



Wyoming
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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

12/28/2018

Mr. Russ Bacon

Forest Supervisor, Medicine Bow-Routt

National Forests and Thunder Basin National Grasslands

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Mr. Bacon,

Over the past six months, the Wyoming Department of Agriculture (WDA) has engaged a Working Group (WG) comprised of governmental and non-governmental agencies, local ranchers, the mineral industry, and other interest groups who have actively participated on Thunder Basin National Grassland (TBNG) issues (especially prairie dog-centric issues) over the last several years. A full list of participants and attendees can be found in Attachment 4. This six month effort was coordinated by the WDA's Mediation Program and represents an attempt to provide an open process in which all stakeholders can participate. We believe this is aligned with the spirit of the United States Forest Service (USFS) 2012 Planning Rule as well as the USFS request for the WDA to convene this group to inform a future amendment to the TBNG Plan. The concepts and discussion that follows were developed with the WG and are summarized here for the USFS's review and consideration in future planning processes. This letter is not intended to represent the WDA or our mission and is a reflection of the process, not WDA's comments or recommendations on the issues.

The main goal of this group was to further build upon previous meetings and begin to actually work beyond identification of issues. WDA's original intent was to develop a fairly detailed option to current management for the United States Forest Service (USFS) to consider when entering the amendment process under the National Environmental Policy Act (NEPA). Although our intent was to create a concise "package" to deliver to the USFS for consideration, we were not able to develop as much detail as we had hoped due to the short timeframe (USFS has indicated they plan to begin the NEPA process in 2019 which created our deadline). Nevertheless, the group did make significant strides in agreeing to some general concepts and some key components which could help the USFS realize actual changes on the ground. Key concepts, or topics to address, are outlined more fully in Attachment 1 but predominantly revolve around a few key messages:

- A group must be established that creates an avenue for interested parties to give recommendations to the USFS surrounding future management decision prior to their implementation (e.g., post-planning collaborative, steering committee, etc.). Ideally, this group would aid the USFS by recommending when, where, and how to implement management actions to either control or conserve prairie dogs on the TBNG.

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12/28/2018

- There should be adjustments to the existing 3.63 Management Area (MA 3.63) boundaries to better utilize natural barriers such as rivers, steep terrain, or soils and avoid areas of persistent conflict.
- The USFS should replace ferret-specific language in the current TBNG plan with a requirement to follow the Wyoming Game and Fish Department's Black-footed Ferret Management Plan and consult with the United States Fish and Wildlife Service.
- A path forward could include a change in emphasis of MA 3.63 from ferrets to vegetation communities that provide for multiple types of wildlife habitat as well as a sustainable forage base for livestock grazing.

Along with Attachment 1, you will also find letters from those involved with the process (Attachment 2). These letters are written by WG participants and reflect their opinions. While this over-arching letter from WDA is intended to capture the majority of the topics, we cannot emphasize enough the importance of the letters from those who participated. These letters may help the USFS during the NEPA process as individual deviations from this over-arching letter could be incorporated into other alternatives. Topics and concepts in Attachment 1 are broad and based on discussion meaning there are many that had varying levels of agreement. We have tried to capture this within the attachment but it should be noted the WG did not operate on "consensus" or formally vote on items.

WDA believes the group has made progress in many ways and much of the material the group discussed during our meetings could be useful to the USFS as it works through NEPA processes. However, one particular recommendation that is a direct result of this process stands out: the need for a stakeholder group that can meaningfully engage with the USFS after the amendment process. If the USFS takes nothing else from this group's work, please understand that the establishment of a committee or collaborative group with appropriate representation and influence is critical.

The WDA would again like to thank all those who participated for their devotion of time and energy during this process.

We look forward to working with the USFS during the upcoming NEPA process.

Sincerely,



Doug Miyamoto

DM/jb

TBNG Prairie Dog Working Group

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CC:

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Governor's Policy Office
4W Ranch
Association of National Grasslands
Bureau of Land Management - Buffalo Field Office
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Thunder Basin Grazing Association
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Wyoming Association of Conservation Districts
Wyoming County Commissioner's Association
Wyoming Farm Bureau Federation
Wyoming Game and Fish Department
Wyoming Mining Association
Wyoming State Grazing Board
Wyoming Stock Grower's Association
Wyoming Weed & Pest Council
Wyoming Wool Grower's Association

Attachment 1

This attachment is a product of the working group that met six times over the last six months. Although the group went into significant detail on many of these topics, they have been summarized here in an attempt to provide clarity to the USFS and specifically outline what is being requested. The USFS should note that not all of the topics are supported in their entirety and any reservations surrounding a particular topic are outlined in individual letters found in Attachment 2.

The main topics are:

1. Steering Committee/Post-Planning Collaborative Group.
2. Management Area Boundaries and Buffers
3. Change in Emphasis of the Management Area
4. Prairie Dog Management
5. Livestock Management/Forage Allocations
6. Prairie Dog Colony-dependent Species Management (including Black-footed Ferret Management)

Other notes that we believe will aid in the process are included following topic 6.

1. Steering Committee or Post-Planning Collaborative Group

Throughout the course of work, those involved consistently supported some form of committee that could meet and provide input to the USFS on management following any plan amendment. The documents the group used referred to this as the "Steering Committee" and much of what has been discussed for future management hinges on the ability to form a committee that can provide recommendations on management. Regardless of what this committee is called (e.g., Steering Committee, Post-Planning Collaborative, etc.) and how it is formed (e.g., FACA, no FACA, outside convener, etc.) this committee is crucial. To remain consistent and clear, this group will be referred to as the "Steering Committee" in this document.

The main impetus for forming the Steering Committee is to provide any interested parties an avenue to clearly communicate with the USFS on issues pertinent to management of the TBNG, especially Management Area 3.63 (MA 3.63). This group should contain government and non-government individuals who are fully engaged, and have been consistently engaged in the past. While the Steering Committee would not have the authority to make any decisions, it should have a level of influence and the ability to give recommendations to the USFS that are heavily weighed by the agency. Ultimate decision-making power lies with the USFS but they should seek guidance and suggestions from this committee before making any decisions for MA 3.63. The committee should begin by working on MA 3.63 and then, if it proves to be useful, could expand to other issues across the TBNG as appropriate or needed.

Within the suggestions for management of MA 3.63 you will see the Steering Committee is tasked with a number of items. In theory, this creates a shared workload for the USFS and provides the agency with real-time suggestions for emerging issues, further enabling the use of adaptive management. Major tasks outlined for the Steering Committee within suggested changes for MA 3.63 management include: reviewing suggested complexes or series of prairie dog towns for validity, developing management plans for the USFS to consider when managing prairie dogs, providing information to better inform management and monitoring decisions, and using real-time data to help inform management actions on an annual basis. This committee could also be highly instrumental with regard to prairie dog colony-dependent species management and should be leveraged wherever possible when associated species issues arise. The Steering Committee would be a body that could provide recommendations from on-the-ground information and help the USFS decide where, when, and how to most efficiently spend time and money.

At our final meeting, the Wyoming County Commissioner's Association (WCCA) provided a memo regarding FACA groups and detailed four potential options for a Steering Committee (Attachment 3). The WG entirely supported Option 2 from the WCCA memo which would be a non-Federal convener for this group, allowing for full participation of governmental and non-governmental groups. It is also worth noting that the current makeup of the WG could be carried forward to form this new committee and is likely the simplest and most efficient way to proceed.

2. Management Area Boundaries and Buffers

Buffers

The WG broadly supported the use of buffers as a tool to manage encroachment of prairie dogs onto private or state lands adjoining National Forest System (NFS) lands on TBNG. However, there are a number of opinions on the size of buffer(s) needed. Some felt a ¼ mile buffer would be sufficient, while others feel 1 mile is more appropriate. Regardless of buffer size, all agreed buffers around residences were absolutely required.

The USFS should utilize buffer zones within and around the MA. In some instances, this may be achieved through changes to other Mas (for example, the CRZA). Size and location of absolute buffer zones (e.g., around residences) should be developed through the planning process but the USFS should maintain enough flexibility to implement larger or smaller buffers as needed. This is likely a task the Steering Committee could help with. More information regarding buffers and how they may be used can be found below in *3. Change in Emphasis of the Management Area*.

MA 3.63 Boundaries

The group broadly supported adjustments to the boundaries of MA 3.63. Mapping exercise completed by WDA utilized prairie dog colony data and helped to identify areas which prairie dog do not seem to favor. This data was collected and developed by the Thunder Basin Grassland Prairie Ecosystem Association along with other partners and includes data on colony locations as far back as 1997 and as recent as 2017. Using this dataset that represent roughly 20 years (no data was collected in 2015), areas in which prairie dog colonies have not existed in the past are easily recognized. Many of these areas are a direct result of terrain (e.g., Rochelle Hills, Red Hills) while others are a function of ecological type (e.g., upland vs riparian areas). The group believes both of these types of “limiters” could be leveraged to reduce the amount of MA 3.63 boundary that would regularly need to be managed. Some of the major landmarks include: Rochelle Hills, Red Hills, Antelope Creek, Dry Fork of the Cheyenne River, Cheyenne River, and Frog Creek. While we recognize these do not create an impermeable barrier to prairie dogs, the USFS should make every attempt to utilize topographic and hydrologic deterrents. When adjusting boundaries, USFS should also consider residential buffers, historic extent of colonies, and how changes would add or subtract from existing MAs.

For illustrative purposes, we have included a map showing how this may look (Figure 1). We would like to stress this is in no way a recommendation of exact lines that should be drawn or a recommendation from the WG, it is simply a map included to illustrate the points.

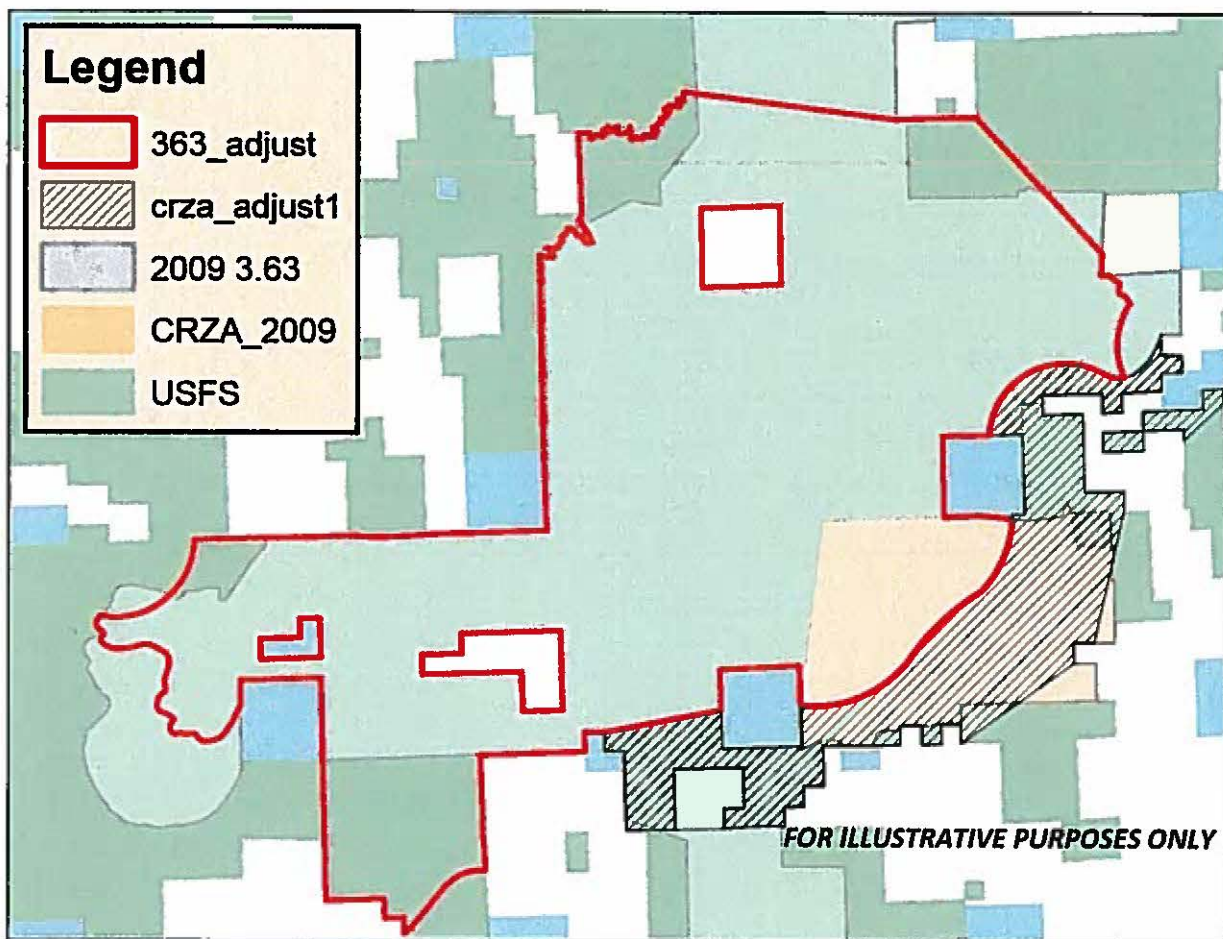


Figure 1: Potential boundary of an adjusted MA 3.63.

Cheyenne River Zoological Area Boundaries

The WG broadly supported the concept of buffering the Cheyenne River and other similar areas. The Cheyenne River Zoological Area (CRZA) currently exists as a Special Interest Area (SIA) which overlaps the existing version MA 3.63. The group discussed the current location and shape of the CRZA and that it may no longer be logical. The USFS could place a buffer on the Cheyenne River and use this as the new boundaries of the CRZA; for the purposes of this letter we have used a .5mi buffer (Figure 2). If changes are made to MA 3.63 boundaries, adjustments to CRZA boundaries should also be considered.

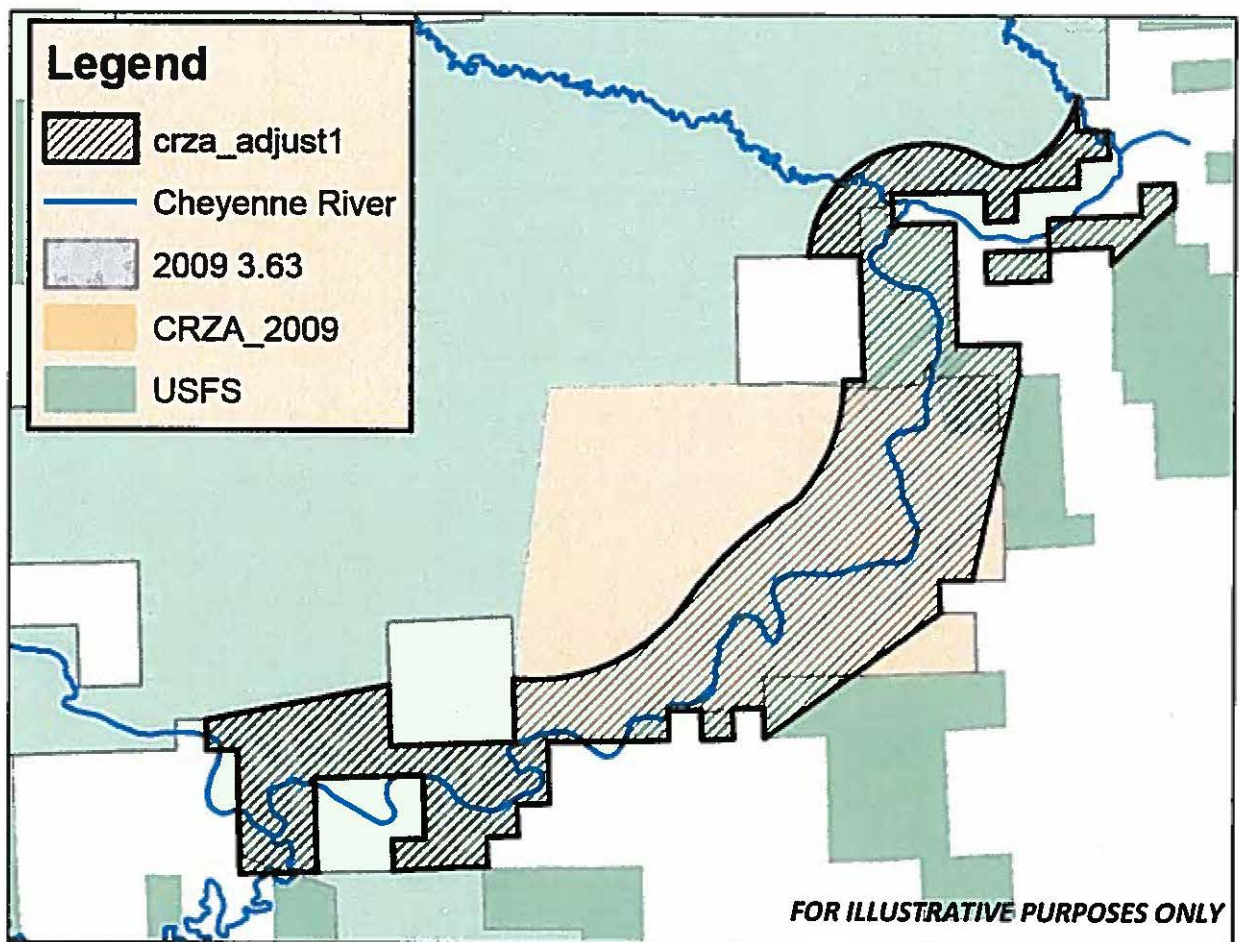


Figure 2: Potential boundary of an adjusted Cheyenne River SIA.

The USFS could also consider using a ½ mile buffer on other hydrologic features, such as Frog Creek or Antelope Creek, and making this part of the CRZA to further aid in management of prairie dog colonies if necessary (inclusion of Frog Creek shown in Figure 3). Information on how this could change management within the CRZA is below.

Along with a potential change to boundaries of the current CRZA the USFS should consider changing the name of the area to more adequately reflect the intended purpose. This may be as simple as calling it the Cheyenne River Special Interest Area or Cheyenne River SIA.

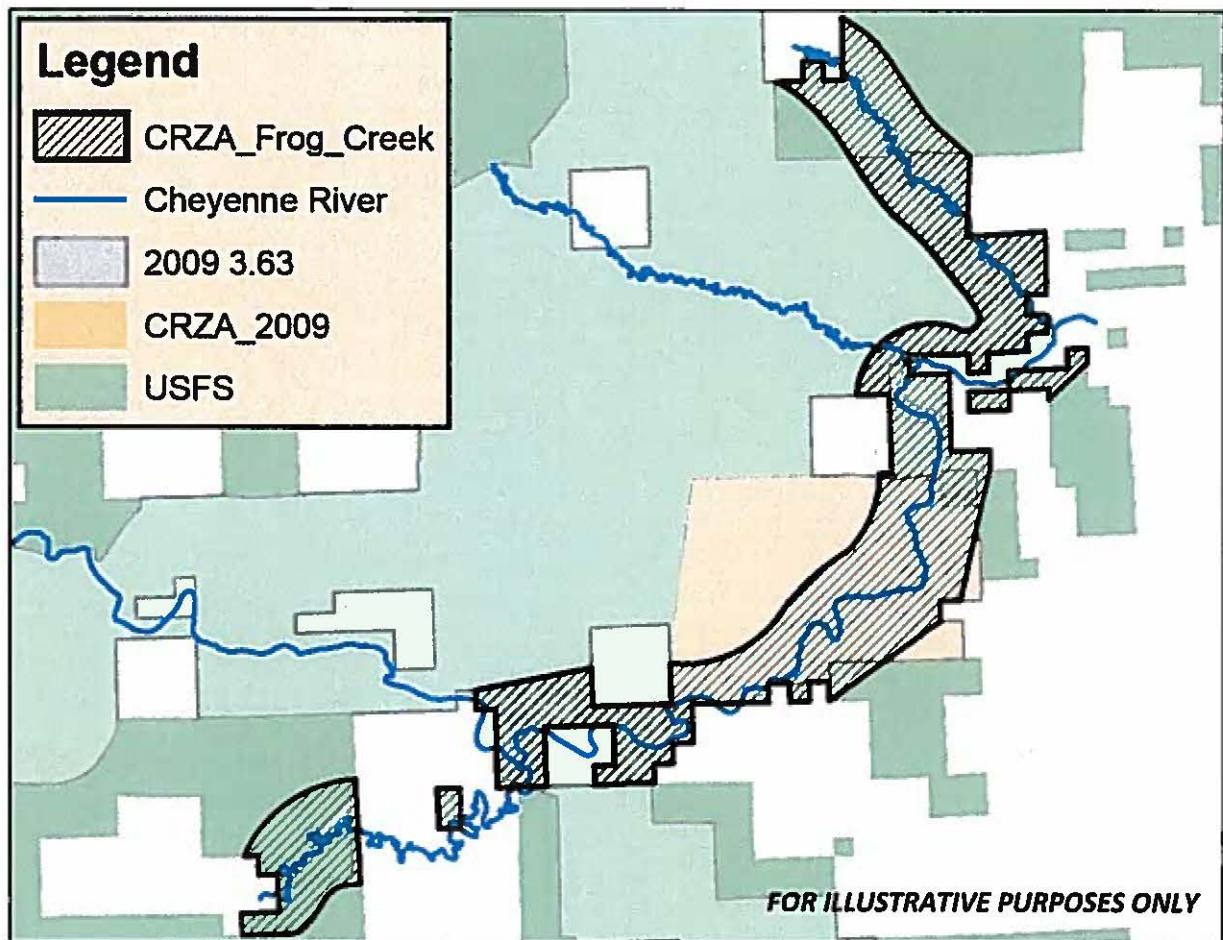


Figure 3: Potential boundary of an adjusted Cheyenne River SIA to include portions of Frog Creek and Dry Fork.

3. Change in Emphasis of Management Areas

MA 3.63

MA 3.63 is currently titled "Black-footed Ferret Reintroduction Habitat" within the TBNG Plan. Along with this designation comes a number of Standards or Guidelines that connect not only to MA direction in Chapter 3 of the Plan but throughout Chapters 2 and 1 (Geographic Area Direction and Grassland-wide Direction, respectively).

The group broadly agreed that an emphasis on ferrets is not suitable at this time. While prairie dog colonies could provide habitat for reintroductions, the USFS should not seek a reintroduction or seek to expand prairie dog colonies in a fashion commensurate with past practices. Colonies could also help provide information on other wildlife species that commonly use them (e.g., plovers, swift fox, etc.). More information on management of these species can be found in section 6. *Prairie Dog Colony-dependent Species Management*.

MA 3.63 was originally designated in the 2002 Thunder Basin Record of Decision and within the 2002 ROD it states that *"Black-tailed prairie dog colony complexes are actively and intensively managed as reintroduction habitat for black-footed ferrets."* within MA 3.63 (this is the "Theme" of the MA). At the time, ferrets were not covered under the 10(j) portion of the Endangered Species Act on a statewide basis.

In 2009, the ROD for Amendment #3 was signed which included changes to MA 3.63 in both on-the-ground direction and size of the area allocated to MA 3.63. Most notably, Amendment #3 required the Forest Service to *"develop and implement a black-tailed prairie dog Strategy"* and increased the size of MA 3.63 to roughly 51,000 acres. Amendment #3 modified *"management direction to a more site-specific implementation plan and modifies the black-footed ferret reintroduction area [MA 3.63] on the Thunder Basin National Grassland"* (Amendment Transmittal Form, pg. 1) in order to *"approve a full suite of tools to manage prairie dogs, modify the area of black-footed ferret reintroduction, and adjust shooting restriction boundaries"* on the TBNG (Amendment Transmittal Form, pg. 3). Additionally, *"there was need for the diversification in management tools, adjustment of shooting restrictions and Black-footed Ferret Reintroduction Habitat (Management Area 3.63)"* on TBNG (Amendment Transmittal Form, pg. 3).

The 2009 Amendment was considered to be a *"non-significant amendment"* because it did not *"threaten the black-footed ferret population thresholds and recovery efforts, nor [did] it alter the current livestock grazing activities and outputs"* (Amendment Transmittal Form, pg. 4). (Note: the Transmittal Form also acknowledges that *"ferrets have not occupied this area"* on pg. 4)

Other changes were made in Chapters 1 through 3 of the Plan that further emphasized management for black-footed ferret reintroduction and black-tailed prairie dog colonies. However, little from the 2009 Amendment has ever been implemented in any meaningful way.

Since 2009, three significant changes have been made at the State and Federal level that immediately pertain to MA 3.63. One, a statewide 10(j) designation was put in place for ferrets in Wyoming in 2015; two, Wyoming Game and Fish Department was designated as lead agency for

ferret recovery actions across the state (Federal Register Vol. 80, No. 210, Oct. 30, 2015, pg. 66821); and three, Forest Service procedures underwent a large change with the 2012 Planning Rule replacing the 1982 Planning Rule. All three of these changes, singly or combined, could necessitate a change in management for the Grasslands.

In considering ways in which management could be changed to better facilitate logical management of prairie dogs, the group generally agreed to an approach that emphasizes vegetation and habitat characteristics that wildlife seek while balancing availability of forage for livestock grazing. If the emphasis is on vegetation, achieving (or moving towards) what would be new Desired Conditions for MA 3.63 would require some form of measurement. Existing science suggests burrow density is correlated with prairie dog colony size. Science also suggests that there are "sweet-spots" in terms of colony size for associated species such as mountain plovers and horned larks. With this in mind, it may be possible to create metrics that can be used to not only manage colony placement and size, but also provide for adequate forage for livestock and habitat for colony-dependent species. We believe the USFS should change MA 3.63 from "Black-footed Ferret Reintroduction Habitat" to "Rangelands with a Short-stature Vegetation Emphasis" or similar.

The Theme for MA 3.63 could change to read:

"This area is managed to provide a mosaic of high-, mid, and low-structure vegetation communities, with an emphasis on distribution of low-structure (short) vegetation and associated species."

The Desired Conditions for the MA could read:

"Short-stature plant communities are typically characterized by low Visual Obstruction Readings (VOR) and may contain plant species such as: blue grama (Bouteloua gracilis), buffalograss (Buchloe dactyloides), western wheatgrass (Pascopyrum smithii), sand dropseed (Sporobolus cryptandrus), sixweeks fescue (Vulpia octoflora), green muhly (Muhlenbergia viridula), sedges (Carex spp.), forbs such as scarlet globemallow (Sphaeralcea coccinea), woolly plantain (Plantago patagonica), alyssum (Alyssum spp.), prostrate shrubs species such as birdsfoot sage (Artemisia pedatifida), and plains pricklypear (Opuntia polyacantha).

Prairie dog colonies of varying sizes exist in the Management Area and contribute to the short stature and low VORs but do not dominate the MA. Prairie dog colonies are managed to provide a range of habitat types for dependent species, while also recognizing and managing placement and expansion of colonies throughout the MA. A number of wildlife species, such as burrowing owls, mountain plovers, and swift fox utilize the area to varying degrees. Prairie dog colonies will vary in levels of occupation and density of burrows and plant community composition varies over time on colonies.

Livestock and prairie dogs utilize forage on most areas annually, but some areas receive little to no use due to topography. Forage allocations are balanced between wildlife and livestock as much as possible and livestock and prairie dogs often occupy the same areas.

Riparian areas and streams are managed for healthy plant communities and water quality. Some restored or improved riparian areas and streams are evident. Trees are uncommon outside of riparian areas.

Vegetation communities are managed to provide for a mosaic of high-structure shrub/forb/grass communities, moderate-structure mixed grass communities, low-structure grass communities, and low-structure forb communities.

Noxious and invasive plant species are controlled to extent possible and native vegetation is maintained at a level that promotes competition. Re-seeding of areas and reclamation may be evident.

Prescribed fire is rarely used as a management tool and wildfires are aggressively controlled. Outbreaks of insects and disease are evaluated as they arise and appropriate actions are taken to control them when possible. Natural appearing landscapes predominate; however, oil and gas development, and range improvements exist."

Items that should be included as general Standards, Guidelines, or Management Approaches for the MA could include:

- *Make management and monitoring decisions for the MA utilizing a collaborative process and recommendations from the TBNG Steering Committee.*
- *Plant communities are managed to provide for adequate habitat for wildlife and adequate forage for livestock.*
- *Allow uses and activities that maintain and/or enhance short-stature grassland plant communities.*
- *Reclaim areas which no longer contain a desirable amount or species of plants using approved seed mixes.*
- *Manage vegetation communities to provide for a mosaic of the following: high-structure shrub/forb/grass communities, moderate-structure mixed grass communities, low-structure grass communities, low-structure forb communities.*

While a large amount of work and thought has been put into the suggestions listed above, we must also mention that changes as a result of modifying management prescriptions for MA 3.63 would not be limited to Chapter 3. Chapter 1 and 2 contain language that requires review and likely some degree of change. WDA has previously identified these areas and that information has been provided to the group.

Cheyenne River Zoological Area Management

In conjunction with changing boundaries, management within the CRZA should also be analyzed. In the description of CRZA there are numerous contradictions and some management prescriptions that are simply untenable. The CRZA also currently includes a quasi-emphasis on expansion of prairie dog colonies. The CRZA should be utilized as a buffer between USFS land and private lands in which prairie dog occupancy would be limited. No complexes should be designated within the CRZA; management emphasis should revolve around riparian communities, cottonwood galleries, and similar attributes that would qualify the CRZA as a Special Interest Area. This management emphasis could also be extended to other areas (e.g., Frog Creek, Antelope Creek) and further aid in management of prairie dog colonies if necessary.

Within Chapter 3, the SIA Description for CRZA should be changed to emphasize plant communities and wildlife habitat associated with riparian areas.

Additional Direction for CRZA should also be considered for change. The WG did not have adequate time to address potential changes to direction for the CRZA in detail but broadly agreed that the area could be used as a buffer zone, that prairie dog colonies should be limited within the SIA, and that no complexes should be designated within the SIA.

We would again like to stress that the numbers provided (e.g., .5mi buffer) are simply examples and other more defensible numbers could be available. However, the emphasis for management of the CRZA should be changed to an actual riparian and river corridor theme with adequate space to realize objectives of the area (e.g., the CRZA should be more than just a greenline to greenline polygon, it should represent an actual buffer of the river). We also believe the name should reflect the management emphasis and suggest the area be changed to Cheyenne River Special Interest Area or Cheyenne River SIA.

*****NOTE*****

We would like to stress the importance of the accompanying letters (Attachment 2) from individuals regarding the next three topics (4. Prairie Dog Management, 5. Livestock Management/Forage Allocations, and 6. Prairie Dog Colony-dependent Species Management). These three topics are perhaps the most important, complicated,, and related. Much of the detail surrounding these three topics was not explored due to time constraints.

4. Prairie Dog Management

Prairie dog colony management, both in time and space, is one of the bedrock issues. Within the context of this letter, "management" can include both control and conservation measures. The group came to broad agreements on some topics and the overall concept of changing management emphases but did not have time to delve into details. This means that agreement on future management of prairie dogs is limited and there are multiple opinions that were not able to be fully explored due to time constraints.

Within the concept of changing management emphasis from expansion of prairie dogs and reintroduction of black-footed ferrets to vegetation management and balance between wildlife and livestock the lynchpin becomes the designation of complexes or series of prairie dog towns. The information the group worked with was developed by a smaller sub-group before being brought before the larger working group and utilizes as much science as possible. A bibliography can be provided on request.

Prairie dog management under the new approach is intended to be transparent and flexible. There would be no predetermined emphasis areas (i.e., categories), no static buffers, and no acreage objectives. Instead, the Steering Committee would be leveraged to look at prairie dog colonies, determine whether or not they believe a series of colonies form a complex, and then develop a draft management plan for the complex to deliver to the USFS for consideration. While this may appear to be cumbersome, the emphasis on utilizing a Steering Committee is intended to provide real-time information to decision makers and a level of transparency that has never been seen on TBNG.

When developing prairie dog-specific Standards, Guidelines, and Management Approaches, the USFS should include:

- *Remove all prairie dog colonies on NFS lands within 1 mile of residences. Landowners who do not wish to have prairie dogs removed, or desire a buffer distance of <1 mile, must formally notify the District Ranger.*
- *Maintain active prairie dog colonies across the MA. Colonies should vary in size and density and be distributed across the MA.*
- *Control prairie dog expansion where necessary utilizing plans developed with the TBNG Steering Committee.*
- *Within designated complexes, colony persistence will be monitored and lethal control may be prohibited.*
- *Use of rodenticides will be permitted in accordance with label restrictions and current USFS policy.*
- *Translocation of prairie dogs may occur in accordance with the WGFD Translocation Policy.*
- *Prairie dog colonies may be selectively controlled to reduce densities and/or to preclude expansion onto adjacent private and state lands.*
- *Monitor prairie dog colonies for plague and treat accordingly.*
- *Complexes should not be designated in Sage-grouse Priority Habitat Management Areas.*

- *Complexes will not be designated in MA 8.4 – Mineral Production or within 2.1 – Special Interest Areas.*
- *Unwanted colony expansion may be managed in multiple ways including but not limited to: buffers, rodenticides, translocations/live removal, shooting, vegetation barriers, and fences. Methods utilized should correlate to urgency and/or desired effect.*
- *In coordination with the TBNG Steering Committee, colonies are grouped into defined complexes and specific management plans for each complex are developed to manage expansion, contraction, boundaries, and management within the complex.*

Although this document briefly discusses monitoring, its importance should be noted. In order for the USFS and partners to have reliable and defensible data there must be a robust monitoring component. The WG agreed that monitoring was a key issue and the USFS must develop logical, repeatable monitoring strategies for the future.

5. Livestock Management/Forage Allocations

Competition for forage and dietary overlap between livestock and wildlife is no new issue. Similar to prairie dog management, and intimately related, is livestock management and forage allocation. The availability of forage in time and space play a key role for livestock operators. A shift in management emphasis to try to balance forage and habitat will not be simple but ultimately may be an effective way to reduce conflict. Again, information the group worked with was developed by a smaller subgroup and utilized science to the extent possible.

Forage allocations under the new approach do not focus on complete removal of prairie dogs, instead they focus on maintaining sufficient forage for both uses to exist on the same landscape. In some areas, allocations may favor livestock, while in others they will favor wildlife. Under this new approach, determining when and where favoritism occurs revolves around complex designation, pasture designs and sizes, and vegetative objectives for the MA to support multiple uses.

The group had mixed feelings regarding details of this section but overall appeared to agree to a concept that revolves around vegetation management rather than species management. Items to consider during the amendment process specific to a Livestock Grazing section should include:

- *Forage allocations will balance wildlife and livestock use to the extent feasible.*
- *Livestock grazing may be used as a tool outside of annual permitted AUMs or permit timeframes to reduce VORs and/or enhance short-stature habitat.*
- *Manage the proportion of occupied and unoccupied acres of prairie dog colonies relative to pasture size to maintain available forage for livestock. In some instances, colony densities will be managed instead of number of acres.*

- *In consultation with permittees, consider pasture design in relation to other landscape disturbances (e.g., prairie dog colonies, fire, etc.) to maintain available forage for livestock.*
- *Manage to provide livestock access to diverse forage conditions. Proportions of occupied and unoccupied prairie dog acres may be managed through lethal and non-lethal measures. In some instances, prairie dog density may be controlled rather than number of acres within the pasture.*

6. Prairie Dog Colony-dependent Species Management

For the purpose of this letter, “colony-dependent species” includes those other wildlife species that require prairie dog colonies for at least some part of their lifecycle (e.g., breeding, nesting, weeping, foraging, etc.). Species most commonly discussed by the group include: mountain plovers, burrowing owls, swift fox, and black-footed ferrets. The WG also spent time discussing prairie dog colonies and sage-grouse Core areas (or Priority Habitat Management Areas (PHMA) in the USFS sage-grouse plan). Colony-dependent species may also be referred to as “associated species” and can be thought of equally.

The information the WG worked with surrounding colony-dependent species represents a reduction in the number of Standards and Guidelines from the 2009 TBNG Plan and an effort to streamline regulations while still providing for persistence as described in the 2012 Planning Rule. The WG was regularly updated throughout the process by the USFS on many of the species and what may or may not be required or considered with regard to Species of Conservation Concern (SCC). It is our understanding that an SCC list does not need to be developed for a plan amendment but the group has attempted to remain cognizant of what a future SCC list may contain and how that could impact the TBNG.

Much of the existing language regarding associated species revolves around black-footed ferrets but, as noted in 3. *Change in Emphasis of Management Areas*, much has changed with regard to ferrets since 2009. The new approach to MA 3.63 does not exclude the possibility of ferret reintroduction but tiers to the WGFD Black-footed Ferret Management Plan and removes an emphasis on ferrets. The WG did not appear to favor or condemn this approach; USFS should review individual letters in Attachment 2 for more detailed discussion from individual participants regarding this issue.

Throughout discussions, the WG attempted to wrestle how associated species would be managed for while balancing other uses. The majority of the discussion revolved around mountain plover and what may be needed for their persistence. The new approach initially included numbers regarding sizes of colonies in an attempt to manage for a “sweet-spot” in colony size for plovers based on the most recent science. However, these numbers were ultimately removed from this document. Based on presentations and updates from USFS staff, we believe the USFS has the information they will need to move forward on associated species during an amendment. Within a colony-dependent or associated species section the USFS should also include:

- *Utilize the TBNG Steering Committee to develop cooperative management strategies for the MA.*

- *Maintain active prairie dog colonies in the MA. Colonies should vary in size and density and be distributed across the MA.*
- *In cooperation with public and private partners, participate in wildlife monitoring on and off of NFS lands.*
- *Prairie dog colonies and complexes will exist to provide habitat for dependent wildlife species and to maintain short-stature ecosystems so long as vegetation communities are trending towards or meeting desired conditions.*
- *Follow the Wyoming Game and Fish Department Black-footed Ferret Management Plan*
- *Manage for a range of colony sizes to support associated species.*
- *To maintain habitat for colony-dependent species, the location (in time and space) of prairie dog colonies is managed to promote a spectrum of habitat types. Acres of occupied prairie dog colonies will fluctuate from year to year, either naturally or as a result of on-the-ground management.*
- *Restrict recreational use of the area only if uses hinder the achievement of desired conditions.*
- *Shooting may be allowed consistent with Complex Management Plans*

Other Notes

While the six main topics above represent a large portion of the discussion, there are key pieces that are absent. For example, numerous documents were provided to the group explaining how connections between chapters in the Plan can influence different parts of management. The USFS will have to revisit portions of Chapters 1 and 2 under this new approach. WDA can provide these documents if necessary but they were not heavily discussed by the group and are only intended to be informational, not recommendations.

Materials provided to the group also included other components that have not been fully described above such as Invasive Plant Species, Fire, Recreation, and Mineral Resources. While some portions of the information in this Attachment are related to these resource areas, specific recommendations may not be in the body of this document. The USFS should look to individual letters in Attachment 2 for further detail from participants on these topics and must include them during the scoping process.

Lastly, we would note that differences between this Attachment and individual letters are important. The letters in Attachment 2 are those of the individual or the group they represented during the process. We believe that any differences from this letter to those in Attachment 2 can be used to develop additional alternatives for use during the amendment process and specific details from these letters could serve as design features for those other alternatives.

Attachment 2 – Participant Letters

This attachment contains letters submitted by participants of the WG which are their own. Letters are organized in alphabetical order of affiliation or organization and assigned a number as listed below. Where no organization was available, letters were organized by name of signer.

Attachment 2.1 – 4W Ranch

Attachment 2.2 – Association of National Grasslands

Attachment 2.3 – Campbell County Conservation District

Attachment 2.4 – Converse County Conservation District

Attachment 2.5 – Convers/Campbell/Weston County Weed & Pest Districts

Attachment 2.6 – Defenders of Wildlife/Prairie Dog Coalition/World Wildlife Fund

Attachment 2.7 – Fiddleback Ranch

Attachment 2.8 – Harshbarger, Jean

Attachment 2.9 – Thunder Basin Grasslands Prairie Ecosystem Association

Attachment 2.10 – Thunder Basin Grazing Association

Attachment 2.11 – Tri-County Coalition (Campbell/Converse/Weston)

Attachment 2.12 – Wyoming Farm Bureau Federation

Attachment 2.13 – Wyoming Game & Fish Department

Attachment 2.14 – Wyoming Mining Association

Attachment 2.1 – 4W Ranch

Wyoming Dept. of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002-0100
Director Miyamoto;

Dec. 27, 2018

Comments on the amendment to the Forest Service Prairie Dog Plan

Justice Antonin Scalia said "Too many important decisions of the Federal Government are made now-a-days by unelected agency officials, rather than by the peoples representatives in Congress."


This sums up the problems we on the land have had over the past years. Hopefully we can remedy some of these problems with this process.

You certainly need to propose an alternative to be put into the amendment the Forest Service will be working on. At the very least this alternative must include a Good Neighbor policy which would insist the Forest Service abide by the laws which are required for other landowners in the state.

Prairie Dogs must not be allowed to invade Sage Grouse areas. Several graziers have pictures showing where prairie dogs have killed sagebrush and made pastures unusable for grouse.

Healthy grasslands are the goal of all of us who use these lands. Complete devastation by prairie dogs is not a sign of healthy ranges. The use of these lands by other wildlife and livestock must be a higher goal than overuse by prairie dogs.

Entities that do not use and/or depend on the grasslands should have very little input on how they are managed.


Jean Harshbarger
1162 Lynch Road
Newcastle, WY 82701

Attachment 2.2 – Association of National Grasslands

ASSOCIATION OF NATIONAL GRASSLANDS



P.O. Box 184 - Hot Springs, SD 57747 PHONE: (605) 745-3228 FAX: (605) 745-3225 EMAIL: lance_russell@yahoo.com

December 28, 2018

VIA EMAIL

chris.wichmann@wyo.gov

Forest Supervisor
Medicine Bow-Routt NF & Thunder Basin NG
2468 Jackson Street
Laramie, WY 82070

Re: Proposed Alternative for EIS Evaluation

Dear Supervisor:

The Association of National Grasslands, Inc. (ANG) has long been concerned about the lack of prairie dog management and management tools in the Thunder Basin National Grasslands Land Use Management Plan (LRMP). ANG submitted formal comment at each stage of the 2013 planning process and was perplexed by the decision of the Forest Service to scrap the planning process by proposing a monitoring transition and a committee to attempt to ameliorate the problems caused by the current LRMP.

The "Proposed Monitoring Transition" of 2016 appeared to be nothing more than a delaying tactic designed to perpetuate the persistent problems caused by the non-management of the prairie dog population on the Thunder Basin NG. ANG believed the "Proposed Monitoring Transition" would do little to correct the current LRMP and would not provide the tools necessary to give the Forest Service personnel the ability to manage the prairie dog population either in the interior of the Thunder Basin Grassland or on the boundaries to keep the prairie dogs from colonizing the privately-owned neighboring property. ANG believed that an amendment to the LRMP was essential to give the Forest Service personnel the ability to fulfill their responsibility to improve the range condition and be a good neighbor.

ANG was successful a decade ago in proposing an alternative that was studied during the Prairie Dog Boundary Management EIS on the Buffalo Gap National Grasslands in South Dakota and Nebraska. After a modified version of the ANG proposed alternative was adopted as an amendment to the Buffalo Gap National Grassland LRMP, conflicts between private landowners and the Forest Service have dramatically been reduced.

Eventually, two LRMP amendments on the Buffalo Gap National Grasslands to reduce conflicts between the private landowners and the Forest Service were adopted. The first amendment to the Buffalo Gap National Grassland LRMP has been successful in allowing for control of the prairie dog

population up to a mile onto the National Grasslands where private property has been harmed by colonization. The second LRMP amendment has also been successful in allowing control of the prairie dog population in the interior of the grasslands to protect range condition. Plenty of data has been documented to provide a roadmap for the Wyoming Department of Agriculture and the USFS to incorporate a similar alternative in the planned Prairie Dog EIS for a plan amendment to the Thunder Basin LRMP.

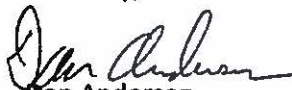
We believe the template for reduction of conflicts has already been written and has successfully been implemented. We believe a proposed alternative for a LRMP amendment is the only viable option to effectively improve the range condition and protect private landowners in the Thunder Basin. And, we believe that the landowners and the environment in Wyoming deserve no less protection than the environment and landowners in South Dakota and Nebraska. Therefore, ANG again respectfully resubmits the November 1, 2013 Good Neighbor Alternative that was developed consistent with the alternative considered a decade ago in the Buffalo Gap EIS process, leading to the LRMP amendments discussed above that have successfully been implemented. Please see: November 19, 2013 Good Neighbor Alternative, which is attached hereto and incorporated herein by this reference.

The monitoring and data have already been completed on the Buffalo Gap NG to fully understand the effects on the vegetation, range condition, ecology, fisheries and water quality. An alternative must be proposed that evaluates the carrying capacity of the prairie dog population. Ignoring the Buffalo Gap LRMP amendments, data and monitoring only allows the agency to further ignore the agency's statutory responsibilities. Creating public nuisances and allowing the destruction of the range and soil resource is repugnant to the Bankhead-Jones Farm Tenant Act and the Organic Act of the Forest Service to prevent against depredations. The inability to propose an alternative for the USFS' EIS is a dereliction of duty and flies in the face of the reality of the situation.

ANG was greatly disappointed that the LRMP amendment process for the Thunder Basin NG was scrapped in 2016. We are further greatly disappointed that the collaborative process led by the Wyoming Department of Agriculture has not formally adopted a proposed alternative for the USFS' consideration during the future EIS. This will be another missed opportunity that will leave Wyoming landowners and the environment less protection than in South Dakota and Nebraska. Why would Wyoming deserve any less protection than South Dakota and Nebraska?

Thank you for your sincere evaluation of our comment and for your efforts on behalf of our great Nation.

Sincerely,



Dan Anderson
President

THE GOOD NEIGHBOR ALTERNATIVE

PROPOSED ALTERNATIVE FOR SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT PRAIRIE DOG AMENDMENT TO THUNDER BASIN NATIONAL GRASSLAND LRMP November 19, 2013

Section 1: The United States Forest Service shall maintain a ½ mile prairie dog free buffer zone adjacent to all private and state land, regardless of prairie dog management category, management area or geographic area within or adjacent to any and all of the Thunder Basin National Grasslands, for the purpose of controlling the prairie dog population within the buffer, preventing colonization and destruction of private and state lands and the spread of the sylvatic plague. (The Buffalo Gap National Grassland in South Dakota currently implements a ½ mile prairie dog buffer zone)

Section 2: The United States Forest Service shall provide for firearm shooting and the use of all approved rodenticides to control the prairie dog population within the ½ mile buffer zone.

Section 3: The United States Forest Service may not prohibit the control mechanisms described in Section 2 contingent on any management tool or trigger, or absent substantial and material ecological justification resulting from study, development and description of appropriate alternatives.

Section 4: The United States Forest Service shall provide for use of rodenticides consistent with the product label timeframes.

Section 5: The United States Forest Service shall manage the ½ mile buffer zone so as to maintain and improve soil and native vegetative cover after prairie dog control efforts by providing for the collapsing of prairie dog mounds and continuing to utilize cattle and sheep hoof action to break the soil capping to allow new native vegetative seedlings to colonize the bare patches, thereby inhibiting prairie dog re-infestation and curtailing the cost and need for further rodenticide treatment. Burning and/or mowing may not be implemented in the ½ mile buffer zone absent substantial and material ecological justification resulting from study, development and description of appropriate alternatives. See: 36 C.F.R. 213.1(d); 16 USC 1600(4); and *Ecological Principles of Short Duration Grazing*, Allan Savory and Scott Parsons.

Section 6: The United States Forest Service shall annually monitor and control the "control colonies" described on Page 49 of the Black-tailed Prairie Dog Conservation Assessment and Management Strategy for the Thunder Basin National Grassland for the purposes of: (1) protecting residences where health and safety issues are a concern with a one mile prairie dog free and prescribed fire free buffer zone; (2) preventing colonies from moving toward private and state land; additionally, (3) protecting the structural integrity of structures, including but not limited to dams and cemeteries; (4) discouraging a landscape wide plague epizootic; (5) maintaining soil and native vegetative cover to a minimum level of 25 to 50 percent similarity to site specific ecological site description; and/or (6) preventing the destruction, modification or curtailment of Greater Sage Grouse habitat or range, including but not limited to the designated Wyoming Greater Sage Grouse Core Areas. See: 16 USC 1533; 16 USC 1536; 36 C.F.R. 213.1(d); and the Nebraska National Forest LRMP and Amendments that currently implement a site similarity index in order to provide for the maintenance of the soil and vegetative cover on the Buffalo Gap National Grassland.

Section 7: The United States Forest Service shall comply with any current and official Wyoming Game and Fish Commission Policy on Translocation of Prairie Dogs in Wyoming; however, if an affected County has a County Land Use Plan that conflicts with the Wyoming Translocation Policy, the County Land Use Plan shall supersede the State Policy. 16 USC 1604(a)

Attachment 2.3 – Campbell County Conservation District

OFFICE

601 4J Court, Suite D
PO Box 2577
Gillette, WY 82717-2577
Phone: 307-682-1824
Fax: 307-682-3813
www.cccdwy.net

**BOARD OF SUPERVISORS**

BJ Clark, Chair
Jaime Tarver, Vice-Chair
Acacia "Casey" Elkins, Sec/Treas
Lindsay Wood

December 27, 2018

Russ Bacon, Forest Supervisor
Medicine Bow-Routt National Forests and Thunder Basin National Grassland
US Forest Service
2468 W. Jackson Street
Laramie, WY 82070

Dear Forest Supervisor Bacon,

Campbell County Conservation District (CCCD) appreciates the Forest Service's efforts to address concerns on the Thunder Basin National Grasslands (TBNG). The CCCD has been an active participant throughout this process and is encouraged by the prospect of a plan amendment. The Working Group process that was conducted by the Wyoming Department of Agriculture (WDA) over the past several months has resulted in several solid recommendations that could benefit the grasslands as a whole and result in better collaboration and implementation. The CCCD would like to respectfully submit the following comments to you in support of the work that was completed through the working group process. The CCCD supports the following key concepts or topics to be addressed, as stated in the WDA letter.

1. Steering Committee or Post-Planning Collaborative Group

CCCD believes that in order to continue to move in a positive direction in the future a "steering committee" must be established. This committee could have several different structures and be composed of a wide range of stakeholders, but one function should remain, its ability to provide meaningful suggestions to the USFS. This committee would be a critical player in providing solid, science based suggestions on a wide variety of topics such as: prairie dog management, grazing management, and wildlife habitat enhancement. The CCCD suggests, that to ensure consistency, the composition of this board be similar to the current working group. The CCCD would appreciate the opportunity to serve on this committee or whatever structure that the USFS deems appropriate.

2. Management Area Boundaries and Buffers

Buffers

The CCCD supports the use of buffers as a tool to manage prairie dog movement from TBNG to private or state lands. These buffers can vary in size depending on what is being protected and land features. The size of these buffers can be reviewed and assessed by the steering committee and recommendations could be provided to the USFS. The CCCD believes that a buffer around private residences is a necessity, to ensure public safety and should be required and maintained by the USFS.

Management Area (MA) 3.63 Boundaries

CCCD supports making appropriate adjustments to the boundaries of MA 3.63. As discussed during the working group meetings there are areas on the landscape that for one reason or another do not support prairie dog habitat. These can be areas with lack of appropriate forage, terrain (e.g., Rochelle Hills) or ecological type. These limiting factors provide opportunities to control prairie dog movement without repeated management actions, thus reducing the potential cost of management. This could result in less conflicts overtime and provide opportunities to focus limited resources on areas that affect ranching operations and public safety.

Cheyenne River Zoological Area (CRZA) Boundaries

The CCCD supports the concept of buffering the CRZA and logically adjusting the special interest areas shape so as to not conflict with MA 3.63. CCCD believes that the CRZA will help to protect the riparian area and the overall water quality within the Cheyenne River and its tributaries. It is important to have a properly functioning riparian area, as it provides not only habitat to a wide variety of wildlife species, but it also provides a buffer to the surface water and reduces the impacts of contaminants to the stream.

3. Changing the Emphasis of the Management Area

The current MA 3.63 is titled "Black-footed Ferret Reintroduction Habitat". Due to recent events (e.g., plague and social aspects) the reintroduction of Black-footed Ferrets is not a possibility within this area. Thus the CCCD supports changing the emphasis of the MA to a vegetative focus. This emphasis should focus on a sustainable mix of vegetative types and contain areas suited to prairie dog habitat with low structure vegetation communities and areas that will support livestock grazing with high and mid structure vegetative communities. CCCD would also like to support and incorporate WDA's recommendations on Standards, Guidelines and Management Approaches.

4. Prairie Dog Management

The CCCD sees the main hurdle to collaborative management of the TBNG and surrounding state and private land to be prairie dog colony management. The CCCD believes that with a vegetative emphasis the area could provide habitat for prairie dogs as well as livestock grazing.

The area would need to be managed for a variety of colony sizes and densities. In order to achieve this it will be critical to have all available tools (e.g., buffers, rodenticides, translocation, shooting, fencing, etc.) to provide appropriate prairie dog management. To ensure that the desired conditions are being met, monitoring will need to be conducted on prairie dog colonies and range conditions. This is another area where a steering committee could provide valuable suggestions to the USFS. The committee could look at monitoring results in conjunction with the latest science to make suggestions on control measures and range management techniques to best meet overall objectives.

5. Livestock Management/ Forage Allocations

Competition for resources amongst wildlife and livestock will always exist. With proper management of the resources the conflicts surrounding this competition can be minimized. Having an emphasis on vegetative management rather than species management will be key. Areas that should be considered in an amendment to the Livestock Grazing section include: balanced forage allocations, utilizing grazing as a tool to enhance short stature habitat, managing the proportion of occupied and unoccupied pasture to maintain available forage, reducing density in some areas rather than acres of prairie dogs, and working with permittees to look at pasture design.

6. Prairie Dog Colony-dependent Species Management

Although the CCCD supports a plan amendment that would change the management area emphasis from Black-footed Ferret to a vegetative emphasis, we understand the importance of prairie dog colonies to the persistence of associated species. Moving forward the CCCD supports making decisions on colony sizes and distribution based on peer reviewed science. It is imperative that the landscape be trending towards overall desired conditions, be able to support livestock grazing and not be degraded to the point of resource loss.

Thank you for all your efforts on this process to date, and your continued commitment to reaching a solution for the TBNG. The CCCD looks forward to working with you as a cooperating agency as you move through the NEPA process for the plan amendment, and hopes to provide additional input should a steering group be established.

Sincerely,



Jennifer Hinkhouse
District Manager
Campbell County Conservation District

Attachment 2.4 – Converse County Conservation District

CONVERSE COUNTY CONSERVATION DISTRICT

911 S. WINDRIVER DRIVE

DOUGLAS, WY 82633

307-624-3151

michelle.huntington@wy.nacdnet.net

December 28, 2018

Mr. Russ Bacon

Forest Supervisor, Medicine Bow-Routt National Forests
and Thunder Basin National Grasslands
2468 W. Jackson Street
Laramie, WY 82070

Mr. Bacon,

Converse County Conservation District (CCCD) has been actively participating in efforts to resolve prairie dog issues on the Thunder Basin National Grasslands (TBNG) over the last several years. We appreciate the Wyoming Department of Agriculture (WDA) engaging interested parties over the last several months in a Working Group and respectfully submit our recommendations to you as the NEPA process starts for an amendment process. Our comments and recommendations will follow the outline of the WDA letter this is attached to.

1. Steering Committee/Post-Planning Collaborative Group

CCCD believes that there must be a "steering committee" established to provide input to the USFS on management on the Thunder Basin National Grasslands. This committee will be crucial in providing management suggestions to the USFS moving forward. These recommendations and suggestions can be provided in real time and cover not only prairie dog centric issues but grazing, range monitoring and any other emerging issues. As the CCCD has been fully engaged up to this point, we appreciate the opportunity to serve on whatever form this "steering committee" may take.

2. Management Area Boundaries and Buffers

CCCD supports the use of buffers as a tool to manage prairie dog movement onto private and state lands adjoining Forest Service lands on the Thunder Basin National Grasslands. CCCD agrees with the Working Group that buffers around residents are required and we encourage the USFS to maintain flexibility within their plan to be able to implement different buffer sizes as needed. Buffers around hydrologic features are encouraged to support healthy riparian areas and protect water quality.

CCCD supports adjustments to the boundaries of the 3.63 Management Area (MA). There are areas within 3.63 that prairie dogs do not favor due to the type of terrain or ecological areas and should not be included in the MA. CCCD supports the idea that leveraging these "limiters" will reduce the area requiring prairie dog management efforts. CCCD asks that you

engage the “steering committee” while considering any changes to the MA as the changes will directly affect ranching operations on the TBNG.

3. Change in Emphasis of the Management Area

CCCD supports changing the emphasis of the MA to a vegetative focus. A management focus on Black Footed Ferret introduction is no longer suitable for reasons outlined in the WDA letter. Management in the area should be changed to focus on vegetation management for livestock forage first and foremost. Appropriately managing prairie dog colonies will aid in achieving desired conditions across the landscape. CCCD refers you to the suggestions made in their letter for general Standards, Guidelines, or Management Approaches.

CCCD supports changes in management within the Cheyenne River Zoological Area (CRZA). We believe management in this area should focus on the health and sustainability of the riparian and river corridor and the CRZA should be sufficiently buffered.

4. Prairie Dog Management

Prairie dog colony management on the TBNG must be changed. The focus can no longer be on expanding prairie dogs and the introduction of black-footed ferrets. CCCD supports changing the management emphasis to vegetation management for livestock grazing operations. While CCCD understands the need for the USFS to have designated prairie dog colonies for dependent associated species, it is important that the densities of the colonies be monitored and accordingly managed. Locations of prairie dog colonies should be determined in cooperation with the “steering committee” and should be a maximum of 7,000 acres within the MA. CCCD encourages the USFS to manage unwanted colony expansion and density by utilizing several methods including but not limited to: buffers, rodenticides, translocation, shooting, vegetation barriers and fences. In other words, all the “tools” should be available for use as appropriate. It is imperative that the USFS has flexibility to act on issues on the TBNG as they arise and are transparent in doing so. Suggestions on the appropriate methods for control could be a function of the steering committee.

Monitoring of prairie dog colonies and range conditions are imperative to achieving desired conditions. CCCD has been actively involved in monitoring projects on the TBNG and will continue aid the USFS in the future.

5. Livestock Management/Forage Allocations

Sufficient forage for livestock operations is paramount. While the CCCD understands that some conflict between prairie dogs and livestock operations will always exist and that in some areas forage use of wildlife and livestock will occur on the same landscape, available forage for livestock must be of primary importance. A concept that revolves around vegetation management rather than species management will be key to livestock operations. Suggestions to include in the Livestock Grazing Section of the amendment should include: livestock grazing may be used as a tool outside of annual permitted AUM's or permit timeframes to reduce VOR's and/or enhance short stature habitat; manage the proportion of occupied and unoccupied acres of prairie dog colonies relative to pasture size to maintain available forage for livestock. In some instances, colony densities will be managed instead of number of acres; in consultation with permittees, consider pasture design in relation to other landscape disturbances to maintain available forage for livestock; manage to provide livestock access to diverse forage conditions.

Proportions of occupied and unoccupied prairie dog acres may be managed through lethal and non-lethal measures.

6. Prairie Dog Colony Dependent Species Management

CCCD supports a plan amendment that removes the emphasis on black-footed ferret introduction. We understand that prairie dog colonies must exist on the TBNG for persistence of associated species and we encourage the USFS to use sound science when determining appropriate prairie dog colony sizes. We believe that colonies should vary in size and density and be distributed appropriately across the MA. Prairie dog colonies and complexes can exist to provide habitat for dependent wildlife species and to maintain short-stature ecosystems so long as vegetation communities are trending towards or meeting desired conditions for livestock grazing.

This letter is not meant to be all inclusive of CCCD's comments and suggestions on the plan amendment. We look forward to participating with the USFS during the upcoming NEPA process as a cooperating agency and providing further recommendations should a collaborative group of some type be established in the future.

Respectfully,

Michelle Huntington

Michelle Huntington
District Manager

**Converse County Conservation District
Board of Supervisors**

Stan Mitchem Shelly Falkenburg Doug Horner Susan Downs Sharon Lovitt

Attachment 2.5 – Converse/Campbell/Weston County Weed & Pest Districts

Individual Letter Response from Converse County Weed and Pest Control District; Campbell County Weed and Pest Control District; Weston County Weed and Pest Control District

Mr. Russ Bacon
Forest Supervisor, Medicine Bow-Routt
National Forests and Thunder Basin National Grasslands
2468 W Jackson St
Laramie, WY 82070

Mr. Bacon,

The following comments represent the opinions of Weston County Weed and Pest Control District, the Campbell County Weed and Pest Control District and Converse County Weed and Pest Control District. These comments do not represent the Wyoming Weed and Pest Council, nor any of the other 20 county weed and pest control districts. The three districts signing this letter have participated in the Wyoming Department of Agriculture's prairie dog collaborative meeting and have been actively engaging in discussions over the current management plan for the past decade.

We collectively agree with the concepts and ideas presented in the letter from the Wyoming Department of Agriculture. We believe they represent a beginning path forward for the USFS to manage prairie dog expansion and complaints. No matter which direction the USFS decides to take we would remind the USFS that the prairie dog is a designated pest under Wyoming state law, and therefore all plan and management decisions should be cognizant of the damage they can cause. Therefore we understand the USFS will manage the TBNGL for wildlife, but believe encroachment complaints from neighboring landowners should be the highest priority.

Additionally, we agree the process the Wyoming Department of Agriculture implemented the past six months tried to be mindful of all opinions concerning prairie dogs and the TBNGL. Of special note was the opportunity it provided the landowners and NGOs to engage both individually and collectively with the USFS on concepts and ideas for a management plan. Although there were many critical areas where consensus wasn't reached, no one can say they were excluded from participating and sharing.

With the conclusion of this process, we believe the time has come for the USFS to step up and take a direct leadership role on the issue. Many of the concepts the working group generated were easily recognizable and could have been addressed before the Wyoming Department of Agriculture process. Now that they are identified within this document, we believe the USFS has a responsibility to respond through a plan amendment that will no longer ignore the need for prairie dog management through direct mitigation. We were happy to hear that your office has already started the process by identifying funds to implement the NEPA process in 2019.

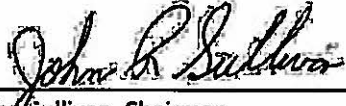
We have included our comments at the end of each section in order to assist in the review process.

Sincerely,

Charles Tweedy, Chairman
Campbell County Weed and Pest Control District



Donley Darnell, Chairman
Weston County Weed and Pest Control District



John Sullivan, Chairman
Converse County Weed and Pest Control District

1. Steering Committee or Post-Planning Collaborative Group

Comments: We collectively agree with the creation of the steering committee, and believe whatever form it takes, it is critical to any future prairie dog management success on the TBNGL. We also agree with the collective group that a non-federal convener of the meetings made the most sense based on the presentation by Baily Schreiber from the Wyoming County Commissioners Association. We are a little concerned as to whom the convener of the meetings will be and their ability to dedicate the time and resources to meet the need.

Although we understand that creating a Federal Advisory Committee (FAC) has its difficulties, we are also concerned that having a non-federal convener will not hold the USFS accountable in its leadership responsibility. Until the USFS has a strong commitment from an appointed convener, it should keep all options for the creation of this committee open.

2. Management Area Boundaries and Buffers

Buffers

Comments: The Weed and Pest Control Districts support the use of buffers of 1 mile around state and private lands. Buffers are only effective with consistent funding and continuous monitoring. Additionally, the USFW needs to consider all management tools for management of these buffers. This includes the use of anti-coagulants which broadens the opportunity for long-term management of the buffers. The plan amendment should not only identify zinc phosphide as a management tool for poisoning. We support the buffer requirements around residences.

MA 3.63 Boundaries

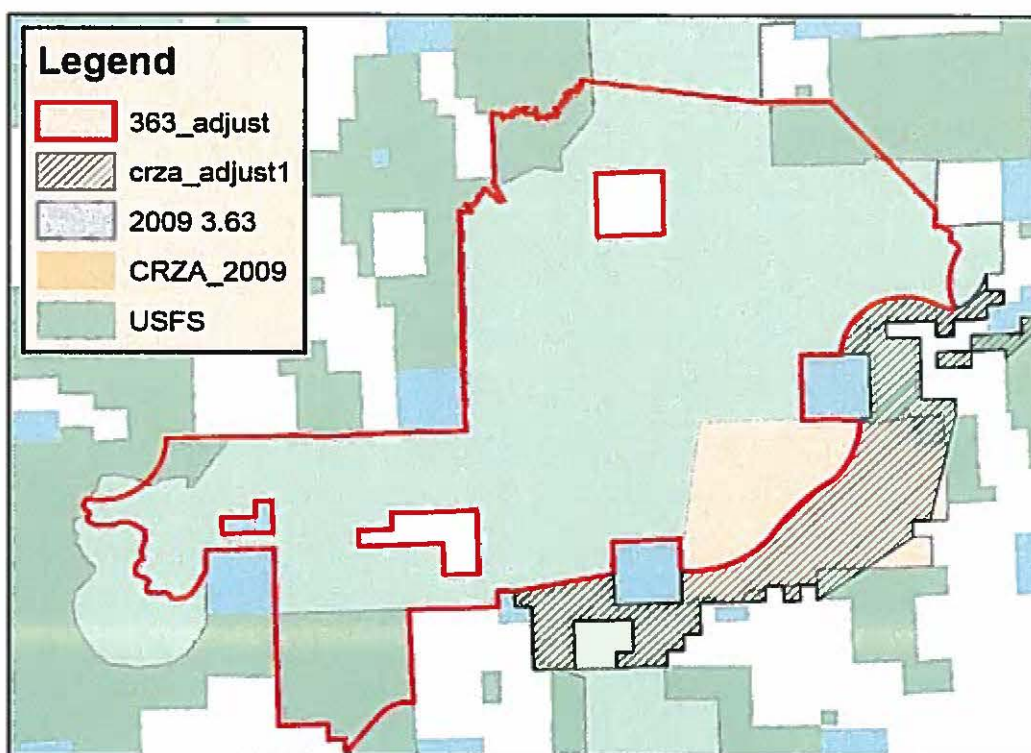


Figure 1: Potential boundary of an adjusted MA 3.63.

Cheyenne River Zoological Area Boundaries

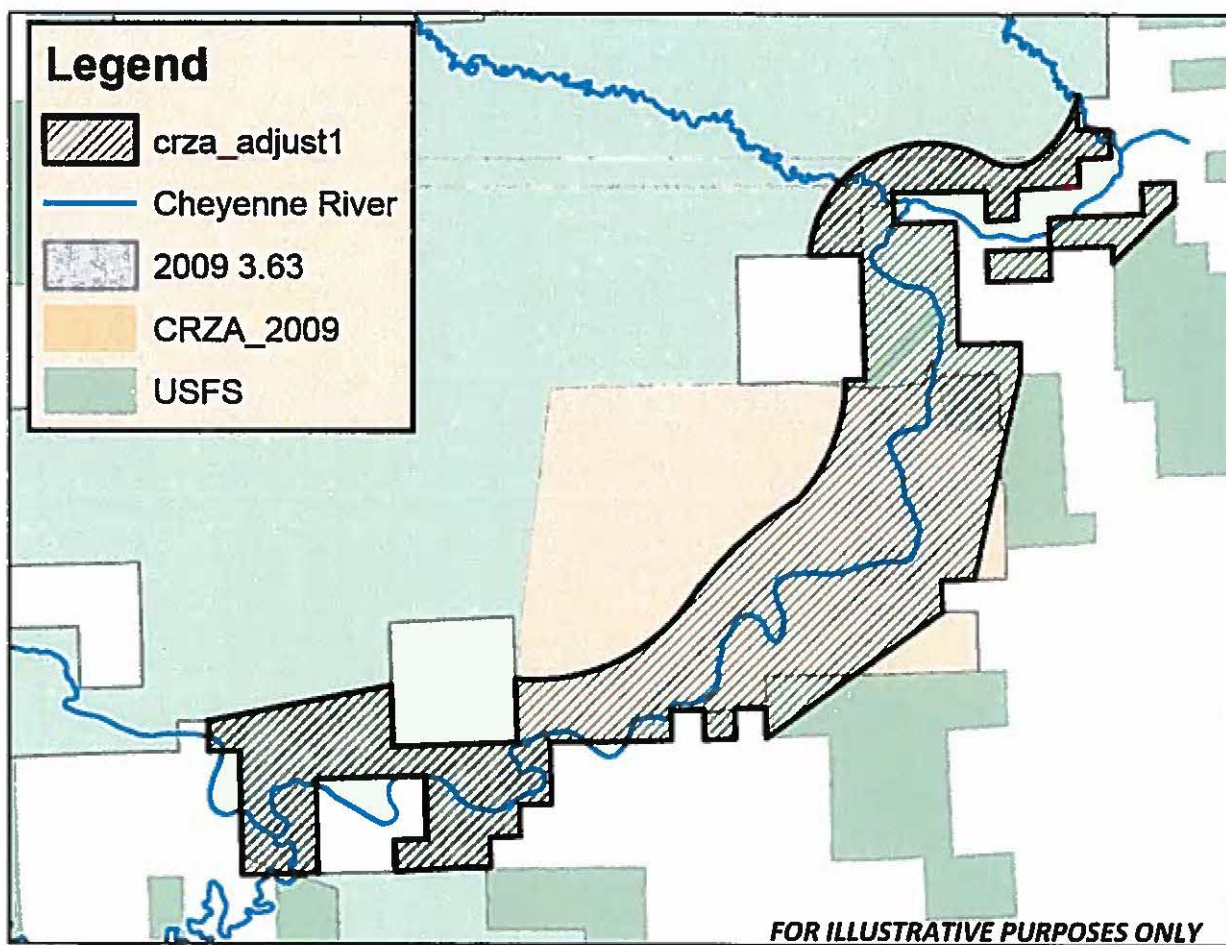


Figure 2: Potential boundary of an adjusted Cheyenne River SIA.

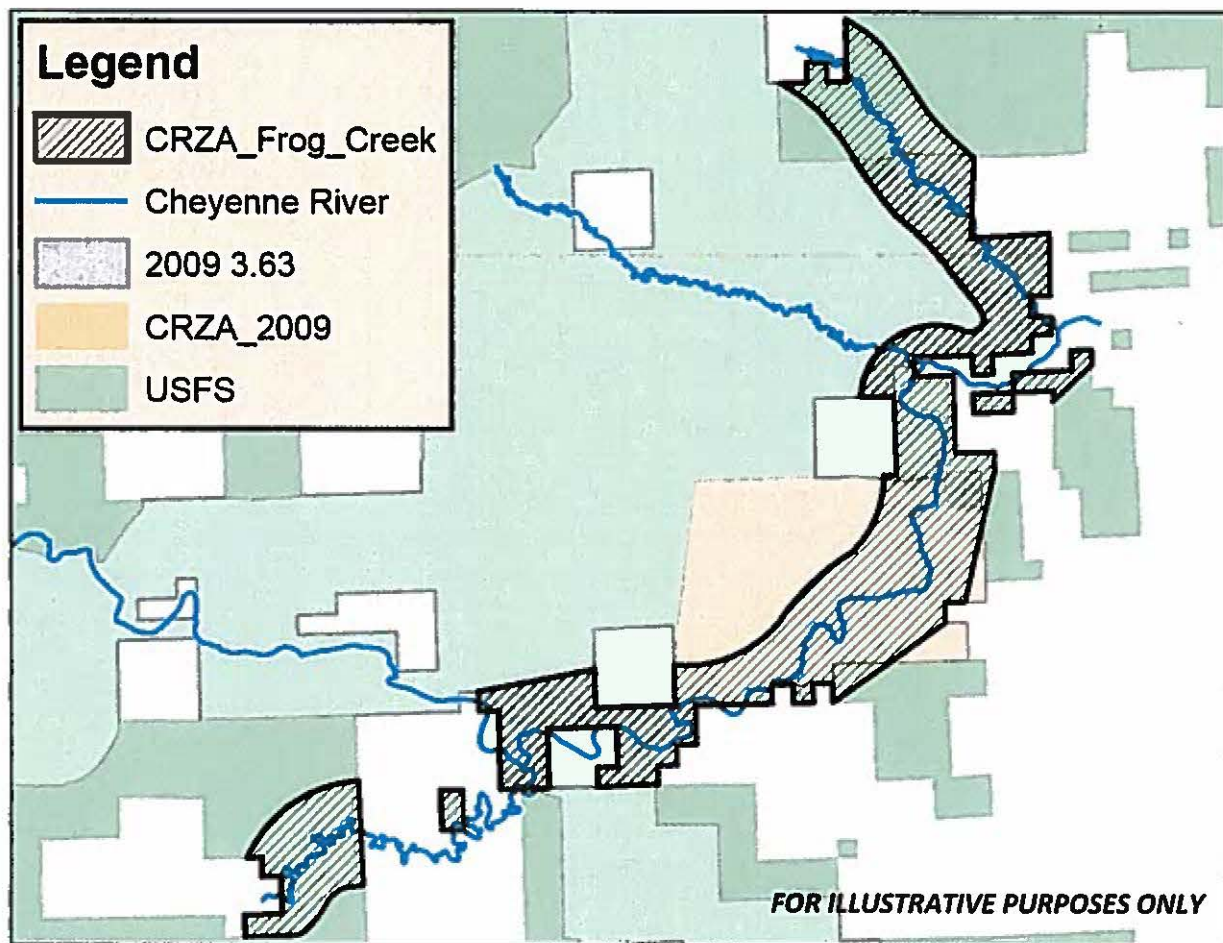


Figure 3: Potential boundary of an adjusted Cheyenne River SIA to include portions of Frog Creek and Dry Fork.

Comments: In general we agree with the boundary in Figure 1 with several changes. Buffers of 1 mile should also be included around all state lands and private lands within, or bordering the MA 3.63 if requested by the landowner or leasee. Additionally, we agree with the buffer around the Cheyenne River, but would extend the buffer to include Antelope Creek. Antelope Creek represents another natural barrier the USFS can utilize to mitigate prairie dog migration onto private lands. As with many in the working group we would reiterate here that any reference to the black-footed ferret should be removed within the MA 3.63 management area objectives.

3. Change in Emphasis of Management Areas

MA 3.63

Comments: We agree with the changes to the management focus of MA 3.63. We also would emphasize that prickly pear cactus, a native species, can present noxious weed qualities on the TBNGL. Especially in those areas where prairie dog numbers are concentrated.

Cheyenne River Zoological Area Management

Comments: As mentioned before, we are in agreement with the boundary from Figure 1 with several changes. Buffers of 1 mile should also be included around all state lands and private lands within, or bordering the MA 3.63 if requested by the landowner or leasee. Additionally, we agree with the buffer around the Cheyenne River, but would extend the buffer to include Antelope Creek. The CRZA and Antelope Creek are natural barriers that will assist the USFS in meeting its management goals under the plan amendment. We also agree with changing the CRZA to an SIA and removing the emphasis of wildlife management from the area.

4. Prairie Dog Management

Comments: We strongly believe the success of prairie dog management on the TBNGL will depend greatly on the USFS utilizing all management tools available. One of the fundamental failures of the current plan is its utilization of one rodenticide (zinc phosphide) for control. Zinc phosphide requires pre-baiting and restricts the amount of applications that can be utilized during a calendar year. We urge the USFS to consider the addition of anticoagulants (chlorophacinone, diphacinone) to their treatment tool box. The USFS has completed a risk assessment on chlorophacinone. At a minimum wording on the plan amendment should not exclude the potential use of any management tool.

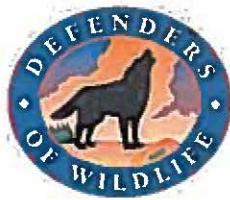
5. Livestock Management/Forage Allocations

Comments: We support the balance of prairie dogs to livestock forage needs. We believe managing the proportion of occupied and unoccupied acres of prairie dog colonies relative to pasture size to maintain available forage for livestock will be critical to the success.

6. Prairie Dog Colony-dependent Species Management

Comments: We support the balance of prairie dogs to livestock forage needs. We believe managing the proportion of occupied and unoccupied acres of prairie dog colonies relative to pasture size to maintain available forage for livestock will be critical to the success. We support and would reiterate the letter to Supervisor Jaeger dated November 17th, 2016 from the Directors of the Wyoming Department of Agriculture, the Wyoming Game and Fish and the Wyoming Office of State Lands and Investments which states, "The social and biological issues surrounding this initiative on the TBNG are very complex and have not been successfully resolved in a manner to allow for either collaborative prairie dog management or to the degree necessary for ferret reintroduction." Removal of the emphasis on Black-footed ferret is critical to the success of prairie dog management on the TBNGL moving forward.

Attachment 2.6 – Defenders of Wildlife/Prairie Dog Coalition/World Wildlife Fund



Mr. Russ Bacon, Forest Supervisor
U.S. Forest Service
Medicine Bow-Routt National Forests and Thunder Basin National Grassland
2468 Jackson Street
Laramie, WY 82070

December 28, 2018

Re: Wildlife Non-Governmental Organizations' response to Wyoming Department of Agriculture letter regarding the Thunder Basin Working Group

Dear Mr. Bacon,

As requested, Defenders of Wildlife, the Prairie Dog Coalition, and World Wildlife Fund (hereafter, "NGOs") provide this letter in response to the Wyoming Department of Agriculture's (WDA) letter and attachment summarizing its perspective of this year's series of stakeholder group meetings regarding prairie dog management and conservation on Thunder Basin National Grassland (TBNG). Management Area (MA) 3.63 remains one of the most important potential black-footed ferret reintroduction sites on public lands. We hope that this letter, as well as the work product of the other groups, aids the U.S. Forest Service (USFS) in managing this small portion of TBNG to protect vital habitat fundamental to ensuring the agency's compliance with its legal mandate to conserve listed species and maintain native species, while also remaining cognizant of other users of the land.

We appreciate that this latest stakeholder process allowed diverse groups, including governmental and non-governmental organizations and local ranchers to meet and seek cooperative solutions to concerns about prairie dog conservation and management on TBNG. While we wish to highlight the areas where common ground *was* found, the group did not reach agreement on several of the key concepts or detailed recommendations described by WDA. We note that what the WDA letter describes as "general agreement" does not mean all sides agreed—our organizations do not support several of the key concepts or details listed in WDA's letter and attachment.

First and foremost, while our organizations agree that boundary modifications, attention to vegetation structure, and further collaborative efforts may be useful, we fundamentally dispute that a plan amendment to the Land and Resource Management Plan for TBNG is necessary or justified. Rather, the current plan and Black-tailed Prairie Dog Conservation Assessment and Strategy contain

the essential tools to address stakeholder concerns and to successfully implement prairie dog management on the ground, and further have the inherent flexibility to adapt management as appropriate. In our opinion, the lack of adequate implementation of the plan is the root of the stakeholder concerns generated in recent years. Our organizations will continue to seek collaborative solutions where possible while maintaining our core wildlife values on TBNG.

Forest Service Obligations Regarding Listed Species and Wildlife

In contrast to the current plan, the WDA letter does not adequately address USFS mandates to contribute to the recovery of listed species, to provide habitat for native species, or to ensure the viability of potential species of conservation concern within MA 3.63.

First, under Section 7(a)(1) of the Endangered Species Act (ESA), USFS has an independent duty to use its authority to “conserve” listed species. “Conserve” does not simply mean to not harm existing protected species, but rather to affirmatively assist in the recovery of listed species in service of the goal of eventually delisting the species. Specifically, the ESA obligates the USFS to act in a manner that aids the recovery of black-footed ferrets, especially given that TBNG encompasses grasslands that are indispensable for hosting a population of ferrets that could contribute to delisting the species (as directly acknowledged by U.S. Fish and Wildlife Service (FWS); see attached letter).

Second, the 2012 Planning Rule requires USFS to “contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area” through appropriate and necessary species-specific plan components. 36 C.F.R. § 219.9(b)(1). The Planning Rule also imposes numerous duties regarding native wildlife—and particularly rare or unique species (such as the mountain plover), or species that play a vital role in the ecosystem and are thus essential to numerous associated species. *See* 36 C.F.R. § 219.9(a)(2)(i) & (ii). That black-tailed prairie dogs fall into this second category is demonstrated through the species’ current designation as a sensitive and indicator species within the plan. Accordingly, attempts to write out of the plan—or to perform an amendment substantially weakening protections for—black-footed ferrets or black-tailed prairie dogs do not comply with USFS’s mandates.

As noted above, we believe the current plan and strategy could address stakeholder concerns surrounding prairie dog conservation and management on TBNG—particularly with respect to MA 3.63. However, if USFS proceeds with a plan amendment, it should be biologically sustainable and must maintain strong protections for listed species, keystone species such as the black-tailed prairie dog, and other unique or rare wildlife that underpin management of MA 3.63 in the current plan.

Outlined below are our responses to some of the most sensitive concepts and points raised in WDA’s letter and Attachment 1. In the spirit of collaboration fostered by the stakeholder meetings, we wish to first highlight areas of progress and common ground. Please note that, where particular concepts or points are not expressly discussed by our letter, that fact should not be construed as the NGOs either agreeing with or disagreeing with that particular concept or point.

Topics of Common Ground and General Agreement

The NGOs want to highlight a few areas where we believe the Working Group made progress and where there may be potential to find common ground:

Boundary Modifications

The NGOs agree that adjusting the current MA 3.63 boundary could reduce undesirable prairie dog expansion. These adjusted boundaries can be a cost-effective way to reduce buffer or boundary control activities as well as better address some adjacent private landowner concerns. Specifically, the NGOs agree that it is possible to make some improvements to MA 3.63 boundaries using natural features to limit undesirable prairie dog movement to adjoining private lands. Steep topography or taller vegetation in riparian areas are two examples.

During the Working Group meetings, we provided our recommendations on where the boundary adjustments to MA 3.63 could occur, which partially (but not entirely) aligns with WDA's boundary adjustment recommendations. The NGOs also generally agree to the concept of using a portion of the Cheyenne River as an MA 3.63 boundary with a buffer on the outside. However, discussions on the Cheyenne River Zoological Area boundaries were too limited to warrant recommendations from the working group; any changes in this area warrant more discussion.

Boundary modifications were one area of general agreement among working group participants, and therefore should be of interest to USFS for consideration should a plan amendment move forward. We request that any modifications comport with the examples discussed above. Relatedly, the NGOs strongly support land exchanges between USFS and state or private lands within or adjacent to MA 3.63 to reduce boundary conflicts and control costs. The current plan contains the ability to pursue land exchanges to accomplish appropriate modifications of boundaries, and this tool must be retained, should a plan amendment occur.

Attention to Vegetation Structure/Communities and Forage Allocations

The NGOs recognize that labeling MA 3.63 as "Black-footed Ferret Reintroduction Habitat" is a source of consternation for some of the other stakeholder groups. While we appreciate that the vegetative communities comprising MA 3.63 are important for wildlife as well as livestock permitted to graze there, the NGOs do not agree that ferret reintroduction should be removed from the plan for MA 3.63. We would be open to calling MA 3.63 something different, however, as well as supplementing the plan with components that focus on vegetation structure. Regardless of the labels or emphasis, MA 3.63 should retain specific management requirements enabling future ferret reintroduction, such as minimum prairie dog acres sufficient to maintain viable populations of prairie dog associated species and protections from sylvatic plague, poisoning, and shooting.

We recognize that conflict transformation surrounding prairie dog conservation and management would improve the future potential for black-footed ferret recovery on TBNG. However, we fundamentally believe that clear requirements for ferret recovery should remain in place for MA 3.63 for the following reasons.¹

- 1) MA 3.63 was designated specifically to be reintroduction habitat for black-footed ferrets as well as to support other native species associated with prairie dogs, such as mountain plovers.
- 2) Active prairie dog colonies to provide adequate habitat and a prey base for associated species, including ferrets, must persist on TBNG;
- 3) Weakening the suitability of MA 3.63 to support reintroduction would be in contravention of the USFS's duties under the ESA as well as the 2012 Planning Rule to contribute to the recovery of listed species.
- 4) While grazing is permitted throughout MA 3.63, the current plan strikes the appropriate balancing of encouraging grazing practices that balance habitat needs for native species with preventing unwanted expansion of prairie dogs to adjacent private land; it does, however, need to be implemented.

While the letter asserts that there was overall agreement on the concept of vegetation management, it fails to account for the presence of wildlife if MA 3.63 is to be managed for short-structured vegetation. The NGOs agree that vegetation structure plays an important role with respect to prairie dogs in terms of: managing colony boundaries, encouraging expansion where appropriate, and preventing encroachment upon private land. We also recognize that providing adequate forage for livestock grazing is an important issue for many stakeholders on the Working Group. Accordingly, we agree with current plan provision regarding managing colony boundaries in buffer zones to address some stakeholder concerns surrounding forage availability in the presence of prairie dogs. We may also be amenable to appropriate pasture design changes that could reduce conflict between prairie dogs and livestock and enhance forage availability in areas not occupied by prairie dogs. Any modifications of the plan that are focused on management for vegetation structure must also include language prioritizing restoration and conservation of sufficient prairie dog habitat for the population persistence of associated species, including black-footed ferrets, before it would be acceptable to the NGOs. Most importantly, however, any plan amendment must ensure sufficiently-sized areas of active, protected prairie dog habitat to comply with the wildlife mandates.

Wyoming Game and Fish Department's Black-footed Ferret Management Plan

¹ Additionally, the statewide 10(j) designation further reinforces that MA 3.63's focus on prairie dog-dependent species such as black-footed ferrets is appropriate. Under the current plan, MA 3.63 has a population objective of 18,000 occupied acres of prairie dog colony complexes, which represents a substantial portion of what Wyoming needs to meet its portion of the rangewide habitat goals for downlisting/delisting the black-footed ferret. Moreover, the Wyoming Department of Fish and Game's Black-footed Ferret Management Plan has the objective of at least one reintroduction site occurring within black-tailed prairie dog colonies.

WDA's letter requests a plan amendment with a "requirement" to follow the Wyoming Game and Fish Department's Black-footed Ferret Management Plan. It is important to note that USFS cannot legally amend the plan to "require" adherence to the state plan. The NGOs do agree to *referencing* the current Wyoming Black-footed Ferret Management Plan as well as USFS and stakeholders working with the Wyoming Game and Fish Department for cooperative future reintroduction and recovery efforts, but also want to emphasize that obligations regarding endangered species recovery lie with USFS and FWS. Moreover, we strongly disagree with WDA's assertion that ferret-specific language should be cut from the plan.

Continued Collaborative Efforts Through a Standing Stakeholder Working Group

The NGOs see the value in establishing a standing stakeholder group. We recognize there can be benefits to forming a standing group to assist the USFS in the management of prairie dogs on TBNG. Specifically, this group might recommend means of addressing areas of conflict, review science, and assist the USFS in planning, monitoring, and habitat restoration activities. However, we do not feel that this group "must" be established or that the USFS must receive its recommendations prior to plan implementation. What is important is that the group includes a mechanism for all stakeholders to be represented. It is important that the group recommendations to USFS be reached by full agreement so that a majority cannot seek to impose management actions inconsistent with the USFS's statutory and regulatory obligations, while a minority view is dismissed.

However, any amendment must contain strong and clear plan components governing the decisions regarding when, where, and how to implement management actions either controlling or conserving prairie dogs. Within that framework, and subject to legal requirements and directives in the current Land and Resource Management Plan for the TBNG, we agree that a stakeholder group (*i.e.*, those involved with the TBNG Collaborative Working Group) that collaboratively develops recommendations to the USFS could be beneficial. We recommend that, if USFS establishes this group, it is convened by a non-Federal entity, such as the Center for Conservation Peace Building (<https://cpeace.ngo/>) or a similar neutral facilitator, and that the group creates a product or outcome such as a Tool Box of If-Then scenarios related to prairie dog conservation and management for the stakeholders and USFS to consider implementing on the ground.

Buffers

Together with boundary adjustments in MA 3.63, strategic buffers are a useful tool to minimize undesirable prairie dog colony expansion. In the Working Group meetings, the NGOs agreed to maintaining the existing one-mile buffers around residences and maintaining 1/4-mile buffers along private land boundaries within the 3.63. Additionally, the NGOs generally agree that the Cheyenne River "could be used as a buffer zone" due to the riparian area's opportunity for the establishment of effective vegetative visual barriers that discourage undesirable prairie dog expansion. Finally, while the Working Group generally agreed on the concept of buffers, it did not reach consensus on how wide specific buffers should be or if buffers should be included along state land boundaries.

Though buffers are a crucial component of the current plan, the NGOs also believe that USFS/state land exchanges have been underutilized, and should occur in lieu of state land buffers.

To summarize the areas of general agreement, the NGOs believe the Working Group found common ground in certain places that may help to reduce conflict regarding MA 3.63 and made progress in others. As stated above, the NGOs believe that amending the plan is unwarranted because many of the tools necessary to implement these areas of agreement already exist in the current plan and should be implemented. However, should USFS proceed with a plan amendment, the NGOs believe that conflict will be best avoided by, and thus strongly suggest that, the scope of any amendment be limited to areas where all of the stakeholders were in full agreement—namely that boundaries of MA 3.63 can be improved and that a standing stakeholder group could help monitor, improve the science of, and further reduce conflict in management of MA 3.63. Specifically, should a plan amendment go forward, the NGOs request that the boundaries of MA 3.63 better reflect natural boundaries that inhibit undesirable prairie dog expansion, and that strong plan components be retained that are protective of enough habitat for prairie dog colony complexes sufficient to support eventual reintroduction of black-footed ferrets, and that USFS continue to encourage collaboration to find common ground and reduce conflict among stakeholders.

Areas of Disagreement

The NGOs appreciate that the diverse groups of stakeholders bring broad concerns regarding MA 3.63. We also believe that many of these concerns can be managed through the current plan or through a narrowly-tailored amendment. However, the NGOs primary need with respect to MA 3.63 is a management plan with the clear objective of maintaining habitat that supports eventual reintroduction of black-footed ferrets, and strong plan components that facilitate that end. The NGOs are concerned that many of the concepts and recommendations in WDA's letter and attachment will weaken this objective and diminish the plan's capability without substantially reducing conflict among the stakeholders. While we do not wish to belabor areas where the stakeholders continue to work towards common ground, it is critical to acknowledge concepts where general agreement was not reached, and therefore should be outside the scope of a plan amendment, should the USFS proceed with one.

Focus on Prairie Dog Control/Livestock Grazing

The NGOs understand that prairie dog colony conservation and management is one of the “bedrock issues” driving the call for a plan amendment and that will drive subsequent Working Group discussions. There is an opportunity for MA 3.63 to provide habitat for prairie dogs that supports recovery of listed species and population persistence of associated species *and* to provide forage for livestock grazing consistent with wildlife needs. However, MA 3.63 should be managed to include substantial tracts of active, protected prairie dog colony complexes to meet USFS's wildlife and listed species mandates under the ESA and 2012 Planning Rule. These complexes need to be protected from sylvatic plague, poisoning, shooting, and density control. We do not agree, specifically, to managing a proportion of occupied and unoccupied areas of prairie dog colonies

relative to pasture size. This would make wildlife needs and overall grassland health secondary to livestock grazing. Rather, livestock grazing is one use of these public lands and, by itself, should not dictate where prairie dog habitat, needed for native species conservation and mandated by USFS requirements, occurs.

Management for Potential Species of Conservation Concern and Prairie Dog-Dependent Species

We are also concerned with the lack of clear metrics in WDA's letter and attachment that facilitate the presence and persistence of prairie dogs and associated species within MA 3.63, including potential Species of Conservation Concern. The NGOs believe that the best available science indicates that numerous species, including mountain plovers, burrowing owls, and black-tailed prairie dogs (among others) warrant serious consideration for designation as SCCs. Section 219.13(b)(6) of USFS's planning regulations requires a species to be treated as an SCC if a proposed plan amendment reveals adverse effects to those species. Moreover, it requires that the provisions of Section 219.9(b) (regarding species-specific plan components) to be applied to those species.

Aside from removing ferrets from the plan, WDA's recommendation of a short-statured vegetation focus would also fail to ensure the presence of short-statured vegetation-dependent wildlife species. Thus, if the plan is to be amended, specific language related to wildlife metrics must be maintained along with adequate monitoring, conservation, and management measures that ensure the presence of potential SCCs and prairie-dog dependent species within the MA 3.63. We specifically disagree with a reduction from the current plan's minimum target of 18,000 acres of largely-protected prairie dog habitat. In addition, we also note that, according to recent scientific research by the USDA-Agricultural Research Service (and noted during the Working Group meetings), approximately 10,000 acres of prairie dog habitat is needed to support viable and persistent populations of mountain plovers consisting of approximately 150 individuals. Based on available data, we know that most of these acres fall within the current MA 3.63, and that those acres must be accordingly protected and maintained through appropriate management tools (*i.e.*, shooting closures, sylvatic plague mitigation, etc.).

Delegation of the Forest Service's Decision-making Authority

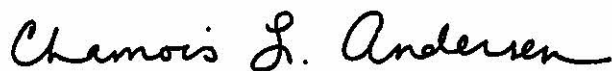
Finally, despite our desire to have, and the value in having, continued collaborative meetings of stakeholders, it should be acknowledged that USFS cannot lawfully delegate its decision-making authority to an outside group. We strongly support the collaborative process and providing management recommendations reached by consensus to USFS. However, USFS cannot cede its authority to the requirements of the Wyoming Department of Fish and Game's Black-footed Ferret Management Plan, and any recommendations by the Working Group must be reviewed considering USFS's statutory and regulatory obligations.

Conclusion

In summary, we agree that adjusting the boundaries of MA 3.63, managing buffer zones, and working in the spirit of collaboration through a stakeholder group to facilitate prairie dog conservation and management are areas of common ground reached by the Working Group. We remain hopeful that future cooperation and collaboration will continue to reduce conflict and make progress toward all users being satisfied with the management of MA 3.63. WDA made a good effort to look for common ground and we sincerely appreciate the process. There were also key pieces we cannot agree to; the removal of wildlife metrics and conservation from the management of MA 3.63 and the shift in focus to prairie dog control to increase forage for livestock are problematic and go against USFS's mandates. While we reiterate that a plan amendment is not necessary, should USFS move forward with one, we would specifically request: that the amendment include black-footed ferret recovery; that revisions to the boundaries of MA 3.63 reflect natural inhibitors of prairie dog expansion; that buffer zones reflect the best available science (but that state/federal land exchanges are prioritized); and that recommendations provided by the collaborative group represent full agreement of all the stakeholders. Furthermore, we ask for USFS support in the assistance and implementation of our Economic Study on the Grassland that we are conducting with the University of Wyoming.

We are hopeful that future cooperation and collaboration will continue to reduce conflict and make progress toward all users being satisfied with the management of MA 3.63. Thank you for considering our positions and recommendations on the WDA letter. Please contact us if you would like any further clarification or to discuss our comments outlined in this letter.

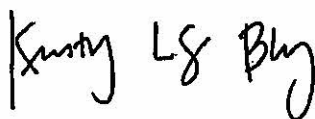
Sincerely,



Chamois L. Andersen
Senior Representative, Rockies and Plains Program, Defenders of Wildlife



Lindsey Sterling Krank
Environmental Scientist & Director, Prairie Dog Coalition, The Humane Society of the United States



Kristy Bly
Senior Wildlife Conservation Biologist, World Wildlife Fund – Northern Great Plains Program

CC:

Doug Miyamoto

Chris Wichmann

Joe Budd

Literature cited

U.S. Forest Service Manual. 2005. 2600 – Wildlife, Fish, and Sensitive Plant Habitat Management.
Ch. 2670. Threatened, Endangered and Sensitive Plants and Animals.

Defenders of Wildlife/Prairie Dog Coalition/World Wildlife Fund:

Supplemental Letter from Noreen Walsh



IN REPLY REFER TO
FWS/R6/ES

United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

MAY 30 2017

Mr. Brian Ferebee, Regional Forester
United States Forest Service
1617 Cole Boulevard, Building 17
Lakewood, Colorado 80401

Dear Mr. Ferebee:

Thank you for visiting with me on May 16, 2017, regarding concerns related to black-tailed prairie dog population expansion at Thunder Basin National Grasslands (TBNG) in northeastern Wyoming.

The U.S. Fish and Wildlife Service (Service) appreciates the Forest Service's conservation efforts for many wildlife species on these unique lands. The TBNG is one of the few large grassland properties in federal ownership with extensive black-tailed prairie dog populations. Prairie dog concentrations as they exist at TBNG are exceedingly rare and are a haven for golden and bald eagles, other raptors, as well as mountain plovers, burrowing owls, swift fox, and other species of conservation concern. Of particular interest, TBNG is a site that has high potential to contribute to the recovery of the endangered black-footed ferret (ferret). While there are currently no immediate plans to reintroduce the ferret at TBNG, it may well be the best existing site across the species' range in 12 western states, Mexico, and Canada that could significantly contribute to its recovery at the present time.

I understand that your consideration of various stakeholder interests at TBNG, as well as current vegetation and drought conditions, may prompt a revision of the current TBNG Grassland Plan to address reduction of prairie dog populations while still potentially contributing to migratory bird conservation and endangered species recovery. I look forward to providing Service input regarding how compromise might be achieved among all interests and still allow the TBNG to contribute to the Forest Service's responsibilities.

In the short term, however, I feel compelled to advise you of the Service's significant concerns regarding the use of anti-coagulant toxicants for prairie dog control including, but not limited to, brand names Rozol and Kaput. I understand that these products have been approved for use by the Environmental Protection Agency and by some State Government entities; however, I have

attached references with summary highlighted concerns of various agencies and other parties related to migratory birds as well as ferrets. In particular, the Service's experience is that the product label requirements are inadequate to limit secondary poisoning of non-target animals and that full label instruction compliance may be limited in practice. Moreover, the use of these products is more expensive and is no more efficient than the use of other products.

You will note in some of the enclosed references that the secondary poisoning of federally protected species continues to occur where anti-coagulant toxicants are used for prairie dog control. While the Service recognizes the need for prairie dog control at TBNG, I urge you to consider less environmentally harmful products in any revised management actions.

As mentioned above, I will reach out again to share Service perspectives about TBNG Grassland Plan changes. Thank you for your consideration of our joint wildlife conservation interests. If you have any questions concerning this matter, please contact Michael Thabault, Assistant Regional Director for Ecological Services, at (303) 236-4210.

Sincerely,

A handwritten signature in blue ink, appearing to read "Norman E. Welsh". The signature is fluid and cursive, with the first name "Norman" and last name "Welsh" clearly distinguishable.

Regional Director

Enclosures (8)

Attachment 2.7 – Fiddleback Ranch

Mr. Russ Bacon

Forest Supervisor, Medicine Now Rout

National Forests and Thunder Basin National Grasslands

2468 W Jackson St

Laramie, WY 82070

Mr. Bacon,

My name is Ty Checketts and my wife and I own and operate the historic Fiddleback Ranch with our children. We are truly blessed to live in this great nation, and to ranch for our living. It is nearly a sacred and very historical way to provide for our family. We truly love what we do and passionately love our ranch. We do have debts on our property and obligations to provide for my family. I am grateful to the Forest Service issuing and protecting my grazing permit. Quite honestly, I do not have the finances to buy an all-deeded ranch. Thank you for the opportunity to run my herd.

In a perfect world I would have no prairie dogs on our ranch—let me list the reasons why:

- a. Prairie dogs are a physical danger to my family. I have witnessed two of my children and their horses trip in a prairie dog hole and fall. One daughter was smashed by the horse, but my son was thrown clear. Words do not express the feeling of a dad watching this happen. I have also had two other neighbors helping me that had the same experience.
- b. Prairie dogs are a medical hazard because they carry the plague, which is zoonotic.
- c. Prairie dogs cost me a tremendous amount of money in many ways. First, I run approximately 700 mother cows, which pay the bills. The other 100 that I am permitted for would be the most profitable cows as the 700 hundred take care of my debts and our living. It is a well-known fact that markets, mother nature, and many other circumstances can make it difficult to make a living as a rancher.
- d. Prairie dogs cost me a lot of time and money to poison and shoot.
- e. Prairie dogs have been detrimental to my farmland by eating my crops and requiring me to go over my land extra times annually to smooth down the mounds.
- f. Prairie dogs have cost me money in many other ways; for example, I have purchased a lot of extra hay, a lot of cake, a lot of protein supplements, and spent a lot of time, effort, and extra expenses feeding my cows.

Mr. Bacon, I am very grateful to you and the Forest Service for your time, efforts, and finances put into updating the plan to help protect and preserve our livelihood, our ranches, and ultimately, the prairie. All I am really asking is to have the grass and

sustainability of the prairie ecosystem. The following points are in response to the discussions we had at the committee meeting.

1. Steering Committee or Post-Planning Collaborative Group

I agree that there should be a steering committee to be engaged in the management and protection of our beautiful grasslands.

2. Management Area Boundaries and Buffers

- I agree and support the idea of changing the 3.63 area.
- I strongly support boundary protection of one mile on all my state, private, and private lease land. This is critical for my success and my ability to ranch and provide for my family.
- I want to make it very clear that I will house 1,000 acres of prairie dogs with no density control inside this 3.63 area. If there is a need to go to 2,000 acres, I can live with that, so long as there is density control on the second thousand acres. I feel this is a very generous offer and truly want this issue to be solved.
- I strongly support and agree with adjusting the Cheyenne zoological area to focus on protecting and preserving the beautiful river; there are many benefits to this, including protecting my family and protecting my farm and fall pastures so that I have feed when I ship the calves in the fall.
- I also strongly support the concept of extending the Cheyenne special interest area up Antelope Creek, for the same reasons listed above. I personally calve my cows along the Antelope Creek because there is great protection from the late winter and early spring snow storms. When the prairie dog expansion came, out of necessity I fed my cows hay and lost more calves because they weren't in the natural protection of the trees, draws, and brush. I had to feed them on the flats instead of along the creek. I believe the buffer zone should be ½ mile of each side of Antelope Creek and Cheyenne River with no prairie dogs. Along the Antelope Creek, if we protect my private land and state land, it doesn't leave much room for prairie dogs anyways.
- I also feel it is critical the Forest Service count all acres of prairie dogs throughout the entire Thunder Basin Grassland. I know that there is a certain acreage that needs to be maintained and truly believe we are already there by simply counting all prairie dogs.

3. Change in Emphasis of Management Acres

I strongly agree with the focus on plant communities to protect and preserve the beautiful prairie so that it is sustainable for years to come. I also strongly concur that livestock forage needs to be protected and would urge and plead that our AUM's are protected and preserved. I also strongly support reclaiming areas that need to be replanted. However, I strongly oppose having black-footed ferrets anywhere on the grasslands.

4. Prairie Dog Management

I believe forage allocations need to prioritize and protect our livestock AUM's. I also believe there is sufficient grass for wildlife when we control the prairie dogs.

5. Livestock Management Forage Allocations

I strongly support and need prairie dog colonies to be controlled relative to pasture size to maintain the forage for my livestock.

6. Prairie Dog Colony-depending Species Management

I agree with most of this section but want two things:

- I don't believe we should ever have any dusting.
- I believe recreational shooting should always be allowed. Prairie dogs have never been shot out because they are survivors. This serves multiple purposes, including the enhancing of density control and protecting the land.

I have spent a lot of time with our elected officials, other ranchers, and Forest Service personnel. I am grateful for their support. I have been told by Forest Service personnel that I will not have to bear the brunt of the prairie dog issue, and I am grateful for that.

Sincerely,

Ty Checketts

Attachment 2.8 – Harshbarger, Jean

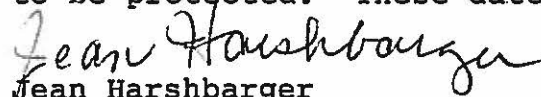
Wyoming Department of Agriculture
2219 Carey Ave.
Cheyenne, WY 82002-0100

Dec. 22, 2018

Comments on amendment to the Forest Service Prairie Dog plan.

Dear Director Miyamoto;

We have been going to meetings on this problem for it seems like forever. Basically the main thing we want is for the Forest Service to adhere to the pertinent laws. The main one is the Rankhead-Jones Act, 7USC 1010 1011, 36CFR213-1D. The most significant part is "to improve soil and vegetation", which would preclude allowing Prairie Dogs from denuding and degrading the area. I would also point out that "existing rights" need to be protected. These date back to the 1880s.


Jean Harshbarger
1162 Lynch Road
Newcastle, Wy. 82701

Attachment 2.9 – Thunder Basin Grasslands Prairie Ecosystem Association



Thunder Basin Grasslands Prairie Ecosystem Association

671 Steinfle Road ♦ Douglas, Wyoming 82633 ♦ Tel: 307-359-1328 ♦ TBGPEA@rswyoming.com

December 28, 2018

Mr. Russ Bacon
Forest Supervisor, Medicine Bow-Routt
National Forests and Thunder Basin National Grasslands
2468 W Jackson St
Laramie, WY 82070

Dear Mr. Bacon,

Thunder Basin Grassland Prairie Ecosystem Association (TBGPEA) has participated in various efforts to address prairie dog management within the Thunder Basin National Grassland (TBNG) over the past two decades including the most recent working group convened by the Wyoming Department of Agriculture (WDA). We fully support the collaborative approach that WDA undertook and appreciate the support and participation from the Forest Service, other federal, state, and local agencies, along with private landowners and non-government organizations. As part of the final recommendation from the working group, TBGPEA would like to provide the following comments on the six topic areas addressed in WDA's main cover letter.

1. Steering Committee or Post-Planning Collaborative Group

TBGPEA strongly supports the formation of a post-planning collaborative group that can provide recommendations on management issues within the Thunder Basin National Grassland.

Agree: TBGPEA fully supports all of the recommendations included in the WDA cover letter including support for option 2 in the Wyoming County Commissioner's Association memo.

Disagree: We have no disagreements.

Additions: We have no additions.

2. Management Area Boundaries and Buffers

TBGPEA strongly supports adjusting the MA 3.63 boundary and supports the use of buffers as a prairie dog management tool.

Agree: TBGPEA fully supports the concepts included in the WDA cover letter.

Disagree: We have no disagreements.

Additions: TBGPEA supports the use of 1 mile buffers around residences and ½ mile buffers elsewhere which is consistent with our Conservation Strategy guidelines.

TBGPEA supports the proposed Cheyenne River SIA adjustments as shown in

Attachment 1, Figure 2 of the WDA cover letter. We would be interested in looking at Figure 3 changes if a more in-depth evaluation showed that habitat was relatively consistent throughout the entire proposed area.

3. Change in Emphasis of Management Areas

TBGPEA strongly supports changing the management emphasis within a revised MA 3.63 boundary.

Agree: TBGPEA fully supports the concepts included in the WDA cover letter.

Disagree: We have no disagreements.

Additions: TBGPEA supports changing the boundaries of the Cheyenne River SIA as indicated above which reflects an approximate ½ mile buffer on either side of the Cheyenne River. In addition, we support the following potential standards and/or guidelines:

- Restrict motorized travel to locations and times when it would minimize impacts within the SIA.
- Allow oil and gas leasing; however, prohibit surface disturbing activities if they would have negative impacts to Sensitive Species.
- Prohibit locatable mineral operating plans that would eliminate effectiveness of emphasized habitats.
- Use the SIA as a buffer to manage prairie dog colony expansion.
- Prairie dog colonies should not exist in the SIA.
- Prairie dog colony complexes cannot be designated in the SIA.
- Prohibit new special-use facilities within the SIA except for valid existing rights.
- Use livestock grazing as a tool to maintain or enhance habitat and desired plant communities within the SIA.

4. Prairie Dog Management

TBGPEA supports the proposed changes in prairie dog management.

Agree: TBGPEA supports the broad concepts included in the WDA cover letter.

Disagree: We have no disagreements.

Additions: TBGPEA encourages the Forest Service to consider a range of prairie dog colony sizes and densities that would support both prairie dogs and associated species.

5. Livestock Management/Forage Allocations

TBGPEA supports the proposed changes for livestock management and forage allocation. We recognize that a revised MA 3.63 still needs to address wildlife populations and habitat, including prairie dogs and associated species. We encourage the Forest Service to consider livestock forage needs as well, since economic viability of ranching enterprises is a critical component in maintaining healthy and productive rangelands.

Agree: TBGPEA supports the concepts included in the WDA cover letter.

Disagree: We have no disagreements.

Additions: We have no additions.

6. Prairie Dog Colony-dependent Species Management

TBGPEA supports the broad concepts discussed for colony-dependent species management.

Agree: TBGPEA supports the concepts included in the WDA cover letter.

Disagree: We have no disagreements.

Additions: Consistent with our Conservation Strategy, TBGPEA supports the eventual reintroduction of black-footed ferrets within the TBNG area. However, we fully support the guidance found in the WGFD Black-footed Ferret Management Plan and believe this document provides a firm foundation on which to base future potential ferret reintroductions. TBGPEA encourages the Forest Service to consider a range of prairie dog colony sizes and densities that would support both prairie dogs and associated species such as mountain plover, while utilizing the "sweet spot" size ranges detailed in recent research by Courtney Duchardt, Agriculture Research Service, and others in TBNG over the past several years.

Thank you for the opportunity to provide additional recommendations that may prove helpful during the upcoming prairie dog amendment. We look forward to continuing to work with the Forest Service and other interested parties to utilize best available science in developing prairie dog and associated species management plans for the Thunder Basin National Grassland.

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Pellatz".

David W. Pellatz
Executive Director

Attachment 2.10 – Thunder Basin Grazing Association

Thunder Basin Grazing Association

P O Box 136

Douglas WY 82633

307-358-2912

Email: tbgassociation@hotmail.com

December 28, 2018

Mr. Russ Bacon

Forest Supervisor, Medicine Bow-Routt

National Forests and Thunder Basin National Grasslands

2468 W. Jackson St.

Laramie WY 82070

Dear Mr. Bacon:

Thunder Basin Grazing Association is in general agreement with most of Attachment 1, with the following exceptions:

1. Steering Committee or Post-Planning Collaborative Group

Page 1, para. 2, line 1- Delete "interested", insert "affected". Ranchers in the area are certainly affected by USFS management policies regarding prairie dogs, often adversely. Ranchers must pay for the forage consumed by their livestock. Grazing allotments are awarded to the ranchers based on need for the additional forage needed to sustain an economical ranching unit. AUM's allotted by the USFS are intended to allow for moderate grazing, so that there will be adequate forage for other grazers. But during times of less available forage, such as drought, or hail, or fire, to name a few, there may not be enough AUM's for all species. In this case, the livestock should have priority and other grazers reduced in numbers to protect the range. Game animals are customarily reduced in numbers by issuing more hunting licenses, increasing quotas, etc. Jackrabbits, classified by the State as predators, and other wildlife, including prairie dogs, can be reduced in number by encouraging hunting. As a last resort, if the drought is severe and persists, ranchers voluntarily remove their livestock or begin supplemental feeding. These are principles of good range management. Those who decry these methods often do not depend on the availability of forage for their livelihood, as ranchers do.

Page 1, para. 3, line 9- suggest delete 'leverage', insert "utilized".

2. Management Area Boundaries and Buffers

Page 5, para. 1, line 2- Insert "and/" before "or". To allow for either or both Frog Creek and Antelope Creek to be included.

3. Change in Emphasis of Management Area

Page 7, para. 4, line 2- Support use of "dominate" as a term to describe the presence of many prairie dogs.

Page 7, para.5, line 1- delete "prairie dogs", insert "wildlife". Delete "and livestock and prairie dogs often occupy the same areas". Recognizes there are other grazers in addition to livestock and prairie dogs.

4. Prairie Dog Management

Page 11, bullet 2- Delete "maintain", insert "allow some"

Page 11, bullet 5- Add after "policy." "USFS shall annually review the need for restrictions greater than allowed by label and, when warranted, change USFS policies to conform with the label restrictions. Additionally, newly available rodenticides should be reviewed for approval as they become available.

Page 11, bullet 6- Insert "strict" after "in". Some conditions of the WGFD translocation permit have been ignored during previous translocations, such as "no translocations across County boundaries." Additionally, future translocations should contain a condition that translocations may not occur from one grazing permittee to another without the permission of both permittees.

Page 11, bullet 8- Delete "treat", insert "respond".

Page 11, bullet 9- Add "Colonies negatively impacting sagebrush habitat in sage grouse PHMA should be actively controlled, thus preventing further habitat degradation."

Page 12, bullet 2- Delete "vegetation barriers and fencing". Vegetation barriers are seldom effective in this dry climate and are used as a delaying tactic to avoid more effective controls. Fencing must have an underground component to be effective and is therefore prohibitively expensive.

Page 12, new bullet- shooting of prairie dogs should be allowed and encouraged grassland wide (to help keep control costs down).

Page 12, comment- USFS, and partners, must provide sufficient funding on a long term basis for these measures to be effective. The initial projects must be confined to a small area until the management theories are proven effective. Smaller, less dense colonies should be the goal, which, if successful, will result in enough forage for all grazers in the area, except possibly during a prolonged drought.

Page 12, question- What kind of prairie dog management will be done during the amendment process- both in the proposed 3.63 area and the CR SIA, but also in the rest of the TBNG- given the substantial prairie dog populations currently south of the Cheyenne River in the Rothleutner area?

5. Livestock Management/ Forge Allocations

Page 12, bullet 1- Especially in drought years, AUM's must be available for livestock, even if this requires the control of some prairie dog colonies. TBNG stocking rates, which are set by the USFS, as well as season of use, are historically low to accommodate use by wildlife. But in drought years, there may not be enough forage to meet all uses.

Page 12, bullet 4 at bottom of page-The LRMP currently discourages permanent fencing which reduces the size of a pasture, thus possibly blocking the use of this measure. This amendment process may remedy the problem.

Submitted by Thunder Basin Grazing Association,
Frank G. Eathorne, Board Chair

Attachment 2.11 – Tri-County Coalition (Campbell/Converse/Weston)



OFFICE

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Robert P. Palmer, Commissioners
Administrative Director

BOARD OF COMMISSIONERS

Mark A. Christensen, Chairman
Rusty Bell
G. Matthew Avery
Micky Shober

28 December 2018

Mr. Russ Bacon
Forest Service Supervisor
Medicine Bow-Routt National Forest
Thunder Basin National Grasslands
2468 West Jackson Street
Laramie, Wyoming 82070

RE: Thunder Basin National Grasslands Collaborative Working Group and Land Use Plan Amendment

Dear Supervisor Bacon:

On behalf of the Tri-County Coalition, which consists of the Boards of Commissioners for Campbell, Converse and Weston Counties, we would like to thank you for the opportunity to participate in the Thunder Basin National Grasslands (TBNG) Collaborative Working Group (WG) process. This effort brought together an array of government and non-governmental stakeholders along with members of industry, agriculture and private landowners to explore the most effective path forward in managing the grasslands specifically focusing on Management Area 3.63.

Portions of the TBNG are located in all three counties, with the majority located in Converse and Weston Counties, and this area has a significant impact on our economies. Prairie dog densities have historically been cyclical with times of moderate populations to extremely high densities to virtually decimated populations once the plague has occurred. It is in times of high density that is the most concerning as the prairie dog eliminates any existing usable forage leaving the landscape void of value for Animal Unit Month's (AUM's) available for grazing operations, minimal habitat for wildlife use and high potential for erosion. This ultimately negatively affects the socio economics of the counties and our residents.

The Tri-County Coalition has been engaged in the planning process with the Forest Service and will remain committed to continuing to work with the TBNG Collaborative WG to find solutions and implement on-the-ground treatment and restoration projects that will control prairie dog densities, focus on short grass prairie stature for vegetation and allow for livestock grazing to occur, all while protecting private property.

The mission of Campbell County is to provide quality, efficient, and cost-effective services for all Campbell County residents through sound decision making and fiscal responsibility.

The Tri-County Coalition supports and endorses comments submitted by the Wyoming Department of Agriculture (WDA) in its entirety and incorporates those comments by reference. In addition, the Commissioners have the following comments to be considered by the Forest Service as we move toward conducting a plan amendment to the 2002 TBNG Land Use Plan:

- Collaborative Working Group – We support the continuation of a WG both in the interim while the plan amendment is being conducted and beyond the Record of Decision being issued. It is critical that all stakeholders have a forum to participate and remain engaged with the agency in the current and future decision-making process. Continued coordination will be a measure of our overall success. In addition, we believe it is critical to have a third-party convener as this allows the process to have more flexibility and to move forward in a timely manner.
- County Land Use Plans – As a part of each counties custom and culture, the protection of private property rights is the cornerstone of our local land use plans. We must promote being a good neighbor with our landowners and prevent undue degradation from occurring. Furthermore, federal land management agencies must provide for sufficient livestock forage where grazing allotments exist, and a balance can be achieved with competing wildlife habitat.

Moreover, the Forest Service must recognize and honor valid existing rights and pre-existing rights in the Land Use Plan Amendment including, but not limited to, private property rights, grazing rights, and mineral rights. These are the foundation of the economic engines that support our counties and protecting their historical interest ensures our long-term viability.

- Black Footed Ferret Management – The Tri-County Coalition strongly supports the recommendation to remove references regarding the Black Footed Ferret as a priority species under the TBNG Land Use Plan. Any future consideration of a reintroduction of the Black Footed Ferret must follow the Wyoming Game and Fish Department policy which requires stakeholder support.
- Funding – There is grave concern that the Forest Service will be unable to commit to the funding necessary to control prairie dogs both now and into the future. We must exercise all our options to secure funding to implement treatments and initiate restoration projects. The counties will continue to provide a certain level of funding in conjunction with Weed and Pest Districts and Conservation Districts, but we must maximize all funding opportunities from all stakeholders.

In addition, we wish to further explore funding possibilities through grazing associations and determine if there is an option to divert more funds to these established entities with the intent that those funds would be used to assist with prairie dog control treatments.

- Boundaries – The Tri-County Coalition supports the elimination of categories currently utilized by the Forest Service and supports a newly defined Management Area 3.63 as discussed in the WDA letter, dated 28 December 2018. The new boundary should include natural barriers (i.e., Cheyenne River and other topographical features) along with taking into account impacts to

private property and grazing allotments. The boundary will be more specifically defined through the National Environmental Policy Act (NEPA) process and the interim and long-term WG. To further protect private property and for the safety of our residents, the Forest Service should consider a 1-mile buffer around all private property line boundaries and structures.

- **Density Control** – While it goes without saying, prairie dog density and population control must be a priority with the Forest Service and stakeholders. We cannot stress enough the importance that mastering this issue is the key component in determining success. We must be able to apply all necessary controls to stabilize and prevent the expansion of the population into unwanted geographic areas.

There is a renewed sense of urgency, and we must stay ahead of this issue by being nimble enough to act swiftly and thoughtfully in applying controls to prairie dog populations. If the Commissioners can play a greater role in mobilizing on-the-ground treatments, we stand ready to do so and will work with all stakeholders to achieve that goal. We must not watch this opportunity slip by and applying treatments this spring will be critical in maintaining desired levels of prairie dog populations and prevent the expansion into unwanted areas of the grasslands.

Again, we thank you for your leadership and the opportunity to continue to work with you, your staff and the stakeholder working group. We are committed to remaining engaged in the process as Cooperating Agencies and as working group members. Please do not hesitate to contact us to discuss any of these issues in further detail or if the counties can assist in any other way.

Sincerely,



Mark A. Christensen
Chairman
Campbell County



Rick Grant
Chairman
Converse County



Tony Barton
Chairman
Weston County



The mission of Campbell County is to provide quality, efficient, and cost-effective services for all Campbell County residents through sound decision making and fiscal responsibility.

Attachment 2.12 – Wyoming Farm Bureau Federation

December 28th 2018

Wyoming Department of Agriculture
ATTN: Chris Wichmann
2219 Carey Avenue
Cheyenne, WY 82001

US Forest Service, Laramie Ranger District
ATTN: Russ Bacon
2468 Jackson Street
Laramie, WY 82070

RE: Thunder Basin National Grassland Working Group Recommendation

To Whom It May Concern,

The Wyoming Farm Bureau Federation is commenting on behalf of over 2,600 agricultural producer members in the state of Wyoming. Many of our members have specific interest in how the Thunder Basin National Grasslands (TBNG) are managed and all of our members are vested in the management of lands under the Forest Service (FS) umbrella. The current management scenario in TBNG of Management Area 3.63 (MA), the Black-footed Ferret Reintroduction Habitat, is both untenable and unsustainable.

When looking for implementable solutions to improve the management of the TBNG we would encourage the FS to recall the foundational principals upon which the area was established. Under the Bankhead-Jones Act these lands were established as a site for grasslands agriculture. Furthermore, the FS itself is nestled under the umbrella of the United States Department of Agriculture. Yet, this agricultural focus often seems lost to the demands of special interests for what-if scenarios related to wildlife, including those that are designated as a pest in the state. While we realize the FS is caught in a scenario where they must consider many interests, they should not forget their principal charges.

Areas of Concern and Support

1. Steering Committee or Post Planning Collaborative

We agree that a formal or informal group that met routinely to provide input on management concerns, needs, and potential opportunities could help steer management in a meaningful way. We would recommend the groups that have been heavily involved in this working group effort

should comprise this initial group. We cannot stress enough the inclusion and involvement of area landowners, who are both the most heavily impacted and often the most in tune with on ground situations. As such, their interest should be more heavily weighted than that of interested parties.

Regardless of the convening structure of this committee, it is our hope that the FS will weigh this groups input heavily in its management decisions. This group's recommendations, along with sound scientific data, should help drive management decisions including determining where areas of tolerance may exist for prairie dogs, where the range is being degraded, and at what density (of prairie dogs) multiple species can thrive alongside healthy rangelands.

2. *Management Area Boundaries and Buffers*

Buffers

The use of buffers as a management tool is essential not only to protect certain areas of federal land but also to prevent encroachment upon and degradation of private and State land. We would support a *minimum* of a one-mile buffer around all residences and a *minimum* of one-half mile around all private and State lands. We would prefer a one-mile buffer on federal land adjacent to private land, especially those that have been heavily impacted in the past and where encroachment is a known issue. All buffering must be done *inside* the boundary of the MA and blocked federal lands, landowners should not be forced to carry this burden.

MA 3.63 Boundaries

We support the concept of adjusting the current boundary of the MA. Firstly, we are concerned with its current overlap with the Sage-grouse Core area and the potential implications of managing for short-stature vegetation and associated species alongside vegetative cover and sagebrush landscapes. Secondly, the current boundary perhaps fails to take into account persistent prairie dog colonies that occur across the TBNG. Thirdly, we would contend that including colonies that exist in areas where federal land lies in larger blocks could provide for better buffer management and minimize the potential for impacts to adjacent private and State lands. Fourthly, the current polygon places the majority of the burden on one landowner and one ranch.

We would support utilization of the steering committee to help determine the future boundaries and shape of the MA. This should allow for a more nuanced approach to defining the MA. Lastly, we would support a focus on maintaining colonies 300 acres or less, spread across the MA and the grasslands as a whole.

Cheyenne River Zoological Area Boundaries

We support the concept of utilizing physical barriers to assist in maintaining prairie dog buffers, including the use of the Cheyenne River Zoological Area; if given a restructured boundary and focus. Additionally, we support the proposed new boundary, along with the inclusion of buffers to adjacent State lands. We further support the potential expansion of the concept and area to include Frog Creek, Antelope Creek, etc., as well as other landscape features. Again, these areas should include a boundary that incorporates buffers around all adjacent private and State lands to avoid foray of prairie dogs onto these lands.

3. Change in Emphasis of Management Area

MA 3.63

We strongly support changing the focus of the Management Area from Black-footed Ferret Reintroduction Habitat to a rangeland based emphasis. The shift away from this single species focus to one based on healthy rangelands would benefit multiple species and the landscape as a whole. Furthermore, the lack of support for Black Footed-ferrets in the TBNG by both landowners and by the Wyoming Legislatures should be heeded.

We opposed the following language, "Forage allocations are balanced between wildlife and livestock as much as possible and livestock and prairie dogs often occupy the same areas." While we feel there is room for a balance to be achieved, this statement implies a 50/50 distribution across the landscape which is wholly inappropriate. We would suggest the following language instead, "Forage should be allocated in a way that provides for adequate AUMS (Animal Unit Months) alongside thriving wildlife populations. Livestock and prairie dogs will often occupy the same areas."

We support the concept of managing the area for a mosaic of landscape types and not allowing any one vegetative type or species to dominate the landscape.

Additionally, we would support this area being exempt from any fence line or other restrictions that may inhibit the working group's ability to change the level of burden placed on any one place within the MA. We would recommend the FS thoroughly analyze any "tools" that should and could be included in the "tool box" for this MA.

Cheyenne River Zoological Area Management

We support utilizing this as a buffer area, with an emphasis on an absence of prairie dog colonies. We further support a shift towards a riparian and river corridor area emphasis.

4. Prairie Dog Management

We cannot stress enough our support for both active prairie dog monitoring and management. We feel the steering committee can help the FS prioritize which colonies have the highest management

and monitoring needs any given point in time. We further feel every available "tool" should be in the "tool box" and available for the FS to actively use as needed.

We cannot support any broad emphasis on prairie dog expansion or removal of the ability to utilize lethal control methods. Furthermore, there must be a focus on implementing density control measures within colonies.

5. Livestock Management/Forage Allocations

We believe the ability to utilize livestock timing, density, etc to enhance desired conditions on the ground may currently be underutilized. FS should work with the grazing associations and ranchers to identify potential opportunities. We believe an approach similar to the Bureau of Land Management's Outcome Based Grazing might be well suited to this scenario.

We wholeheartedly support using rangeland health to drive management decisions.

6. Prairie Dog Colony-dependent Species Management

While there is a heavy focus on the abundance of prairie dog colonies within the MA, we feel it is important to not forget the presence and persistence of prairie dog colonies throughout the TBNG. Especially in regards to their contributions towards providing habitat and a food base for the persistence of associated or colony-dependent species. Again, as scientifically supported, we feel there should be a broad emphasis on colonies consisting of 100 – 300 acres.

In Conclusion

We feel that the incorporating these suggestions and concepts can provide a potential path forward that will bring relief to adjacent landowners, lessees, and rangeland itself. We look forward to engaging in future management discussions on the TBNG and in the Plan Amendment process.

Sincerely,



Holly L.M. Kennedy
Wyoming Farm Bureau Federation
Field Services & Federal Lands Associate

CC: NER; Board; Congressional Delegation; Governor's Office; WACD; WCCA

Attachment 2.13 – Wyoming Game & Fish Department



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

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KEITH CULVER
PETER J. DUBE
MIKE SCHMID

December 27, 2018

WER 9436.06a
U.S. Forest Service
Thunder Basin National Grassland
Collaborative Working Group

Russ Bacon
Forest Supervisor
Medicine Bow-Routt National Forests and
Thunder Basin National Grasslands
2468 West Jackson Street
Laramie, WY 82070

Dear Mr. Bacon,

The Department has been actively engaged in the ongoing Thunder Basin National Grassland (TBNG) Collaborative Working Group (CWG) process for several years. We appreciate the leadership that has been provided by the Forest Service and Wyoming Department of Agriculture, and the time and effort of all other stakeholders involved who have comprehensively and candidly discussed challenges, and have worked towards solutions to concerns related to the management of prairie dogs on the TBNG. The Wyoming Department of Agriculture recently led the CWG through a series of meetings focused on several important topics, which are summarized in Director Miyamoto's letter. Our comments and recommendations pertaining to these topics will be outlined in a forthcoming letter.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Amanda Withroder, Habitat Protection Biologist, at (307) 473-3436.

Sincerely,

Angi Bruce
Habitat Protection Supervisor

AB/aw/ml

cc: U.S. Fish and Wildlife Service

Russ Bacon
December 26, 2018
Page 2 of 2 – WER 9436.06a

Justin Binfet, Wyoming Game and Fish Department
Dan Thiele, Wyoming Game and Fish Department
Zack Walker, Wyoming Game and Fish Department
Matt Fry, Office of Governor Mead
Chris Wichmann, Wyoming Department of Agriculture

Attachment 2.14 – Wyoming Mining Association



WYOMING MINING ASSOCIATION

1401 Airport Parkway, Ste. 230 - Cheyenne, WY 82001 - (307)-635-0331

December 27, 2018

Mr. Joe Budd
Senior Policy Analyst
Wyoming Department of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002

RE: Comments for the Thunder Basin National Grasslands Prairie Dog Working Group

Dear Mr. Budd:

Thank you for your assistance in spearheading the collaborative efforts of the Thunder Basin National Grasslands Prairie Dog Working Group. Wyoming Mining Association (WMA) members have been active participants of the workgroup. Some members of WMA have active mining operations located within the Thunder Basin National Grasslands (TBNG) and therefore have a vested interest in the recommendations made by this workgroup. WMA represents 26 mining companies producing bentonite, coal, trona (natural soda ash), and uranium. WMA also represents 120 associate member companies, one railroad, two electricity co-ops, and 180 individual members.

WMA has the follow comments on the five of the six main topics developed from the meetings.

1. Steering Committee/Post -Planning Collaborative Group

The Working Group (WG) discussed forming a post planning collaborative steering committee that would communicate with the US Forest Service (USFS) on issues pertinent to management of the TBNG and Management Area 3.63 (MA 3.63). WMA requests that WMA and its members be part of the future Steering Committee.

2. Management Area Boundaries and Buffers

WMA agrees that effective boundaries and buffers must be established to manage encroachment of prairie dogs onto private and state lands.

3. Change in Emphasis of the Management Area

Significant changes have been made at State and Federal levels pertaining to MA 3.63. WMA requests that USFS recognize that the emphasis on reintroduction of black-footed ferrets is no longer suitable at this time and the expansion of prairie dog colonies as encouraged by past practices is not warranted. The Wyoming Game & Fish Department (WGFD) has developed a Black-footed Ferret Management Plan. USFS should support WGFD Management's Plan. WMA agrees that the USFS should change MA 3.63 from "Black -footed Ferret Reintroduction Habitat" to "Rangelands with a Short-stature Vegetation Emphasis".

4. Prairie Dog Management

There was much discussion about management and control of prairie dogs. Past discussions questioned the availability of adequate funding for control and management. WMA requests that USFS also discuss appropriations of adequate funds/budget for control and management. Private land owners

www.wyomingmining.org

and local municipalities should not bear the costs associated with the USFS management plans in the TBNG.

The WG discussed monitoring prairie dog colonies for plague. While WMA agrees with future monitoring, we disagree that the colonies affected by plague should be treated by dusting. Dusting colonies for plague was not an approved practice during this recent plague event by WGFD.

USFS should carefully evaluate and remove any overlaps between designated management areas for prairie dogs, black-footed ferret reintroduction and priority and/or core sage-grouse management areas. The management objectives for these species are not the same and can be in direct conflict with one another. Because of these conflicts, management for multiple species in one area can actually be detrimental to one or the other species.

This is especially critical if USFS prairie dog management areas are allowed to overlap with Wyoming's Sage Grouse Core Strategy Areas. The core areas are essential to the State's efforts to ensure that the sage-grouse remain unlisted. Sage-grouse management must remain the priority in core areas. It is important that the USFS work to align their management plans with the Wyoming State Executive Order for Greater Sage-Grouse Core Area Protection.

WMA also requests that future Guidelines and Management approaches do not designate prairie dog management areas in Mineral Production Areas.

Monitoring of prairie dog complexes will be integral to management of the species. Therefore, monitoring must have adequate funding. WMA requests that USFS consider funding for monitoring.

6. Prairie Dog Colony-Dependent Species Management

The WG discussed the associated dependent species that live in prairie dog colonies. However, there is no need to develop a separate Species of Conservation Concern (SCC) list. WMA requests that the USFS follow the recommendations of the WG such as developing colonies that vary in size and density and manage for a range of colony sizes to support associated species.

Thank you for the opportunity to participate in the Working Group and the ability to offer comments that can be used in future scoping actions. Prairie dog management in the Thunder Basin National Grasslands will be positively affected by future collaborative processes, the recognition of current State management plans, management practices that involve multiple species and adequate funding for control and management practices.

Please feel free to contact WMA Assistant Director Pat Joyce with any questions or comments at 307-635-0331 or pjoyce@wyomingmining.org.

Best regards,



Travis Deti
Executive Director

Attachment 3 – WCCA FACA Memo

This attachment contains a memo compiled by the Wyoming County Commissioner's Association outlining four potential options for continuation of a collaborative group. The WG supported Option 2.



Wyoming County Commissioners Association

P.O. Box 86 • 408 W 23rd Street • Cheyenne, WY • 82003
(307) 632-5409 • www.wyo-wcca.org

To: Weston, Converse and Campbell Boards of County Commissioners

From: Bailey K. Schreiber, Natural Resource Counsel, Wyoming County Commissioners Association

Date: December 11, 2018

Re: Options for the structure of a collaborative working group to develop recommendations for the U.S. Forest Service on the implementation of the Thunder Basin National Grassland Plan, as amended

Introduction

This memorandum provides options for the consideration of the Commissioners of the Weston, Converse and Campbell Boards of County Commissioners, members of the Thunder Basin National Grassland Prairie Dog Working Group (the "Working Group"), for the structure and composition of another working group (or continuation of the existing Working Group) whose purpose would be to collaboratively provide develop recommendations to give to the U.S. Forest Service (the "Forest Service") regarding management and monitoring decisions for management areas made pursuant to the Land and Resource Management Plan for the Thunder Basin National Grassland ("TBNG" and "TBNG Plan"), as amended.

The Forest Service's ability to accept recommendations from a collaborative group is limited by the Federal Advisory Committee Act ("FACA"). As a result, this memorandum presents four options, the first of which is to establish a federal advisory committee ("FAC") pursuant to FACA. The three remaining options avoid FACA restrictions but have their own disadvantages.

Regardless of the option selected, it is important to remember that the Forest Service retains and cannot legally delegate ultimate decision-making authority to non-federal individuals or entities without specific Congressional authorization or Presidential direction.¹

Option 1: Create a Federal Advisory Committee

The Working Group, with the Forest Service, may choose pursue establishment of a federal advisory committee. FACA establishes a legal limit to the Forest Service's (and any other federal agency's) ability to use collaborative processes to inform federal decision-making. FACA, passed in 1972, applies when a federal agency does *each* the following at the same time:

- (1) establishes, utilizes, controls or manages a group
- (2) the group has non-governmental members
- (3) the group provides the agency with consensus advice or recommendations

When it applies, FACA requires a federal agency to establish a FAC, which can be a difficult and lengthy

¹ See e.g., 41 C.F.R. § Pt. 102-3, Subpt. A, App. A.



Wyoming County Commissioners Association

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process, sometimes taking years.² For example, the Pinedale Anticline Working Group, created by the Pinedale Anticline Oil and Gas Exploration and Development Project Record of Decision to help the Bureau of Land Management implement adaptive management strategies, waited three years for FAC approval.³ Moreover, there is no guarantee that an agency's request for approval of a FAC will be granted.⁴

For the Forest Service to establish a FAC, it must first seek approval from the Chief of the Forest Service and/or Under Secretary of Natural Resources and Environment ("NRE").⁵ Once approval is granted, the agency must prepare and submit the following documents:⁶

- Charter - Outlines the authority, scope, membership, reporting, recordkeeping, and other requirements of the committee.
- Decision Memo - From the Forest Service through the Under Secretary, NRE to the Secretary requesting approval of the establishment, re-establishment, or renewal of the committee.
- Membership Balance Plan - Describes how the committee will have balanced points of view represented among its membership.
- Outreach Plan - Describes the specific approaches to announce the availability of committee membership positions. The Forest Service shall demonstrate the effort to reach diverse populations with an objective of appointing people with diverse racial, ethnic, gender, disability status, and national origin backgrounds.
- Civil Rights Impact Analyst (CRIA) - Identifies and compares/contrasts/ alternatives that could eliminate, alleviate, or mitigate adverse and disproportionate civil rights impacts for the affected groups or classes of persons. (See Departmental Regulation 3400).
- Federal Register Notice - To announce the establishment, re-establishment, or renewal of the committee at least 15 calendar days prior to filing the charter with Congress and the Library of Congress.

Following preparation and submission of these documents, the Secretary may approve the charter, publish it in the Federal Register and then file the charter with Congress, the Library of Congress and the

² Stoellinger, et al., *Collaboration through NEPA: Achieving a Social License to Operate on Federal Public Lands*, 39 Public Lands & Res. L. Rev 203, 249 (2018).

³ Melinda Harm Benson, *Integrating Adaptive Management and Oil and Gas Development: Existing Obstacles and Opportunities for Reform*, 39 Env. L. Rep. 10962, 10967-68 (2009).

⁴ Stoellinger, *supra* note 1, at 249-50.

⁵ U.S. Forest Service Manual 1300, ch. 1350 § 1352.1.

⁶ *Id.*



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General Services Administration ("GSA"). Upon completion of these events, the FAC may begin to meet and take action.

Once established, a FAC must comply with certain procedural, including:

- Noticing FAC meetings in the Federal Register;
- Opening meetings to the public;
- Giving the public access to the information the FAC uses;
- Granting the federal government the authority to convene and adjourn the meetings;
- Resubmitting a FAC charter every two years; and
- Terminating the FAC within two years unless the FAC is renewed or otherwise provided for by statute.

The Working Group should consider whether pursuing FAC-status is worth the potential procedural and logistical challenges.

Non-FACA Options

The following options avoid the requirements and restrictions of a FACA-compliant committee. As noted above, FACA only applies when a federal agency establishes, utilizes, controls or manages a group that includes non-governmental members and provides the federal agency with consensus advice or recommendations. The following options avoid FACA by unchecking some of these boxes. But, as a result, each has its own limitations.

Option 2: Identify a Non-Federal Convener

To avoid FACA, but still give recommendations to the Forest Service regarding management, a non-federal entity could convene the group.⁷ This is the same approach that the TBNG Prairie Dog Working Group has taken.

Under this option, the group may collectively give recommendations to the Forest Service regarding implementation of the TBNG Plan. Further, the group may include non-governmental entities, such as landowners and non-profit organizations. The Forest Service may also participate as a stakeholder.

This option does require a non-federal entity to establish, manage and control the group, including convening the group, identifying participants, setting the agenda and generally overseeing the process. It may be difficult to identify a non-federal convener willing to take on the role now and in to the future as implementation of the TBNG Plan continues.

⁷ 41 C.F.R. § 102-3.40(d); U.S. Forest Service Manual § 1300, ch. 1350 § 1351(7)



Option 3: Convene Open Meetings

The Working Group may also consider asking the Forest Service to convene open informational meetings at which interested members of public may discuss issues relating to the TBNG Plan. Groups that are “assembled to provide individual advice” or “to exchange facts or information” are not subject to FACA.⁸

This option avoids FACA compliance and requirements and anyone, including landowners or members of non-profit organizations, are welcome to attend the meetings and provide comment. However, participants may not collectively advise agency, though they may give recommendations to the Forest Service individually. Without a formal, closed group, it will not be possible to present the Forest Service with collective recommendations—a drawback to this option.

Option 4: Limit Participation to Government Entities

The Working Group may also consider limiting participation to government entities to avoid FACA requirements. Committees composed entirely of Federal, State, local and tribal government representatives are not subject to FACA.⁹

Often, committees composed of only government representatives are called a “steering committee.” For example, the Bighorn National Steering Committee is made up of Forest Service managers and cooperating agencies, including county commissions, conservation districts, and State of Wyoming agencies. These “steering committees” avoid FACA requirements because they are composed of all-government entities.

Under this option, the group may collectively present recommendations to the Forest Service. One apparent disadvantage of this option is that neither landowners nor members of non-profit organizations may be part of the group.

⁸ 41 C.F.R. § 102-3.4(e) and (f).

⁹ *Id.* § 102-3.40(g).



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Conclusion

As described above, while FACA limits the Forest Service's ability to receive recommendations from a collaborative group, there are alternatives that may satisfy the objectives of the Working Group. In choosing an option, the Working Group should consider the time and resources available to establish the group, the group's participants, in what form the group will advise the agency (individually or collectively), whether there are potential non-federal entit(ies) willing to convene the group and the Forest Service's willingness to manage or utilize the group.

To summarize, the following table presents the important aspects of the four options presented above.

	Option 1: Convene a FACA Group	Option 2: Identify a Non- Federal Convener	Option 3: Convene Open Meetings	Option 4: Limit to Government Entities
Does FACA apply?	Yes	No	No	No
Can non- governmental representatives participate?	Yes	Yes	Yes	No
Can the group collectively give advice to the agency?	Yes	Yes	No	Yes
Can the Forest Service convene the group?	Yes	No	Yes	Yes

Attachment 4 – Participant List

This attachment contains contact information for all those who attended the meetings according to our records. Attendance was also recorded throughout the course of the meetings but is not included here.

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