer wrote, “This area has numerous roads used by ranchers, hunters and recreationists. Then lots more roads that due to no maintenance are used by same people on ATVs. It’s ‘primitive’ and rough but not wilderness.” On the same page of this data form, the field manager signed off that this area contains wilderness characteristics and that the “preponderance of the IDT determined the area has wilderness characteristics.” This field sheet has the appearance of a popularity contest more than a criterion-based inventory form.

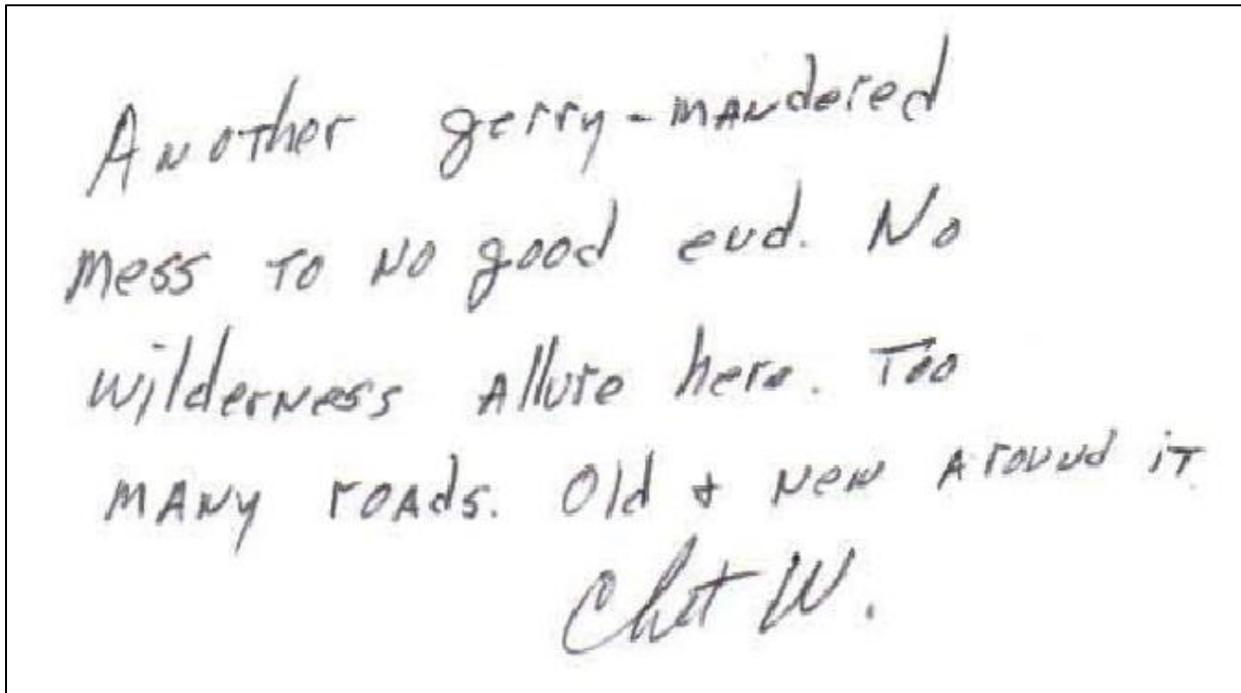


Figure 3 BLM employee comment on evaluation of unit 508 AK, which was determined to have wilderness character

GIS Data

For the purpose of a LWC Inventory, the agency conducting the inventory should review not only their agency's roads layer(s), but also other data sources to gain a clear understanding of the roads contained within an area under review as part of a LWC Inventory. Verification of these roads should take place on the ground or with local governments. Currently there is an inconsistency between WYDOT and the BLM. WYDOT considers BLM's GIS data set "two-tracks" as primitive roads, for example. Interagency cooperation in applying the road definition consistently is critical when conducting an LWC Inventory. The BLM has consistently refused to utilize the readily available data sets in order to properly represent the LWCs in maps.

According to BLM Manual 9113, the BLM is required to maintain a database of roads as part of their "Road Program Management." Two-tracks appear in the BLM Transportation GIS geodatabase and are attributed as sufficient for trucks or 4WDs. The definition of "Resource Roads" in BLM Manual 9113 – Roads, could be applied to two-tracks when two-tracks service resources such as range improvement projects, reservoirs, and/or energy development infrastructure. According to the BLM Roads and Terminology Report (U.S. Department of the Interior 2006), "primitive roads" are those routes utilized by high clearance and 4WD vehicles and are available for use and should be recorded in the transportation data system. This can be related to the BLM GIS Transportation geodatabase attributes which associates two-track trails with "truck 4 wheel" and two-track with "4WD," respectively. Therefore, two-tracks should be considered roads, especially in relation to a LWC Inventory.

4.3 DETAILED ALTERNATIVES

The LGCA is opposed to the designation of the 571,288 acres of Lands with Wilderness Characteristics under Alternatives B and E (Page 2-10 of SEIS). We also oppose the continued designation of 52,485 acres of LWCs under Alternatives D and F. Our reasons are twofold: one, we feel that this management designation is irresponsible and incorrect, considering that the LWC inventory relied upon by the BLM is inadequate. As communicated in several memoranda since the availability of the Draft RMP/EIS in 2011, we have urged the BLM to remove the LWC designation from lands that are actually roaded and have manmade structures, as they no longer contain wilderness characteristics.

SEIS Table 2-5, Detailed Alternatives, Record 60, provides for the following management action under both Alternatives E and F (page 2-27):

Conduct restoration of roads, primitive roads, and trails not designated in travel management plans in priority habitat. This also includes primitive routes/roads that were not designated in Wilderness Study Areas and within lands with wilderness characteristics that have been selected for protection in previous RMPs.

This management action gives us pause. It can be interpreted to call for the restoration of all roads and trails within LWCs that are protected in “previous RMPs.” It effectively gives carte blanche to rewilding efforts of all of the LWCs, especially those that no longer contain wilderness characteristics nor are being actively managed for their current, past, or (now apparently) potential future wilderness character. We find this management action to be in violation of the principles of multiple use and sustained yield, and driven by a wilderness agenda.

4.4 ENVIRONMENTAL CONSEQUENCES

Table 3-46 on page 3-169 of the Draft RMP/EIS states that LWCs provide the following “Supplemental Resource Values”: wild horses, scenic/open space, and public access. However, management of non-native wild horses is inconsistent with wilderness characteristics, as horses may require active management. Scenic values and open space are not supplemental values, as they are qualities inherent to wilderness. Public access is also listed as a supplemental value. Wilderness characteristics include the opportunity for recreation and solitude, both qualities that are based on a premise of public access. Public access, then, is prerequisite for wilderness characteristics. Please correct Table 4-26 with these suggestions in mind. Additionally, public access is also a prerequisite for multiple use and sustained yield, although it is not mentioned explicitly as a requirement. The concept of public land, regardless of its management status, assumes access is available.

The BLM’s inventory of LWCs included in the Draft RMP/EIS remains problematic because it is still the de facto inventory relied upon in the SEIS. Crystal Creek and Sheep Mountain both have contorted borders that are a reflection of a desire to maintain land as LWC despite its roaded nature. The redesignation of inventoried roads that exist within LWCs as a new “border” is disingenuous. From the west side of the Crystal Creek LWC, one can see cars driving up and down the mountain. From the east, one can see the Georgia Pacific wall board plant. The BLM indicated to one LGCA member to pretend

there was a curtain around this LWC, a directive which violates the viewshed requirements for LWCs. We ask that the LWC inventory be updated responsibly to reflect the current state of the resource. As it stands now, the addition of new borders amounts to gerrymandering, and sets a dangerous precedent. Further, the BLM's LWC inventory leaves out seismic trails and silt retention systems, which should be included in the updated inventory. Please see Appendix.

Table 4-16, Acres of Management in Lands with Wilderness Characteristics (page 4-115), is indicative of the BLM's problematic and inconsistent direction regarding LWCs. First, footnote 1 illustrates the muddled understanding the BLM has of the state of this resource: "Due to differing scales of analysis, numbers do not add to the total acreage for LWCs in the Planning Area" (page 4-115). We request clarification of these multiple scales of analysis. Further, we request that the BLM decide on one scale of analysis in order to adequately characterize the resource.

Economic Impacts of Managing LWCs as Wilderness Areas

If the initial Bighorn Basin LWC Inventory lands are managed as wilderness, the resource uses that will be lost include oil and gas, grazing, agriculture, and motorized recreation. Each of these current resource uses provides unique benefits to the public. Oil and gas has the highest socioeconomic benefit. Grazing provides monetary, cultural, and ecological benefits. Recreation provides both socioeconomic and quality-of-life benefits.

Oil and Gas Valuation

A majority of the LWC acres currently have oil and gas activity and possess future potential. From an economic value perspective, the highest loss from the foregone uses of the LWC areas would be the lost energy development opportunities.

The LWCs currently contain eight active oil and gas wells, roughly 248,244 acres of current oil and gas leases, and 531,464 acres within the five-mile buffer zone of current wells. Based on the *Reasonable Foreseeable Development Scenario for Oil and Gas* (BLM 2010b), input from industry experts, and GIS data, we estimate that the LWC acres have the potential for 569 wells over the next twenty years. These potential wells could generate \$1,896,757,252 in output and \$460,034,865 in county tax revenue over the planning period. In addition, drilling and completion could annually create up to 434 jobs and \$21,703,368 in labor income. Over a twenty year time period, this is equivalent to \$434,067,360 in labor income for the region. These numbers present a huge lost opportunity to the people of the planning area. We ask that the impacts be adequately characterized in the Final RMP/EIS.

Grazing Valuation

Of the 687 grazing allotments in the planning area, 203 are at least partially within BLM-identified LWC boundaries. The inventoried LWCs cover 569,277 acres, approximately 27% which are in allotments. There are 154 range improvements (wells, guzzlers, cattle guards, and stock water tanks), 296 miles of fence, 442 reservoirs, and 10 miles of water pipelines located throughout these allotments in LWCs. These allotments support 382 jobs, \$12.4 million in earnings, and \$26.9 million in livestock production

per year, which equates to \$248 million in earnings and \$538 million in output over the life of the RMP/EIS.

4.5 REQUESTED CHANGES

State Director Simpson indicated that the LWC inventory would have all man-made features included. . The LGCA would like to meet with the BLM before the completion of the Final RMP/EIS to correct the LWC inventory.

5. LIVESTOCK GRAZING

Note: while our comments below focus on Alternative F, please note that the LGCA also emphatically rejects Alternatives B and E, both of which would effectively end livestock grazing in the Bighorn Basin.

5.1 RESOURCE MANAGEMENT ALTERNATIVES

We have provided the following comments for Table 2-5, Detailed Alternatives. Excerpts from the SEIS are identified by record number and are included in quotation marks.

Table 1 Comments for SEIS Table 2-5, Detailed Alternatives

7000 Special Designations (SD) – ACECs – Proposed Sage-Grouse Priority Habitat Area ACECs		
Record #	Alternative E	Alternative F
24		“Design post-restoration management to ensure long-term persistence. This could include changes in livestock grazing management, wild horse and burro management, travel management, or other activities to achieve and maintain the desired condition of the restoration effort that benefits sage-grouse.” Please modify this language for clarity, so that the record gives precise limits to the extent of management actions. As it reads, this management direction can be interpreted to allow for the prohibition of all livestock grazing, access, or “other activities” as long as a case is made that such restrictions help “achieve and maintain the desired condition of the restoration effort that benefits sage-grouse.”
39		<p>“Rest treated areas from grazing for three full growing seasons unless vegetation recovery dictates otherwise.” Please clarify how vegetation recovery will be determined.</p> <p>“Design post-fuels-management projects to ensure long-term persistence of seeded or pre-treatment native plants. This may require temporary or long-term changes in livestock grazing management, wild horse and burro management, travel management, or other activities to achieve and maintain the desired condition of the fuels management projects.” This directive may lead to confusion and inconsistent management in the event that seeded or pre-treatment native plants are not flourishing. Please provide specific language on the what, where, and degree of “persistence” necessary for seeded or pre-treatment native plants after fuels management activities.</p>
104		Regarding structural range improvements and supplements, the “[p]otential for invasive species establishment or increase following construction must be considered in the project planning process and monitored and treated post-construction.” Our concern is that the burden of monitoring, and potentially treating, invasive species that establish themselves post-construction falls entirely on the rancher. This is especially problematic when considering that the establishment of the invasive species in the area may not have been caused by the new structures and supplements, but may have happened concurrently.
111		“Encourage partners to monitor effects of retiring grazing permits in sage-grouse habitat.” Please identify the partners that would perform monitoring.

7000 Special Designations (SD) – ACECs – Proposed Sage-Grouse Priority Habitat Area ACECs		
Record #	Alternative E	Alternative F
112		“Any vegetation treatment plan must include pretreatment data on wildlife and habitat condition, establish non-grazing exclosures, and include long-term monitoring where treated areas are monitored for at least 3 years before grazing returns. Continue monitoring for 5 years after livestock are returned to the area, and compare to treated, ungrazed exclosures, as well as untreated areas.” Please disclose the vegetation treatments to which this management action applies, and indicate if grazing is deferred while pretreatment data is collected.
113	“For all HMAs within priority sage-grouse habitat, prioritize the evaluation of all AMLs [sic.; AMUs] based on indicators that address structure, condition, and composition of vegetation and measurements specific to achieving sage-grouse habitat objectives.” We recognize that the BLM is hamstrung by horse management priorities. But there is nothing in here about managing horses at minimum populations. We are concerned that if there are management actions conducted to address range conditions, the burden of those actions is going to fall on the agricultural community and not on horse management.	

The SEIS states in Table 2-6 that that the current AUMs of 305,887 will only be reduced by 1–2% over the life of the RMP/EIS under Alternatives A, C, D, and F. According to this assessment, impacts to livestock grazing result only from management actions that directly change AUM allocations or otherwise restrict livestock grazing. There are no impacts disclosed under the array of Alternative F management actions that will inevitably change AUM allocations. As noted in detail below, these impacts are considerable. The LGCA also requests that the RMP include language that limits the decreases to AUMs to no more than 1-2% over the life of the plan, and that any restrictions that result in further decreases beyond the 1-2% are significant and require a full NEPA analysis.

5.2 AFFECTED ENVIRONMENT

Many environmental organizations have a straightforward agenda to remove all cattle and sheep grazing allotments from public land, and are using the opportunity provided by sage-grouse habitat concerns to further this goal. In contrast to the belief that grazing harms sagebrush ecosystems, the *Report on National Greater Sage-Grouse Conservation Measures* (2011) produced by the Sage-Grouse National Technical Team (NTT) recognizes the positive impact which well-designed grazing management systems have on sage-grouse habitat:

Proper livestock management (timing, location, and intensity) can assist in meeting sage-grouse habitat objectives and reduce fuels (Briske et al. 2011). (Sage-grouse National Technical Team 2011)

An extensive literature on Best Management Practices (BMPs) and range management regarding the co-existence of sage-grouse and domestic livestock corroborates this statement (United States Geological Survey 2011). It is generally agreed upon that

[m]oderate levels of cattle grazing, by reducing the risk of catastrophic wildfires and postfire exotic plant invasions, may protect sagebrush rangeland plant communities and the fauna dependent on them. Beck et al. (2009) and Rhodes et al. (2010) measured a decrease in sage-grouse habitat quality following fire in Wyoming big sagebrush plant communities. (Davies et al. 2010)

The misconception that livestock grazing is inherently detrimental to sagebrush ecosystems and sage-grouse habitat is not reflected in the scientific literature. In fact, studies indicate a complex landscape of cause and effect regarding long-term sage-grouse population decline. A 2004 synthesis paper entitled “Ecology and management of sage-grouse and sage-grouse habitat” notes that:

Research suggests that moderate livestock grazing or less in mid to late summer, fall, or winter is generally compatible with the maintenance of perennial grasses and forbs in sagebrush habitat... Livestock grazing may positively or negatively affect the structure and composition of sage-grouse habitat. (Crawford et al. 2004)

We ask that the Final RMP/EIS document include language that acknowledges the positive effect that grazing has on sage-grouse habitat when BMPs regarding seasonal rotation and stocking rates are followed. Grazing AUMs have declined dramatically since the early 1900s and were reduced again within the last 40 years. Over the century of livestock and sage-grouse co-existence, there has been no empirical, straightforward relationship established between habitat quality and grazing practices (Crawford et al. 2004). The Wyoming Governor’s Executive Order regarding Greater Sage-Grouse Core Area - Grazing Adjustments also shares the understanding that herbivory by domestic livestock can be compatible with sage-grouse conservation:

It is Wyoming’s primary premise that grazing activities are compatible with Greater Sage-Grouse conservation and may improve habitat for Greater Sage-Grouse. Grazing is considered a de minimus [sic] practice (Executive Order 2011-5, Attachment C). Grazing management practices maintain or enhance Wyoming rangelands. Properly managed rangelands are capable of sustaining viable Greater Sage-Grouse populations and a diversity of plant species appropriate to suitable Greater Sage-Grouse habitat. (Wyoming Office of the Governor 2013)

We therefore find it unfortunate that the NTT report suggests retaining the option of the retirement of grazing privileges “in priority sage-grouse areas when base property is transferred or the current permittee is willing to retire grazing on all or part of an allotment.” (Sage-grouse National Technical Team 2011). We are opposed to promotion of this particular management option, and request that a full environmental and socioeconomic analysis be conducted if grazing privileges are at stake. The NTT report also recognizes that wild horses and burros have a negative impact on sage-grouse habitat, and that management for the health of sagebrush habitat must include actions related to wild equids. The LGCA supports the management of wild horses and burros at minimum populations.

Page 3-176 of the Draft RMP/EIS states that “When rangelands are not meeting resource objectives, the BLM implements changes in grazing management.” This runs counter to the Wyoming BLM Standards for Healthy Public Rangelands, which apply to all resource uses on public land, not just livestock grazing (BLM 2007). It follows that if resource objectives are not being met due to a use other than livestock grazing, then that other resource use should be altered. Please correct this language to indicate that

possible deleterious resource uses on public lands (defined in this case as uses that prevent objectives from being met) are not limited to grazing. As it currently reads, this policy could have significant impacts on lessees, because they have no control over other resource uses. Grazing permittees who are practicing responsible resource use should not have to adjust their operations because of poor management of other resource uses.

Prior to implementing any changes in grazing management because rangeland objectives are not being met, the BLM must provide multiple-year, rigorous monitoring data to document that livestock grazing is the cause. If the resource has been used to a degree where livestock grazing is no longer possible, other reasonable areas must be provided to replace lost AUMs.

5.3 LIVESTOCK GRAZING MANAGEMENT

The LGCA is very concerned about the impacts analysis for Alternative F. It does not come close to disclosing the range of adverse impacts to the livestock grazing resource that are inevitable under the management actions described below. Page 4-116 of the SEIS states: “Livestock grazing management under alternatives A, D, and F—the alternatives most likely to apply management actions on a case-by-case basis—would generally result in a continuance of current grazing practices.” This conclusion is unsupportable, given that management actions developed for protection of sage-grouse core habitat often limit or prohibit grazing (see below). Please change this sentence to indicate that livestock management would substantially change under Alternative F. Below we excerpt descriptions of management under Alternative F that would have significant adverse impacts on livestock grazing. Please disclose these impacts to the resource in this section as well as in the socioeconomic resource section of the Final RMP/EIS.

Alternative F

Page 4-118:

The use of herbicides to control invasive species would be minimized within the Greater Sage-Grouse Core Habitat Areas ACEC under Alternative F. Flash burners, mowing, and selected hand-cutting would be prioritized in these areas. Therefore, Alternative F may restrict grazing permit holders to more labor-intensive methods to control weeds when compared to Alternative D.

Our concern with this directive is that ranchers will be restricted to using labor-intensive methods to control weeds and that the impacts of this management prescription have not been entirely disclosed in the impacts analysis. Please see the socioeconomics comments in this document regarding this issue. The SEIS reads as follows on page 4-120:

In Core Habitat Areas, any vegetation treatment plan under Alternative F must include pretreatment data on wildlife and habitat condition, establish non-grazing exclosures, and include long-term monitoring for at least three years post-treatment before livestock grazing returns. Monitoring would continue for five years after livestock are returned to the area. Current management for livestock grazing would continue as permitted until the vegetation treatment is implemented. Compared to alternatives A and D, Alternative F would remove the ability of

grazing permittees to perform vegetation treatments to improve forage quality for livestock, and could limit the ability to access new forage following reclamation and treatment.

Please disclose who the responsible party will be for performance and funding of the myriad monitoring and data collection activities required above. Is it the permittee? The BLM? Also, please disclose the impacts to the resource and to the socioeconomic resource as a result of these management actions. The description of Alternative F management actions continues, again without an impacts assessment, as follows on pages 4-120 to 4-121:

Alternative F would result in the same acreage of prescribed fire treatment as alternatives A and D, although the emphasis of protecting and enhancing greater sage-grouse habitat for treatments in Core Habitat Areas under Alternative F could reduce the benefits to livestock grazing forage availability compared to those alternatives. In particular, Alternative F excludes livestock grazing in burned Core Habitat Areas (35 percent of BLM-administered surface lands) until woody and herbaceous plants achieve sage-grouse habitat objectives; such a requirement could adversely affect livestock grazing in a substantial portion of the Planning Area since sagebrush may take multiple years to reestablish (Manier et al. 2013). Similar to Alternative E, the fire and fuels management of Alternative F may also result in an increased risk of forage loss due to catastrophic fire.

The LGCA agrees that “such a requirement could adversely affect livestock grazing in a substantial portion of the Planning Area since sagebrush may take multiple years to reestablish.” We ask that the impacts to the livestock grazing and the socioeconomic resource be adequately characterized here, given that sagebrush ecosystem recovery could take decades. The same comment applies to the adverse effects on the resource that would result from the following actions, described on page 4-121:

The management of surface-disturbing activities and livestock grazing near surface water and riparian/wetland areas under Alternative F is the same as Alternative D, except in the Greater Sage- Grouse Core Habitat Areas ACEC. In these areas surface disturbance limitations would result in beneficial impacts to vegetation health and forage productivity compared to alternatives A, C, and D, but would limit the ability of permittees to implement surface-disturbing rangeland improvement projects. Alternative F manages grazing use of riparian/wetland and wet meadow areas consistent with Alternative D, except in the greater sage-grouse Core Habitat Areas where closures to hot-season grazing and adjustments to the seasonal distribution of livestock may apply. Alternative F applies the same wildlife and special status species management action as Alternative D, except in greater sage-grouse Core Habitat Areas. Under Alternative F, grazing in lekking, nesting, brood-rearing, and winter habitats would be seasonally avoided. These restrictions on location and season of use would have adverse impacts on forage availability for livestock grazing compared to alternatives A and D, where these restrictions do not apply.

The LGCA requests that the BLM incorporate these impacts into the analysis in the socioeconomic resources section of the SEIS. We have the same comments regarding the text on page 4-121:

Within priority sage-grouse habitat, objectives and management considerations that benefit greater sage-grouse are incorporated into all BLM grazing allotments through AMPs or permit renewals, and additional restrictions would be placed on riparian/wetland and wet meadow areas to promote recovery or maintenance of appropriate vegetation and water quality. Under Alternative F, grazing and trailing would also be avoided within lekking, nesting, brood-rearing, and winter habitats of priority sage-grouse habitat during periods of the year when sage-grouse are utilizing such areas. A focus on greater sage-grouse habitat considerations in the Greater Sage-Grouse Core Habitat

Areas ACEC, over consideration that would provide greater benefits to livestock grazing management, would result in adverse impacts from seasonal and other closures and a reduced ability to perform vegetation treatments.

Management considerations under Alternative F would result in similar beneficial impacts to forage availability as alternatives A and D, except within the Greater Sage-Grouse Core Habitat Areas ACEC. Additional vegetation management restrictions within priority sage-grouse habitat would reduce the availability of livestock forage over a larger acreage than alternatives A and D. In addition, Alternative F would create seasonal and spatial limitations on grazing activities within the Greater Sage-Grouse Core Habitat Areas ACEC.

In sum, the LGCA believes that Alternative F has indirect, direct, and cumulative impacts to the livestock grazing resource which have not been adequately addressed in the SEIS. We request this analysis be included in the Final RMP/EIS.

Appendix P: Livestock Grazing

The only text in Appendix P precedes Table P-3, “Current Livestock Grazing Allotments or Portions of Allotments in Greater Sage-Grouse Core Habitat Areas.” It reads as follows: “The determination of retirement of grazing privileges of allotments or portions of allotments in Greater Sage-grouse Core Habitat Areas would be made upon site specific National Environmental Policy Act analysis.” The LGCA has several questions here. What goal, objective, or management action would trigger a NEPA analysis? In other words, would grazing lease retirement be the proposed action itself, or would it be considered indirectly, as a necessary part of Greater sage-grouse Core Habitat Area management? Secondly, why is there no chart or language regarding allotment treatment under Alternative E? Please indicate here that Alternative E would cancel all grazing allotments in Key Areas. Lastly, please provide an explanation of the actions and impacts of the three management categories, “custodial,” “improve,” and “maintain,” in relation to the NEPA analyses cited above. Are Custodial and Improve category allotments slated for retirement of grazing privileges under Alternative F, as their definition in the Draft RMP/EIS Glossary can be read to imply? Please clarify if this is or is not the case. If it is, the socioeconomic effects analysis must include the impacts of such management actions. Please see Socioeconomic Resource comments.

Glossary

Our review of the Draft RMP’s glossary definition of surface disturbing activities indicates an inconsistency with the Rawlins, Casper, Kemmerer, and Grass Creek RMP glossaries. Only the Bighorn Basin Draft RMP considers livestock grazing as a surface disturbing activity. BLM IM No. WY-2007-029, “Guidance for Use of Standardized Surface Use Definitions,” is relevant to the incorrect definition of “surface disturbing activities” in the Draft RMP. The IM directs BLM managers to standardize the definitions of commonly used terms in RMPs and EISs. Review of the five definitions below indicates that the BLM has failed to implement the directive.

Rawlins RMP:

Surface Disturbance: Any action created through mechanized or mechanical means that would cause soil mixing or result in alteration or removal of soil or vegetation and expose the mineral

soil to erosive processes. Used in the literal context of actual, physical disturbance and movement or removal of the land surface and vegetation. Examples of surface disturbance include construction of well pads, pits, reservoirs, pipelines, and facilities (e.g., parking lots and tanks).

Casper RMP:

Surface-disturbing Activities (or Surface Disturbance): The physical disturbance and movement or removal of land surface and vegetation. These activities range from the very minimal to the maximum types of surface disturbance associated with such things as off-road vehicle travel or use of mechanized, rubber-tired, or tracked equipment and vehicles; some timber cutting and forest silvicultural practices; excavation and development activities associated with use of heavy equipment for road, pipeline, power line and other types of construction; blasting; strip, pit, and underground mining and related activities, including ancillary facility construction; oil and gas well drilling and field construction or development and related activities; range improvement project construction; and recreation site construction.

Kemmerer RMP:

Surface-disturbing Activity: An action created through mechanized or mechanical means that would cause soil mixing or result in alteration or removal of soil or vegetation and expose the mineral soil to erosive processes. Used in the literal context of actual, physical disturbance and movement or removal of the land surface and vegetation. Examples of surface disturbance include construction of well pads, pits, reservoirs, pipelines, and facilities (e.g., parking lot and tanks).

Grass Creek RMP:

Surface-Disturbing Activities (or Surface Disturbance): The physical disturbance and movement or removal of the land surface and vegetation. It ranges from the very minimal to the maximum types of surface disturbance associated with such things as off-road vehicle travel or use of mechanized, rubber-tired, or tracked equipment and vehicles; some timber cutting and forest silvicultural practices; excavation and development activities associated with use of heavy equipment for road, pipeline, power line and other types of construction; blasting; strip, pit and underground mining and related activities, including ancillary facility construction; oil and gas well drilling and field construction or development and related activities; range improvement project construction; and recreation site construction.

Bighorn Basin Draft RMP:

Surface-Disturbing Activities: These are Public Land resource uses/activities that disturb the endemic vegetation, surface geologic features, and/or surface/near surface soil resources beyond ambient site conditions. Examples of surface-disturbing activities include: construction of well pads and roads, pits and reservoirs, pipelines and power lines, and most types of vegetation treatments (e.g., prescribed fire, etc.). NOTE: Some resource uses, commodity production and other actions that remove vegetative growth, geologic materials, or soils (e.g., livestock grazing, wildlife browsing, timber harvesting, sand and gravel pits, etc.) are allowed, and in some instances formally authorized, on the Public Lands. When utilized as a land use restriction (e.g., No Surface Disturbing Activities), this phrase prohibits all resource use or activity, except those uses and activities that are specifically authorized, likely to disturb the endemic vegetation, surface geologic features, and surface/near surface soils.

Review of the above definitions reveals that only the Bighorn Basin Draft RMP is considering livestock grazing, wildlife browsing, and surface fire disturbance activities. Surface disturbing activities should be limited to mechanical means, especially when there is a change in soil composition. This would remain

consistent with other RMP definitions. The BLM must remove livestock grazing from the definition of surface disturbing activities to remain consistent with other RMP definitions. The LGCA recommends the adoption of the Grass Creek RMP's definition in the Bighorn Basin RMP. The LGCA has been verbally assured that this change has been made in the Glossary, and we hope to see its new form in the Final RMP and EIS.

5.4 REQUESTED CHANGES

Please clarify the management actions language in Table 2.5 as discussed above.

Provide the impacts for management actions under Alternative F that limit, reduce, or prohibit AUMs.

Please remove livestock grazing from the definition of "surface disturbing activities" in the Final RMP/EIS.

The LGCA also suggests that the BLM Bighorn Office communicate with the BLM Pinedale Office to take advantage of their experience with sage-grouse related conservation measures. Sublette County, which is within the Pinedale Planning Area, has been extensively involved in project and planning level BLM projects and has experience with developing effective mitigations for sage-grouse, including improved livestock distribution, fencing, and water developments. Their range improvements are consistent with NTT recommendations. Generally, ranching and cattle water developments provide water resources that the sage-grouse depend upon. The retirement of grazing leases could reduce water availability to sage-grouse, while effective mitigation measures to existing allotments has been shown to benefit sage-grouse.

Further, Sublette County Commissioner Joel Bousman has indicated that several innovative approaches to wildlife mitigations exist (Bousman pers. comm.). These including the possibility of the broad scale purchase of conservation practices as payment for ecosystem services, as described in the BLM Socioeconomics Strategic Plan 2012-2022 (BLM 2013). One practice in particular that the BLM should consider is coordination and assistance with cost-sharing in the conversion from windmill water developments to solar power. This practice was surprisingly successful in the Pinedale Planning Area, as the conversion took away raptor perches, thereby reducing a risk to sage-grouse. At the same time, overflow water was newly available into mid-September, which kept some plant communities and key forb species in a more productive state, increasing habitat quality for sage-grouse clutches.

6. MINERAL RESOURCES

6.1 SUMMARY OF IMPACTS BY ALTERNATIVE

The Wyoming Enhanced Oil Recovery Institute (WEORI) estimates that another 1.3 to 2 billion barrels of oil can be recovered from the Bighorn Basin as a result of enhanced oil recovery (EOR) operations using CO₂ to displace stranded oil (Wyoming Enhanced Oil Recovery Institute 2011). The LGCA agrees that large reserves of oil can be recovered with the implementation of CO₂ EOR in the planning area and believes that Alternative E would have significant impacts that have not been disclosed. The same holds true for Alternative F. The SEIS states (page 4-143):

Based on the IMPLAN model, regional earnings and output under Alternative F for the modeled sectors (oil and gas, grazing, and recreation) would be similar to but slightly less than under Alternative D due to additional NSO restrictions for oil and gas development in greater sage-grouse Core Habitat Areas. This NSO restriction would reduce estimated oil and gas development when compared to alternatives A and D.

While it is acknowledged that there will be a decrease in earnings and output under Alternative F when compared to Alternative D, the increase in additional timing limitations included in Alternative F are not adequately analyzed or presented. Until the impacts associated with these alternatives are fully analyzed and understood, we request that the BLM dismiss Alternatives E and F.

6.2 LOCATABLE MINERALS

Alternative F withdrawals and VRM Class II restrictions encompass the Sheep Mountain Anticline ACEC and the VRM Class II east and west boundaries coincide with the BLM-developed potential for bentonite GIS layer boundaries. The VRM Classes are definitive boundaries on the map and management of the VRM boundaries should take place strictly within the area boundaries, not on areas outside the boundaries or on a viewshed basis. For example, do not conclude that operations in Class IV areas detract from the visual resources of the adjacent Class II because the operation can be viewed from within the Class II. This conclusion would result in an inaccurate determination of undue environmental degradation for a Plan of Operations in the adjacent class boundary. Therefore, the boundaries of the Alternative F VRM Class II encompassing the Sheep Mountain Anticline ACEC should be modified to provide an additional ¼-mile buffer of the adjacent Alternative F VRM Class IV to more fully encompass the bentonite potential areas depicted in the BLM-developed bentonite potential GIS file.

6.3 APPENDIX Y – LEASING REFORM AND MASTER LEASING PLANS

BLM Instruction Memo 2010-117 Oil and Gas Leasing Reform, Section II Master Leasing Plans states that RMPs identify oil and gas planning decisions, such as areas closed to leasing, open to leasing, or open to leasing with major or moderate constraints based on known resource values and reasonably foreseeable oil and gas scenarios (BLM 2010a). It goes on to say in some areas, however, additional planning and analysis may be necessary prior to new oil and gas leasing because of changing circumstances, up-dated policies, and new information. This analysis would be done using a Master Leasing Plan (MLP) concept. This MLP process would be conducted through the NEPA process using an

interdisciplinary team that will coordinate and/or consult with the public and stakeholders that may be affected by the BLM's MLP decisions. This process may be instituted if all of the following criteria are met: 1) a substantial portion of the area to be analyzed in the MLP is not currently leased; 2) there is a majority Federal mineral interest; 3) the oil and gas industry has expressed a specific interest in leasing, and there is a moderate or high potential for oil and gas confirmed by the discovery of oil and gas in the general area, and; 4) additional analysis or information is needed to address likely resource or cumulative impacts if oil and gas are to occur where there are multiple-use or natural/cultural resource conflicts, impacts to air quality, impacts on the resource or values of any unit of the National Park System, National Wildlife Refuge, or National Forest Wilderness area, or impacts on other specially designated areas.

Appendix Y shows that the BLM reviewed MLP nominations for three areas in the planning area: Absaroka-Beartooth Front, Fifteen Mile, and Bighorn Front. The BLM Wyoming Statewide MLP Evaluation (USDI 2010a) concluded that the proposed MLPs do not meet criteria 1 through 3 and do not qualify for analysis. Yet, the evaluation also included the following modifying statements, which are being used as the basis for applying an MLP concept to the three areas:

- 1) The BLM Wyoming State Director is exercising the discretion allowed in IM 2010-117 to evaluate alternative geographic boundaries for this MLP nomination along with other relevant data during the preparation of an ongoing land use plan revision. BLM will evaluate oil and gas leasing decisions for these areas that address resources of concern and better fit the MLP criteria. To preserve decision space, oil and gas leasing will be deferred in key areas identified until the release of the draft EIS and proposed plan.
- 2) During the RMP amendment/revision process BLM Wyoming is applying a leasing screen to all oil and gas parcels nominated for sale to make sure every parcel offered is consistent with proposed protections for sage-grouse. Any parcels not meeting the screen are deferred until the plan amendments/revisions are complete.

While applying a leasing screen during the RMP/EIS revision process to ensure consistency with proposed protections for greater sage-grouse is justified, the first modifying statement does not provide clear or consistent management direction. More importantly, it is not clearly described in the Draft RMP/EIS or SEIS how the BLM intends to evaluate oil and gas leasing decisions for these areas that address resources of concern and better fit the MLP criteria. Given that there will be no changing circumstances, updated policies, or new information not already examined in the RMP/EIS revision, how would the MLP analysis differ from that performed during the revision and why would it be required?

In cases where existing management prescriptions related to oil and gas leasing are addressed in outdated RMPs and circumstances have changed significantly, the application of an MLP is likely warranted. Conversely, a recently revised RMP or one currently under revision should identify and address all potential resource conflicts and environmental impacts from development and nullify the need for an MLP analysis. This reasoning is validated in the Wyoming Statewide MLP Evaluation (USDI 2010a) and the report states the following for areas with recently completed NEPA planning documents:

Four geographic areas (Category 1 areas) are in areas with recent NEPA planning documents that evaluated all relevant resource data, resource condition objectives, and management practices to

accomplish these objectives. Since the NEPA analysis in these areas went beyond the MLP oil and gas leasing focus, the development of MLPs for these areas would not serve a useful purpose. We consider the MLP concept to already be in place in these areas...Each of these documents took a broad area perspective to evaluate whether the area should be closed to leasing, open to leasing, or open to leasing with major or moderate constraints. These plans also established resource condition objectives and the general/typical best management practices that will be employed to accomplish these objectives in areas open to leasing. There are no changing circumstances, updated policies, or new information that are not already being addressed in an ongoing plan amendment or LUP [Land Use Plan] revision. Although the record of decision (ROD) for those plans did not use the term "Master Leasing Plan" the analysis and associated management decisions contained in the ROD within the boundary of the proposed MLP identify and address all potential resource conflicts and environmental impacts from development. The existing NEPA planning document is considered protective of resource values normally evaluated during development of an MLP.

The LGCA is of the opinion that the analysis in the Draft RMP/EIS and SEIS addresses all potential conflicts and environmental impacts from development and goes beyond the MLP oil and gas leasing focus. The LGCA is concerned that future lease sales and the limited exploration that may occur in these areas would be precluded if the BLM requires the additional MLP analysis to be performed. We are in agreement with the National Association of Counties (NACo) Policy Platform and Resolutions for 2013-2014, which include a resolution against the BLM's implementation of MLPs (National Association of Counties 2013). We agree with NACo that MLPs are unnecessary and would impose additional restrictions to those already in place. For these reasons, we request that the MLP concept be removed from the Final RMP/EIS. The LGCA urges the BLM to recognize and consider the national policy for the United States to become energy independent, and to comply with US energy plans. Additional restrictions in the RMP that reduce future potential are inconsistent with national goals.

6.4 REQUESTED CHANGES

Until the impacts associated with Alternatives E and F are fully analyzed and understood, we request that the BLM dismiss these alternatives.

Correct the boundaries of the Alternative F VRM Class II for the Sheep Mountain Anticline ACEC to provide a ¼-mile buffer of the adjacent VRM Class IV to fully encompass the bentonite potential areas depicted in the BLM-developed bentonite potential GIS file.

The LGCA believes that the analysis in the Draft RMP/EIS and SEIS addresses all potential resource conflicts and environmental impacts from development and goes beyond the MLP oil and gas leasing focus. Additional MLP analysis will only serve to duplicate the information provided in the plan revision and will unnecessarily delay leasing. Therefore, the LGCA is requesting that the BLM classify all three nominated areas as Category 1 areas (as defined in the BLM Wyoming, Oil and Gas Leasing Reform Master Leasing Plans, Statewide MLP Evaluation) that do not require further MLP analysis, such as what has been performed for other locations in Wyoming with recently completed NEPA planning documents (USDI 2010a).

Deferred leases need to be acted upon without further delay once the RMP is finalized.

7. SPECIAL MANAGEMENT DESIGNATIONS

7.1 PURPOSE AND NEED FOR ACTION

The LGCA continues to support the Governor of Wyoming's Executive Order for Greater Sage-grouse (Wyoming Office of the Governor 2011), which established core areas for protection. We believe that this order provides for sage-grouse and sage-grouse habitat protection while avoiding unnecessary additional restrictions. The latest scientific findings corroborate the strength of core areas designation in protecting sage-grouse adequately to prevent an ESA listing (Copeland et al. 2013). The BLM should work with the State of Wyoming and with the LGCA to determine what conformance to the Executive Order means specifically for this planning area.

7.2 RESOURCE MANAGEMENT ALTERNATIVES

The goals and objectives for Special Designations are as follows on page 2-163:

Goal SD1: Protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or process, or to protect life and safety from natural hazards.

Objectives: SD1.1: Utilize special designations to meet resource protection needs within appropriate geographical areas.

SD 1.2: Provide for appropriate interpretation of sites of high public interest.

How does the additional layer of proposed ACEC designation meet these objectives beyond what is already provided in Alternatives B and D? The creation of Alternatives E and F does not appear to the LGCA to address the goals and objectives more substantially than the existing alternatives.

Areas of Critical Environmental Concern

The BLM national greater sage-grouse planning strategy provides the following language as directive for treatment of sage-grouse in the RMP revision process:

Based on the identified threats to the Greater Sage-Grouse and the FWS timeline for making a listing decision on this species, the BLM needs to incorporate explicit objectives and desired habitat conditions, management actions, and area-wide use restrictions into LUPs by the end of FY 2014. The BLM's objective is to conserve sage-grouse and its habitat and potentially avoid an ESA listing. (BLM 2011a)

Further:

The NTT-developed conservation measures were derived from goals and objectives developed by the NTT....These goals and objectives are a guiding philosophy that should inform the goals and objectives developed for individual land use plans. *However, it is anticipated that individual plans may develop goals and objectives that differ and are specific to individual planning areas.* "(BLM 2011a) (emphasis added)

The LGCA interprets this statement as providing flexibility to individual land use plans for crafting their own area-specific goals and objectives. The SEIS, however, treats ACEC designation as arising naturally

from the BLM directives above, rather than actually being just one of many conservation strategies that would have met the conservation measures referenced above. The SEIS states on page 4-122:

The proposed Greater Sage-Grouse Key Habitat Areas and Greater Sage-Grouse Core Habitat Areas ACECs were developed in response to the greater sage-grouse habitat management policy guidance set forth in WY BLM Instruction Memorandum (IM) No. WY-2012-019 (BLM 2012a), and in accordance with the BLM Washington Office IM No. 2012-44 (BLM 2012b), *BLM National Greater Sage-Grouse Land Use Planning Strategy*. Proposal and consideration of these ACECs represent proactive conservation measures that reduce or eliminate threats to greater sage-grouse to minimize the likelihood of and need for listing of this species under the ESA.

Please provide additional explanation of how the BLM national greater sage-grouse planning strategy led to the decision to propose the two new ACECs, when neither the NTT nor the statewide BLM specify that ACECs are a required designation for sage-grouse habitat protection. Since Alternatives E and F are almost the same as B and D, please address what about ACEC designation in particular responds to the directives in these above-discussed memoranda and directives.

7.3 REQUESTED CHANGES

Please clarify how the additional layer of proposed ACEC designation meet the stated objectives beyond what is already provided in Alternatives B and D.

Please provide additional explanation of how the BLM national greater sage-grouse planning strategy led to the decision to propose the two new ACECs, when neither the NTT nor the statewide BLM specify that ACECs are a required designation for sage-grouse habitat protection. Since Alternatives E and F are almost the same as B and D, please address what about ACEC designation in particular responds to the directives in these above-discussed memoranda and directives.

8. WILDLIFE

8.1 ABSAROKA FRONT MANAGEMENT AREA

In March 2010, an agreement regarding the Absaroka Front Management Area (AFMA) and effective habitat protection was reached among the LGCA, Wyoming Game and Fish Department (WGFD), and the BLM. The process was brokered by the Wyoming Governor's planning staff. It is fully detailed in our March 16, 2010 report, entitled *Absaroka Front Management Area: Energy Exploration, Economics, Wildlife Biology and Development Issues (Bighorn Basin Local Governments Cooperating Agencies 2010)*. The terms of the agreement were incorporated into the Draft RMP under the Preferred Alternative (D). We are in favor of the maintenance of the provisions of this agreement, and are glad to see the incorporation of the Preferred Alternative's mix of oil and gas management designations (controlled surface use (CSU), timing limited (TLS), and no surface occupancy (NSO)) into Alternative F.

The LGCA recognizes the value of wildlife on the Absaroka Front. At the same time, we advocate for oil and gas leasing to the degree that it would not measurably affect that wildlife resource. Several factors strongly suggest that the recommended mix of TSL, CSU, and NSO of Alternative D, and the March 2010 agreement upon which these designations were based, will fully protect wildlife. First, the oil and gas potential on the AFMA is rated very low to low. That equates to one to twenty wells per township, or 0.03 to 0.6 wells per square mile. Road density (assuming roads are removed following oil and gas extraction) would be very low and would be concentrated on a small part of the AFMA at any one time.

Secondly, studies have found that that mule deer on the Pinedale Anticline were adversely affected by wintertime drilling activity especially from the high density of drilling activity typical in the Anticline (Sawyer et al. 2007). When TSL restrictions were in place, however, mule deer quickly acclimated to inactive rigs and suffered no measurable displacement from desired wintering areas. Third, within the Fortification Creek area, researchers found that elk use shifted measurably as the result of drilling and development activity with a wellhead density of 3.6 wells per square mile (700 wells/123,000 acres) (Beck 2012). This wellhead density is six times higher than the highest foreseeable density for AFMA. This study also found that limiting road traffic to four trips or less per day (via coordinated convoys, a commonly used mitigation measure within CSU lands) reduced measured elk displacement by 43 to 72%.

Lastly, Cleveland et al. (2012) studied elk movements and elk population changes on a west-central Montana winter range heavily impacted by residential subdivision. While the increase in roads, traffic and noise was expected to result in elk displacement, the reverse occurred. Elk quickly habituated to human disturbance. The duration of time elk spent on the winter range increased due to reduced predation risk. Elk learned that remaining in close proximity to human activity, in this case residential subdivisions, reduced predation risk from hunters and wild predators including lions, bears and wolves (Cleveland et al. 2012). Given the density of lions, bears, and wolves on AFMA, it's reasonable to expect elk to exhibit a similar tolerance to low levels of human disturbance as an adaptation to reduce predation risk.

In summary, current research supports the use of a combination of mitigation measures in order to provide effective habitat protection for wintering ungulates in the context of energy exploration and development. The three elk herds in the AFMA have been from 20% to 80 % over objectives for at least a decade. They have reached these numbers in a context of some level of oil and gas exploration and development. The current management of wildlife protections and open leasing for energy development is working well, and science-based mitigation measures are available to manage oil and gas activities to protect wildlife populations.

The LGCA believes that all AFMA areas disclosed as available for oil and gas leasing under the preferred alternative should remain so. As Cooperating Agencies we have participated in the process of evaluating this area for potential resource conflicts throughout the development of the RMP/EIS and request that if any changes occur before the release of the Final RMP/EIS that we will be included in the discussion.

Fish and Wildlife Resources – Wildlife

The Draft RMP states on page 3-98:

Management challenges for big game species include poor habitat conditions, fire management, drought, increased development and urbanization, habitat fragmentation, motorized vehicle misuse, disease, hunter access, and the impacts of livestock grazing management on the frequency, quality and composition of key forage species.

The above text singles out domestic livestock as the only grazing impact on big game species. This is inconsistent with the SEIS language in Section 3.4.9, which suggests that grazing and browsing from wild ungulates (deer, pronghorn, moose, elk, mountain goat, and bighorn sheep) impact special status species habitat. Please include language in section 3.4.6 that acknowledges the impacts wild ungulates may have on the quality and composition of key forage species. Wild ungulates have the capacity to alter and impact frequency, quality and composition of key forage species as well. Wild or feral horses, depending on how an agency chooses to classify them, are ungulates too. Grazing and browsing by these horses influence frequency, quality and composition of key forage species. The LGCA requests language to this effect is included in section 3.4.6.

We ask the BLM to include the wild horses in section 3.4.6 as a management challenge to native wildlife species. Please include location of wild horse Herd Management Areas within the Planning Area on Map 35, the map that illustrates crucial big game winter range. We include an example of such a map below.

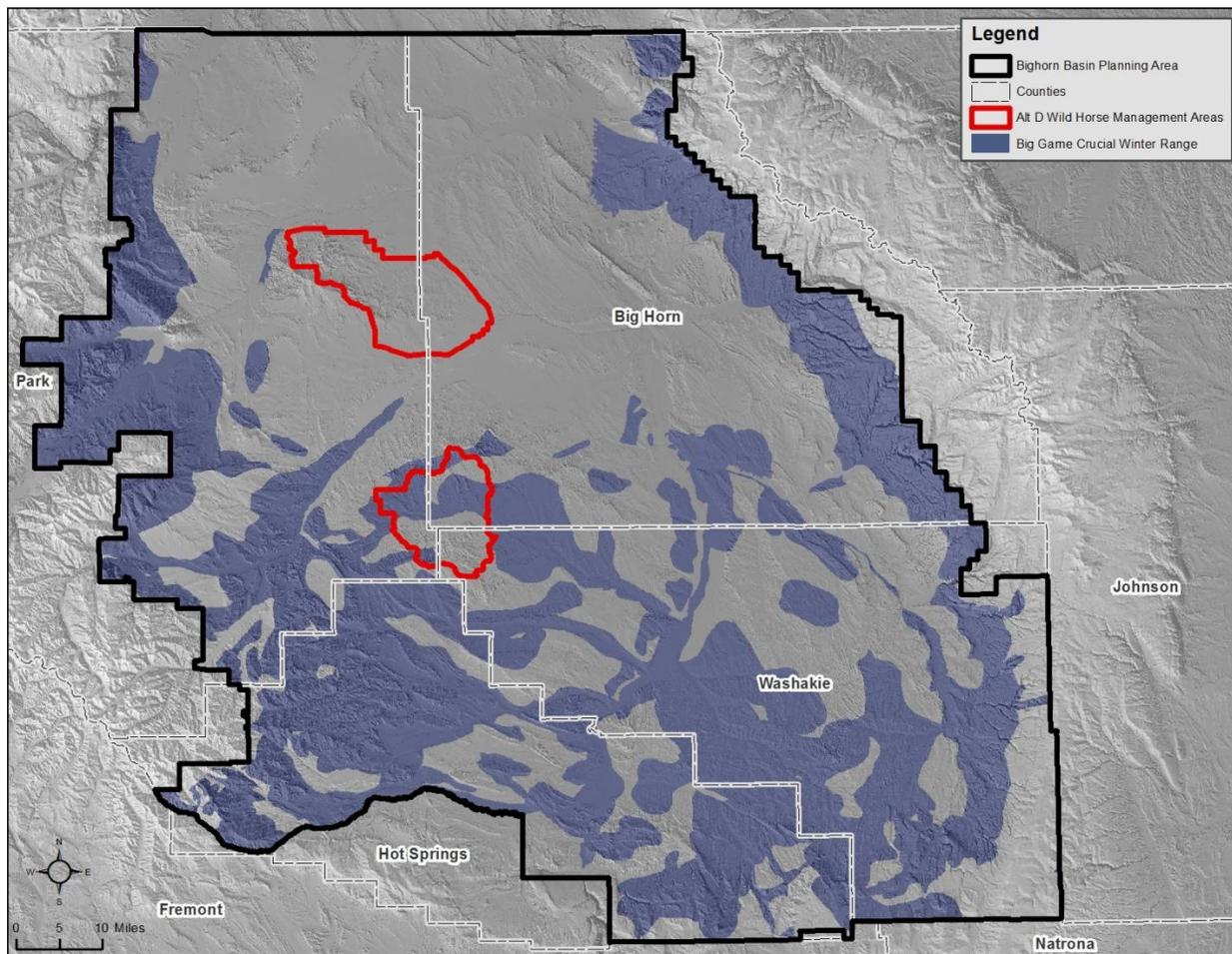


Figure 4 Wild Horse HMAs and Crucial Mule Deer, Elk, and Pronghorn Winter Range

8.2 REQUESTED CHANGES

Please maintain the AFMA oil and gas stipulations that were detailed in the March 16, 2010 agreement in the Final RMP Preferred Alternative (D) and Alternative F.

Please include language in that acknowledges the impacts wild ungulates and feral horses may have on the quality and composition of key forage species.

Please include location of wild horse Herd Management Areas within the Planning Area on Map 35, the map that illustrates crucial big game winter range.

9. SPECIAL STATUS SPECIES

The LGCA is strongly in favor of using the Greater Sage-grouse Core Habitat Areas, as designated by the Wyoming Governor's Office, across all alternatives (Wyoming Office of the Governor 2011). We request that the BLM omit the use of Key Areas in the Final RMP and EIS.

9.1 ALTERNATIVES SUMMARY

Record 50 in Table 2.5 provides for the following management action under Alternative F: "Where burned sage-grouse habitat cannot be fenced from other unburned habitat, the entire area (e.g., allotment/pasture) should be closed to grazing until recovered." Please amend this management action by specifying the acreage of burned greater sage-grouse habitat that would trigger an area (allotment/pasture) closure. This can be done either by establishing a minimum burned acreage or a percentage of greater sage-grouse habitat within an existing allotment. We suggest the following language:

Where recently burned sage-grouse Core Area habitats exceed 20% or sage-grouse general habitats exceed 40% of a specific pasture or allotment that cannot be fenced from other unburned habitat, the entire area (e.g. allotment/pasture) should be closed to grazing by domestic livestock until area recovers. Recovery is based upon BLM's recovery formula.

9.2 SPECIAL STATUS SPECIES

Page 3-110 of the Draft RMP contains the following outdated language:

The gray wolf is a BLM sensitive species and currently listed as a predatory animal (Cerovski et al. 2004). In Wyoming, the USFWS lists the gray wolf as an experimental population, nonessential (USFWS 2009). Wolves were reintroduced to the Greater Yellowstone region in winter 1994/1995. Reintroduction has been successful in establishing a wide-ranging population with many packs in northwestern Wyoming. Recovery numbers indicate a recovered population that will be managed by state wildlife agencies as long as the USFWS and the courts accept the Wyoming Wolf Management Plan.

The USFWS delisted the gray wolf in Wyoming in August 2012. We suggest the BLM acknowledge that the USFWS delisted the gray wolf in Wyoming, and that all wolf management decisions within the state of Wyoming and outside National Parks currently fall under the administration of WGFD.

Page 3-108 of the Draft RMP asserts that "[m]ost of the trends that affect other species of wildlife in the Planning Area also affect special status species. These include habitat degradation and fragmentation; livestock, wildlife and ungulate grazing and browsing; invasive species; motor vehicles; and climate. Ungulates are either wild (elk, moose) or domestic (cows, sheep). They do not represent a third group of grazing or browsing animals. Please change this phrase to read "wildlife and domestic ungulate grazing."

Canada Lynx

The Draft RMP contains the following language on page 3-115:

Canada lynx occurrence in the Planning Area is not common, with only two unverified observations in the Owl Creek Mountains within the past 10 years. Along the Absaroka Front, an area of approximately 12,000 acres is identified as a portion of a lynx analysis unit (LAU). The entire LAU is 168,000 acres and is primarily composed of USFS land in the Wood River and

Gooseberry Creek drainages, and managed as part of the Shoshone National Forest. Lynx habitat does overlap BLM-administered lands. Lynx population information is difficult to obtain due to their reclusive nature. It might be possible that lynx occupy suitable habitat on BLM-administered lands but are not observed. There is no critical Canada lynx habitat designated in the Planning Area, and there have been no confirmed or known occurrences on BLM-administered land. There is no known population trend.

USFWS biologists have indicated that the USFWS has overestimated the effective Canada lynx habitat in areas like Wyoming, where much of the LAUs are high elevation, dry lodgepole pine stands that are not high value lynx habitat (Zelenak pers. comm.). The LGCA requests that the lack of verified occurrences of lynx, and absence of effective lynx habitat in the planning area, should result in the lynx being removed from this analysis, or having minimal impact on the direction of any alternative being considered in the Final RMP/EIS..

On September 25, 2013, the USFWS announced a proposal to revise Canada lynx critical habitat designations for the contiguous United States Distinct Population Segment (USFWS 2013). The USFWS is accepting public comment on the planned revision until December 26, 2013. This revision may impact the status and extent of critical Canada lynx habitat in Wyoming, but it appears from the published maps that critical habitat in Wyoming falls well outside the planning area. These findings substantiate our above argument that Canada lynx be removed from this analysis.

Wild Horses

Page 3-116 of the Draft RMP states that “Existing wild horse herds originated from animals released into native habitat since early European-American exploration and settlement in the region in the 1800s. Current populations incorporate genetic traits from a wide variety of breeds historically used in the region.” The BLM’s statement that horses are native to North America is actually an unresolved matter of some debate. Kirkpatrick and Fazio (2005) state that evidence documents animals representing the genus *Equus* dispersed from North America to Eurasia 2-3 million years ago. The last extinction of *Equus* occurred in North America about 13,000 years ago. Spaniards brought descendents of these horses to Modern-day Mexico in 1519. Some of these captive horses escaped; descendents of these escapees expanded their range northward into the Great Plains region. The evidence that horses currently occupying BLM lands are the same species that inhabited North America two to three million years ago depends on how a species is defined, and the same evidence can be used to argue either side of the debate (Kirkpatrick and Fazio 2005). According to the narrative in the Draft RMP, the actual numbers of adult horses occurring in the Fifteen Mile and McCullough Peaks HMAs are an estimate. Please include and describe the formula, population model, or other method used to determine this estimate, as well as an interval or percentage of reliability for these estimates.

The history of horse management in the Fifteen Mile HMA is described on page 3-119 of the Draft RMP. We find the wild horse estimates by the BLM especially problematic in the context of the NTT Report directing the agency to incorporate sage-grouse habitat objectives within HMA management plans for those HMAs within Key and Core sage-grouse habitat areas. Please consider revising HMA management

in light of Record 113 (page 2-36 of the Draft RMP), which authorizes the BLM to prioritize evaluation of all Appropriate Management Levels based on indicators that address structure/condition/composition of vegetation and measurement specific to achieving sage-grouse habitat objectives within Key and Core sage-grouse habitat.

9.3 ENVIRONMENTAL CONSEQUENCES – SAGE-GROUSE

We understand the need to balance the development and maintenance of industry and commercial activities with the management of healthy fish and wildlife populations. We therefore support the State of Wyoming's Executive Order 2011-5 regarding greater sage-grouse conservation. Copeland et al. (2013) predict that using Wyoming's "Core Area" policy combined with \$250 million in targeted easements could reduce projected losses of sage-grouse populations to 9-15%, cutting anticipated losses by one-half statewide and nearly two-thirds within sage-grouse core breeding areas (Copeland et al. 2013). These projected losses were calculated based on projected future build-out of oil and gas, wind energy and residential development.

The LGCA is opposed to Alternatives E and F. We are in favor of encouraging state and federal government natural resource agencies, energy companies, and other private groups to work toward securing critical sage-grouse habitats through conservation easements, engaging local sage-grouse working groups, and supporting mitigation efforts to reduce sources of mortality and reclaim and restore sage-grouse habitat.

The LGCA is concerned that the BLM claims to be following Wyoming's Core Area policy in Alternative F, yet uses a 3% disturbance cap, not the 5% disturbance cap outlined in Wyoming's Core Area strategy. We feel this represents an excessive restriction. A recent review of the BLM's NTT Report corroborates our belief:

According to the NTT, the report "provides the latest science and best biological judgment to assist in making management decisions." In reality, the NTT report represents a partial presentation of scientific information to justify a narrow range of preferred conservation measures and policies that will be imposed as land use regulations by the BLM. In contrast, an objective scientific review would have led to a broadening of conservation alternatives for decision makers to choose from. (Ramey II 2013)

We support the 5% disturbance cap, which when combined with other collaborative conservation efforts provides sufficient measures for the protection of sage-grouse populations in the Bighorn Basin Planning Area.

We encourage the BLM to add the replacement of windmills with solar pumps for stock water tanks and ponds to BMPs for greater sage-grouse. This technology has proved highly beneficial and effective in the Pinedale Planning Area for providing domestic livestock with water sources, producing overflow water that increases vegetative cover and forage production for sage-grouse, and removing the raptor perches provided by the windmill structures. Please see livestock grazing comments for more details on the BLM Pinedale planning efforts.

Page 4-69 of the SEIS reads:

In addition to providing a protective buffer around nest sites, Alternative F would implement additional restrictions on surface disturbance in the Greater Sage-Grouse Core Habitat Areas ACEC and would provide more beneficial impacts to raptors than Alternatives A, C, and D, but less than alternatives B and E.

We are aware that the specific predation impacts by raptors on sage-grouse in the Bighorn Basin are currently under scientific investigation. However, a basic understanding of raptor predation behavior includes the knowledge that certain species of raptors prey on sage-grouse, especially on chicks. Further, imposing the same buffers for all raptor species is not based on sound science, as raptor species have varying levels of tolerance to human disturbance. For example, Great horned owls coexist with humans and likely occur at higher-than-historic densities in the planning area. Barn owls occupy structures in close proximity to humans.

We understand the need to apply science-based restrictions to conserve raptor species that are at risk. At the same time, providing fewer restrictions toward those raptor species that exist in highly viable populations across the planning area may benefit sage-grouse, which is a species in greater need of conservation efforts. For example, the BLM should consider removing nesting buffers for raptor species that illustrate a high tolerance toward human activities and tightening nesting buffers for raptor species that are abundant.

We are concerned about the restriction of herbicide use within ACECs, particularly about the BLM's capacity to manage invasion plant species in existing, potentially expanded, and newly proposed ACECs. This is critical for the ACECs designated for Key or Core sage-grouse habitats, where weed management would greatly benefit sage-grouse. We suggest the BLM consider a pilot program where herbicide use would be allowed in all new acreage brought into the ACEC designation that is Core Area or Key sage-grouse habitat for any noxious weed infestation that totals more than 5 acres.

9.4 ENVIRONMENTAL CONSEQUENCES – CANADA LYNX

Page 4-231 of the Draft RMP states that:

Canada lynx prefer coniferous forests and riparian areas. Under Alternative A, there are no specific management actions for Canada lynx; however, management actions that protect the Canada lynx habitats and their prey (primarily snowshoe hare) may result in beneficial impacts to Canada lynx. For example, prohibition of surface disturbance within $\frac{3}{4}$ mile of active raptor nests conserves Canada lynx habitats during the TLS where these habitats overlap but would not provide long-term protection to Canada lynx. Maintenance of forest stands with dense vegetative cover (i.e., prohibiting pre-commercial thinning) is important to maintaining snowshoe hare populations and therefore the presence of Canada lynx in the Planning Area (USFS 2005b). Clear cutting, logging operations, road and landing construction, disease treatment sprayings, and fire and fuels management in aspen and coniferous forests may result in short-term adverse impacts to Canada lynx habitats by reducing large woody debris that may reduce cover, eliminate den sites, reduce kitten survival, and reduce the availability of prey species (e.g., snowshoe hare and red squirrel) (BLM 2005h; USFS 2005b). However, over the long term, treatments may improve habitat for Canada lynx and its prey species by diversifying forest structure and reducing fuel loads. Alternative A does not address old growth forest areas in the Planning Area, but ensures an

appropriate level of snag retention and harvests timber in a manner that protects wildlife habitat values, minimizing adverse impacts to the Canada lynx.

Nine verified records of lynx in Wyoming occurred since 1920 (Ruggiero et al. 1999). All of them were lynx killed along the west central boundary of the state. In 1996 a radio telemetry study was initiated on lynx in western Wyoming. Only two lynx, a male and female were captured and radio-marked during this study. They also mention that the majority of lynx observations and records occur in Douglas fir/Western Spruce vegetation types at mid to high elevations (above 2250 meters) in Wyoming. Therefore, quality lynx habitat is more specialized than the broad definition of coniferous forests and riparian areas. Meaney and Beauvais (2004) concluded that the best contiguous lynx habitat in Wyoming is in the northwestern and western portions of the state, outside the planning area (Meaney and Beauvais 2004).

Lynx are a wide ranging species. That behavior combined with how infrequently Canada lynx occur within the planning area call into question the biological significance buffers for raptor nesting might afford lynx. Buffers around raptor nests are designed to offer point specific protection for a specified time period. The suggestion that buffers established for raptor nests would provide significant protective measures to lynx is highly debatable from a biological significance standpoint.

9.5 REQUESTED CHANGES

We support the State of Wyoming's Executive Order 2011-5 regarding greater sage-grouse conservation and request that the BLM use only Core Area habitat designations across all alternatives. We insist that the BLM work with the State of Wyoming to adhere to the Executive Order.

Please omit Canada lynx from the Final RMP/EIS altogether, as there have been no verified sightings in the planning area, which falls outside Canada lynx critical habitat.

Please include and describe the formula, population model, or other method used to determine the estimate of adult horses in the Fifteen Mile and McCullough Peaks HMAs, as well as an interval or percentage of reliability for these estimates.

We support the 5% disturbance cap, which when combined with other collaborative conservation efforts provides sufficient measures for the protection of sage-grouse populations in the Bighorn Basin Planning Area. The LGCA requests that the 3% disturbance cap in Alternative F be changed to 5%.

10. SOCIOECONOMIC RESOURCES

The LGCA was provided the opportunity to provide qualitative narrative for the socioeconomic analysis prior to the completion of the PDSEIS, and to provide comments on the PDSEIS itself. We appreciate the opportunity afforded to us by the BLM to actively participate in the process in this manner. While a limited amount of the narrative that was provided prior to the completion of the PDSEIS was incorporated, we were impressed with the level of responsiveness from the BLM in integrating the majority of our recommendations on the PDSEIS into the current SEIS. At this point in the process, the major change the LGCA requests is that the BLM incorporate the potential social and economic impacts summary tables provided in our PDSEIS comments into the SEIS. These are included again below for your convenience (Table 2 and Table 3).

The LGCA believes that Alternative E and F should be more accurately portrayed as having restrictive impacts on economic activities in the planning area. We request that if any of the management actions from these two alternatives are included in the preferred alternative, or if Alternative E or F are selected by the BLM, that a comprehensive socioeconomic monitoring and mitigation plan be included in the ROD. Further, at present the summary conclusions in the SEIS are not consistent with the analysis performed in the document. We are concerned that a cursory reading of the document shows only a low to medium impact from Alternative F, when in fact the impacts to the resource are unknown at this time due to ROW, travel, seasonal restrictions, and management discretion. Further analysis is needed to determine the socioeconomic impacts with any level of certainty for both Alternatives E and F.

Additionally, as with the Draft EIS, the SEIS socioeconomic analysis fails to provide an adequate analysis of the dispersion of impacts across the planning area. There are some communities in the planning area that are primarily ranching communities, while others are population centers for oil and gas workers. Small changes in livestock grazing policies have the potential to create large impacts in small ranching communities. By aggregating impacts across the region, the BLM and LGCA are missing the opportunity to develop proper monitoring and mitigation measures during the planning process and within the ROD.

Lastly, we believe that the cumulative impacts are understated. Cumulative impacts should also address the impacts of the changes in other RMP revisions within Wyoming. There is currently a strong push by the environmental community to remove livestock grazing from public lands. The movement's effect on management actions outlined in RMP revisions across Wyoming and Idaho must be addressed in this analysis. Also, cumulative impacts of oil and gas restrictions, including increased length of permitting due to additional management measures, should be addressed.

10.1 RESOURCE MANAGEMENT ALTERNATIVES

Page 2-24 of the SEIS states:

The BLM closes the same acreage in the Planning Area to livestock grazing as alternatives A and D (5,171 acres). Alternative F manages grazing lands consistent with Alternative D, except that in the Greater Sage-Grouse Habitat Core Habitat Areas ACEC where the BLM prioritizes the consideration of sage-grouse habitat objectives and management considerations over livestock

grazing objectives through the imposition of restrictions on livestock grazing location and timing, and range improvements projects.

The location and timing of grazing is critical to ranch viability in the planning area. Ranchers move herds to allotments on specific days in order to grow enough hay to feed the cattle through the winter. If a small window of time is closed in a specific allotment the operations for a ranch may be impacted for the entire year. We request that this impact on livestock grazing, and therefore on the socioeconomic resource, be included in the assessment.

10.2 SUMMARY OF CONSEQUENCES BY ALTERNATIVE

As the LGCA has previously expressed, the summary of the level of impacts by alternative (Table 2.6, page 2-43) is misleading to readers and policy makers. The conclusion that the alternatives will have low impacts on the social and economic conditions of the planning area are based on assumptions that ROW restrictions, changes to the Travel Management Plan, seasonal restrictions, and management actions with discretionary decision-making will have no impact grossly understates the likely impacts. The LGCA requests that Table 2-6 be revised to clarify the range of potential impacts (low to high) and to include language that recognizes the uncertainty of the level impact as provided in the analysis.

Another major concern is the lack of analysis of restrictions placed on ROWs and seasonal use, as well as management discretion contained in the two new alternatives. Our comments prior to the PDSEIS focused on the potential for Alternatives E and F to greatly impact the social and economic conditions in the planning area. While the BLM did include language on the uncertainty of impacts in the PDSEIS, which was expanded in the SEIS, the summary conclusions still state that there will be low impact to most social and economic conditions. By leaving the summary and related tables unchanged, the BLM is failing to ensure that needed monitoring and mitigation plans will take place.

10.3 SOCIAL CONDITIONS

While we understand that the impacts are low based on IMPLAN results, the inclusion of additional constraints in Alternatives E and F that were not analyzed has the potential to create high impacts. Our requested solution is to state a range of impacts from low to high based on outcomes of further analysis. This will ensure that the reader who skims the document and focuses on the summary tables to understand impacts is receiving accurate information. Also, this will provide the opportunity to incorporate monitoring and mitigation plans to ensure the health of local communities should seasonal and travel restrictions create high impacts. Prior to the PDSEIS, the LGCA submitted the following language for inclusion in the PDSEIS. This language was not included in the SEIS. We request that it be included in the Final RMP.

Table 2 Requested Changes to Table 4-20

Impact	Alternative E	Alternative F
Impact on Population	High Impact (decreases in population centers from oil/gas and bentonite reductions, and impacts to ranch populations from grazing reductions)	High Impact Potential (decreases in population due to seasonal and discretionary limitations on oil/gas, bentonite, and grazing)
Impact on Housing and Community Services	High Impact (to Community Services from reductions in tax revenues)	High Impact Potential (to Community Services from reductions in tax revenues)
Consistency with Adopted County Land Use Plans	Conflict due to reductions in opportunities for future economic development	High Impact Potential for conflict due to seasonal and discretionary reductions
Impacts on Quality of Life and Local Culture	High Impact (from reductions in mineral extraction, grazing, and outdoor recreational opportunities which provide the basis for the culture of the communities in the Planning Area)	High Impact Potential (from seasonal and discretionary restrictions that have the ability to reduce mineral extraction, grazing, and recreation, which provide the basis for the culture of the communities in the Planning Area)

Table 3 Requested Changes to Table 4-21

Sector	Alternative E	Alternative F
Recreation	High Impact (decreases in annual earnings, annual output, and number of jobs)	High Impact Potential (decreases in annual earnings, annual output, and number of jobs)
Oil and Gas	High Impact (reductions in annual earnings, tax revenues, and number of jobs)	High Impact Potential (reductions in annual earnings, tax revenues, and number of jobs)
Livestock Grazing	High Impact (decreases in annual earnings, annual output, and number of jobs)	High Impact Potential (decreases in annual earnings, annual output, and number of jobs)

The LGCA also request that additional language be included in the analysis on page 4-135 to clarify the summary of impacts. In our experience, an increase in management stipulations results in the decrease of future economic opportunities. This means that Alternatives E and F are in conflict with the land use plans that emphasize maintaining multiple-use in order to maximize future economic opportunities. Additionally, there is a high level of impact due to the seasonal and discretionary closures.

The following remark is included in the summary of impacts from Alternative F on page 4-136: “In comparison to Alternative A, the average annual number of jobs supported by recreation activities and livestock grazing would increase, while the number of jobs supported by oil and gas would decrease by approximately 4%.” According to Table 4-22 the impacts to recreation are constant across all alternatives and the impacts to livestock grazing are identical for Alternatives A, D, and F. The conclusion that jobs in livestock grazing would increase with the additional seasonal and other restrictions in Alternative F is

inconsistent with the experience of the LGCA. Please provide support for your analysis. Furthermore, while we understand that the use of 2008 data facilitates comparison between the four original and two new alternatives, we are concerned that employing 2008 figures has the effect of understating the true economic impacts to county, state, and federal revenue streams.

The SEIS asserts on page 4-137 that “Geographically, the change in job opportunities – and related impacts on housing and community services – would be spread across the Planning Area and would be spread over time.” These are assumptions that were made within the analysis itself, rather than results of the impact analysis. Where the impacts would occur and at what time period was not analyzed. The LGCA would like to clarify that there are small communities within the planning area which will experience large impacts from small changes. A \$5 million difference in revenues over two decades is a significant effect to our small counties. And, by making the assumption that the impacts will spread across the planning area, the BLM is failing to provide required monitoring and mitigation measures for adverse impacts that may arise to particular communities.

10.4 CUMULATIVE IMPACTS

The cumulative impacts section includes the following statement on page 4-147: “While the reduction from Alternative A to alternatives B and E would still be substantial, the stability of state and private production would moderate the change in federal policy.” This statement does not take into consideration the changes in tax revenue for private versus federal lands. In addition, the analysis should also consider changes to community health if oil and gas production is increasingly pushed onto state and private lands, which constitute a small portion of the area in the region. Also included in this section (page 4-19) is the statement that:

Despite the potential for cumulative impacts resulting from various operations in the Planning Area, overall cumulative impacts of BLM and non-BLM actions are not anticipated to have long-term adverse impacts on livestock grazing on public lands, since anticipated impacts to grazing lands would occur gradually over the life of the plan, except in Alternatives B and E where the impacts of livestock grazing withdrawals would be substantial.

The LGCA believe that the impacts from changes in other RMP revisions need to be analyzed in conjunction with changes in this RMP to determine the cumulative impact of the current environmental movement to remove grazing from public lands.

10.5 REQUESTED CHANGES

The LGCA requests that the BLM incorporates the potential social and economic impacts summary tables provided in our PDSEIS comments into the SEIS.

Please address the cumulative impacts of oil and gas restrictions, including increased length of permitting due to additional management measures.

We request that this impact on livestock grazing, and therefore on the socioeconomic resource, be included in the assessment.

Please revise the impacts assessment in Tables 4-20 and 4-21 to include the suggested language provided above.

According to Table 4-22 the impacts to livestock grazing are identical for Alternatives A, D, and F. Please provide support for your analysis.

11. CONSISTENCY WITH ADOPTED LAND USE PLANS

The LGCA Conservation Districts and Counties each have Land Use Plans which address goals, objectives, and policies for lands within the counties. The BLM has not adequately considered the counties' land use plans or the importance of oil and gas to Washakie, Hot Springs or Big Horn Counties in the SEIS. Hot Springs County has brought to the BLM's attention that 80% of their budget comes from oil and gas production, but this fact has not affected the BLM's analysis of the potential impacts to the oil, gas, minerals, and socioeconomic resources. Big Horn County's Comprehensive Land Use Plan also recognized the importance of industry. Policies directly related to the SEIS are excerpted below.

11.1 HOT SPRINGS COUNTY LAND USE PLAN (2002)

Regarding public land (page 26):

Hot Springs County will oppose material changes in land uses, which hamper or otherwise negatively impact traditional land uses. The County intends to avoid undue social distress, dislocation, and hardship brought on the community by such changes.

The County will insist regulatory action cite the impacts to the local economy, local custom and culture, the human environment and provide how such action is consistent with new, revised or supplements to the County's land use plans (as required by the National Environmental Policy Act).

Regarding multiple use (page 27):

It shall be the policy of Hot Springs County to support multiple use of public land. The County opposes management initiatives which restrict or limit existing and potential uses. The County will inform public land managers of any negative impacts on the livelihoods and/or quality of life of Hot Springs County residents which arise from public land management mandates, regulations and laws.

Regarding Special Land Designations (pages 49 - 50):

Hot Springs County opposes attempts to create new *de facto* wilderness areas by using "roadless areas" or other restrictive management designations in and of themselves. Instead, the County supports the intent of the Wyoming Wilderness Act, which discourages efforts to promote additional roadless areas, and wilderness-like areas.

11.2 WASHAKIE COUNTY LAND USE PLAN (2009)

Washakie County expects to assert the maximum amount of influence allowed by law regarding any public land issues, and expects its contributions to management and regulatory decisions be accounted for and recognized as intended.

Washakie County will support traditional land uses as a means to maintain continuity in the local economy, and assure the sustainability of existing agricultural, recreational, and industrial interests. By supporting traditional uses, the County intends local custom and culture will be maintained and given continuity thereby mitigating potential negative social impacts on the community in the process. Washakie County will oppose material changes in land uses, which hamper or otherwise negatively impact traditional land uses. The County intends to avoid undue social distress, dislocation, and hardship

brought on the community by such changes. Washakie County supports retention of existing access to public land, and will oppose management initiatives which restrict or limit access or might impact the livelihoods and/or quality of life of Washakie County residents.

Washakie County asserts State and federal land use and management plans are incomplete and materially deficient unless they contain a thorough discussion and evaluation of agriculture. Each plan needs to incorporate standards and objectives that sustain agricultural interests season-by-season, year-by-year and generation-by-generation.

11.3 BIG HORN COUNTY LAND USE PLAN (2009)

The Big Horn County Land Use Plan does not have policies specifically related to public lands within the County. However, the plan specifically recognizes the importance of agriculture to the overall well-being of the County. The plan seeks to “do no harm” to the County’s agricultural operations and practices. Should any question arise, the plan should be interpreted and construed in the way that is most positive and beneficial for agriculture. Another goal of the plan is to maintain existing access to public lands. This is commensurate with the fact that 72% of respondents to a public survey indicated that they considered loss of access to public lands to be a very important issue.

11.4 PARK COUNTY LAND USE PLAN (1998)

Like the Big Horn County Land Use Plan, the Park County Land Use Plan does not specifically address how federal agencies should manage land under federal control, but does include goals to retain the multiple use of public lands and to sustain agricultural business. In addition, the plan includes the goal that “local officials level of coordination with state and federal agencies should be increased with respect to the management and use of public lands to help meet the needs of county residents.” The plan also encourages the use of economic statistics and indicators to document the effects of land management changes on county residents.

11.5 WASHAKIE COUNTY CONSERVATION DISTRICT LAND USE PLAN (2010)

It is the policy of the Washakie County Conservation District (WCCD) to work to ensure local input on state and federal land management issues to promote multiple use of public lands (grazing, logging, minerals, and recreation) and to protect private property rights. It is also stated policy to develop, promote and defend viable alternatives to the proposed actions of other government agencies where the proposed action would adversely impact any of the resource bases of the WCCD.

11.6 SUMMARY OF SEIS COMPATIBILITY ISSUES

The LGCA fully supports the goals of multiple use and sustained yield, balancing increasing and competing demands for resources on public lands while serving the best interests of the residents of the Bighorn Basin. The LGCA finds both Alternatives E and F unacceptable in their current form.

With respect to projections of oil and gas development, the LGCA believes that the BLM significantly underestimated the potential for recent and upcoming technologies to develop existing resources. The

LGCA is concerned about potential impacts on grazing that are not explicit in the SEIS. The land use plans are clear in that they are opposed to any reductions in grazing, particularly if they are not backed up by scientific data.

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