

Appendix G

Report from the emergency Meeting on State-wide Issues Regarding Bighorn/Domestic Sheep Interaction May 31, 2001, at the Red Canyon Ranch

Participants

Bryce Reece, Wy. Woolgrowers (WWGA)
Doug McWhirter, Wy Game & Fish Dept. (WGFD)
Dan Stroud, WGFD
John P. Erramouspe, rancher
Ron Micheli, Wy. Dept of Agriculture (WDA)
Kevin Hurley, WGFD
Truman & Mrs. Julian, ranchers
Terry Kreeger, WGFD
Mary Thoman, rancher
Fred Roberts, rancher
Ken Hamilton, Wy. Farm Bureau (WYFB)
Pati Smith, Senator Thomas' Office
Jim Magagna, Wy Stock Growers (WSGA)
Dave Roberts, State BLM office
Cat Urbigkit, rancher and reporter
Regan Smith, rancher
Jim Logan, State Livestock Board/State Veterinarian
Mesia Nyman, B-TNF Greys River District Ranger
Levi Broyles, B-TNF Vegetation Manager
Greg Clark, B-TNF Big Piney District Ranger
Lyn Shanaghy, Sen. Enzi's Office
Vern Vivion, rancher
Bonnie Cannon, Rep. Cubin's office ,
Rob Hellyer, rancher
Jim Hellyer, rancher
Jim Collins, rancher and FNAWS
Tom Ryder, WGFD
Bill Taliaferro, rancher

Facilitator: Bob Budd, The Nature Conservancy-Red Canyon Ranch (TNC-RCR)

Recorder: Carol Kruse, Wy. Office of Federal Land Policy (OFLP)

Bryce Reece explained that he asked for this meeting because he got a call from Jim Collins that FNAWS had brokered a sheep allotment buy-out deal on the B-TNF. Bryce's understanding was that, although the permittees involved were pleased with the deal, there would be a net loss to the industry of 4,000 (later corrected to 2,800) domestic sheep summer range AUMs in Wyoming. He also did not realize this was the "unidentified permittees" discussion in Kevin Hurley's FNAWS update at the April meeting, so he thought this was the first he was hearing of this deal - after it was all completed. He also expressed frustration over a similar permit buy-out deal where an Idaho rancher was actually better served, but Wyoming wound up losing AUMs (although Idaho gained some - this deal was mentioned in the 4/4 meeting notes), and again he found out about that one only after negotiations were completed. Bryce explained that the sheep ranchers were here long before the Forests were established, that the Forests (with FNAWS' help) are picking off the domestic sheep summer range allotments one by one, and that FNAWS is getting WGF Commission licenses to sell then they're turning around and using that revenue to buy out domestic sheep AUMs in the state. Bryce felt stabbed in the back, after 18 months of meetings with this group and WWGA helping get funding for the Wildlife/Livestock research effort. He wants Bighorn sheep in this state, but he wants domestic sheep industry in this state, too. He is suffering an additional frustration in that he's made several FOIA (Freedom of Information Act) requests of the FS

recently regarding this issue of consistent loss of domestic sheep AUMs off FS lands, and keeps getting refused or told there is no information in their files.

Greg Clark responded that he wants to meet with Bryce individually to discuss the Idaho deal the FOIAs, but that the Forest Service cannot commit to No Net Loss of domestic sheep AUMs in deal. They can commit to having that as an alternative, as an option, in any domestic sheep allotment consideration, but they cannot make a guarantee. They are struggling to sustain the sheep cattle AUMs they have right now.

Kevin Hurley asked if there had actually been an agreement by the whole group that there should be no net loss (NNL) of domestic sheep AUMs - some people seemed to think so, others didn't. He referred the group to the "Chronology of 'No-Net Loss' Discussions" compiled by the WGFD prior his meeting. (WGFD personnel went through the minutes of all meetings up through December 2000, and their notes of the April 4 meeting, and pulled out all the NNL discussions. There will be more copies available at the next meeting, but contact Carol (307-777-5261 or ckruse@state.wy.us) if want a copy before then.) Bob Budd paraphrased what he has understood from the group over the t meetings:

NNL is a desirable outcome. It does not necessarily mean replacing domestic sheep AUMs at the same place or even by the same agency (though cross-agency replacements will admittedly not be easy). The group has also discussed the opportunity to use vacant allotments to replace lost AVMs.

Bryce added that it won't work to replace summer grazing AUMs in this area with winter grazing AVMs in that area, and that with few exceptions, replacing sheep AUMs in Wyoming with sheep AUMs in another state isn't acceptable, either.

Jim Collins responded that this working group has been very beneficial to both Bighorns and domestic sheep industry, and that as a result of this group's work, FNAWS is committed to making a concerted effort to replace the lost AVMs somehow - that "phase 2" just hasn't been completed yet, but it has been started. He said that, as a result of this group's work, FNAWS is in the process of writing a letter to the FS requesting that allotment closures not be permanent, but be reviewed during the Forest Plan revision process. If new information or new technology reduces or removes Bighorn/domestic sheep conflicts, those vacant allotments would once again be available for domestic sheep grazing. (Greg Clark said the FS could do that for vacant allotments because there's more decision flexibility there. He wasn't sure about being able to do that on closed allotments.) Jim asked his group could meet in mid-July to get a real commitment, from the agencies, to look for replacement AUMs for this B-TNF deal.

Bob Budd asked how we could avoid being at loggerheads and having this discussion every time an allotment buy-out deal happens.

Jim Magagna said the key is to get all these catchy phrases captured into a process, but wondered how we can do that. One idea would be to have the replacement of AUMs discussion up front before any buy-out deals are finalized, rather than as 'phase 2.'

Truman Julian noted that the main players are the federal agencies, so if they aren't willing to address this, NNL won't happen.

That prompted Bob Budd to ask Mesia Nyman and Greg Clark to fully explain their allotment management process so everyone can understand any impediments to NNL in their processes.

Mesia and Greg responded that vacant FS allotments can be re-stocked in three ways:

- 1 - going through a NEPA analysis. The decision could be either at the District Ranger or Forest Supervisor level.
- 2 - adding that allotment to an existing active allotment. That is a District Ranger-level decision.

- 3 - opening it for emergency use (ie, if fires have burned permittees out of their regular allotments, if bear predation is chasing a permittee out of a regular allotment, etc). This may be a Forest Supervisor decision.

Levi Broyles continued, explaining that the FS system doesn't recognize "preference buyers" if any permittee takes non-use for more than 3 years or returns their permit to the FS, the allotment becomes "vacant" and is available for a variety of competing uses and users. Vacant allotments are reviewed whenever there are competing uses or competing permit applicants. The FS will analyze the vacant allotment, then decide if they want to give the permit to which particular permittee, keep it vacant for emergency use, use it as a grassbank for drought or prescribed burn situations, etc. He also noted that the FS likes to keep their allotments less than 100% stocked, so there is flexibility to work with the permittee - for example, in case conditions allow them to stay on the allotment an extra 2 weeks. The FS does not, as standard practice, look at replacing vacated AUMs.

Mesia noted that on the Greys River District they have 1 closed and 2 vacant allotments. They have yet to do NEPA on those vacant ones so they can be re-stocked. (One is very marginal due to topography and poisonous plants, the other is marginal due to topography.) There are no permittees asking to use either one, and NEPA analysis is required on stocked allotments, too, so the FS has been working first to complete NEPA analysis on occupied allotments. That priority was switched this year in the FS, so they'll be doing NEPA on those vacant allotments as soon as they can. They will be considering an alternative to keep those vacant allotments as grassbanks, because the Greys River RD needs to do a lot more prescribed burning in the next few years.

Greg Clark noted that there is only 1 sheep allotment on the Big Piney District (which is active)- the others are all cattle allotments.

Bill Taliaferro stated that in 1951 there were 12,000 sheep on the B-TNF; today there are 5,000, and yet the FS is saying there are no available AUMs. He and Bryce asked what happened to grass that was there in 1951. Greg said that in addition to numbers of sheep, you'd have to look at the condition of the land then, forage production then, etc. Mesia said part of what is going on is that the FS is working to restore resources which were over-used in the past. When asked if that could be documented, she said yes. Levi said it has less to do with how much grass there is than it does with how we view the grass.

In response to the same questions, Dave Roberts said BLM processes are very different from the FS. To begin with, BLM permits are tied to base lands (commensurability), so whoever owns or leases the base (deeded private) lands has permit preference for the BLM lands under those permits. If the base property is transferred to a new owner, the permit is also transferred, but then BLM has to do a NEPA analysis of the allotment to be sure it can sustain the new use. A change in class of livestock does require a NEPA analysis, but not a Resource Management Plan amendment - the change is generally handled at the AMP level. These are all Field Office Manager-level decisions. The BLM doesn't use the term "vacant allotment," but they do have non-use suspended AUMs. This comes from Taylor Grazing Act.

When the Taylor Grazing Act was passed, BLM went through an adjudication process in which the ranchers using the public lands at that point in time were asked to identify where they ran their livestock, how many they ran, what type of livestock it was, etc. Based on this information, lines were drawn on maps to establish allotments and AUMs. The number of AUMs identified during this process were not necessarily the number of AUMs any given allotment could sustain, based on available forage. The numbers of animals identified during the adjudication process are referred to as Class I privileges, or preference.

Over time, producers realized that forage to sustain preference-level numbers was not available, at least in some allotments, and they voluntarily reduced their AUMs to "fit" the available forage production. This adjusted number is called "active use."

The difference between preference and active use is non-use suspended AUMs.

In order to stock at some rate higher than active use, the BLM would have to do a NEPA analysis on any given allotment to determine whether or not the forage could sustain a higher use. Right now he cannot say if there are or there are not additional AUMs available on BLM lands - there would have to be site-specific NEPA analyses done to determine that on any given allotment.

When asked what happened to the grass that was available pre-Taylor Grazing Act, Dave said there are lots of answers. The carrying capacity is not always the same as it was 100 years ago, due to various reasons such as erosion of soils, change of plant community composition over time, etc, some grass wasn't ever there to begin with, as reflected in the suspended AUMs; some has gone to other uses like coal mines, landfills, recreation uses, etc.

Ron Micheli said that, regardless of all this, the fact is that there has been a 40% decrease in AUMs in the last 50 years, but both BLM and FS are saying there are no more AUMs available. Dave said that could be true. Bob Budd said we may all need to change the way we view AUMs, that that won't happen here, but that at least this group has made a statement about the importance of this issue.

Bryce mentioned that there are 1/2 as many sheep in Wyoming as there were 8 years ago. Kevin questioned how much of that decline is due to Bighorn sheep issues. Regan Smith noted that conditions have changed over the last 50-60 years. When allotments were overstocked back in the 40s and 50s, it was in response to high demand for wool for the soldiers in WWII and food production. Back then, food production was driving the nation's economy. That's changed. Until the need to duce food is again driving the economy and makes the allotments more valuable for food production than for other uses, we probably won't see an increase of grazing on public lands.

Doug McWhirter asked if vegetative treatments have increased forage production enough that AUMs on a given allotment could be permanently increased, or new allotments could be created. Greg Clark said vegetative production has increased on some allotments but only temporarily, and they haven't seen a big enough increase anywhere to create new allotments.

Bob Budd wondered if the FS considers AUMs on vacant allotments, once the NEPA analysis is done, as potential or as lost. That depends on the results of the analysis. Legally, the AUMs on vacant allotments are unavailable, but maybe they could change to view them as potentially available to increase existing AUMs.

When asked if NEPA analysis is required to change the use of an allotment from domestic sheep to Bighorn sheep, Levi said vacating an allotment can be a non-NEPA administrative decision. Closing an allotment to domestic sheep may or may not require NEPA, it depends on the reason for the closure.

Bill Taliaferro asked why three particular allotments were closed in the first place. Greg answered that there were several permittees who expressed interest when those allotments were vacated, so they had to do a NEPA analysis to address possible new situations under those possible new permittees. In response to that and other resource issues that came out of the analysis, the FS decided to close them.

Bill said he was attending these meetings because he needed to deal with potential sheep problems. Now, according to his Annual Operating Plan, he has to also deal with stream sediment loading problems, trout problems, and ground cover problems. The thresholds the FS is using to determine that there is a problem have never been peer-tested, and they're not even testing the unused allotments for these problems. The FS insisted on putting his unloading docks where he didn't want them in the first place, and now they're telling him he can't use them so they can keep the hunters happy. So, even if this group can remove Bighorn/domestic sheep conflict problems, there are all these other issues cropping up now. He asked the FS to just be honest and tell the permittees if they want them off the Forest, instead of continuing to come up with new problems as existing ones are resolved. He and Bryce both expressed

their feelings that there is a conspiracy to get sheep off the rests. Greg assured them both there is no conspiracy, but that the FS is dealing with a lot of conflicting demands and new management directives due to changes in society.

Bob Budd noted that we could not deal with the sediment loading and other issues today, only the NNL issue.

Truman Julian noted that there needs to be some coordination, that WGFD needs to set priorities and identify this allotment that they'd like for Bighorn sheep, but we don't mind if that allotment over there is opened as a replacement. Kevin Hurley said WGFD does try to do just that.

There was a lengthy discussion on how exactly any replacement AUMs had to replace the lost AUMs...ie, could lost summer AVMs be replaced with winter AUMs in another part of the state or even in another state, or could they even be replaced with cattle AUMs, or did summer AUMs in the Wyoming Range have to be replaced with summer AUMs in the Wyoming Range. While it was agreed that the latter was the ideal, it was also acknowledged that the economic viability of the individual producer(s) involved in any given deal might be better served by one of the other options. Some expressed an interest more in keeping the agriculture industry viable, rather than focusing only on the sheep industry, but Bryce said the WWGA cannot accept that reasoning. Bryce gave 2 criteria GA wants met in any buy-out:

- 1 - maintenance of the existing permittees operations (NOT of their allotments, necessarily, but of whatever the permittees want and need to maintain their operations)
 - 2 - maintenance of existing like AUMs in Wyoming
- Maintaining the AUMs base is the key point.*

Jim Collins noted that having to be that particular about replacement AUMs will really limit the options for replacement.

Kevin pointed out that the environmental community is very uncomfortable with FNAWS' willingness to pay permittees for their permits. Those others do not like the implied acknowledgement that there is an economic value to permits. But, the producers are benefiting economically from that recognition by FNAWS. And in these deals, the producers have approached FNAWS, not the other way around.

There was discussion about the possibility of re-configuring allotment boundaries to remove potential Bighorn/domestic conflicts. The FS can do that without NEPA analysis. FNAWS supports that option. It was agreed that we need maps of the dozen or so allotments that overlap into Bighorn range, and of the vacant allotments. Dan Stroud will get that map to Carol, so she can distribute it to the whole group with the draft final report, early in July.

Jim Collins stated that extending non-use beyond 3 years, instead of converting an allotment to vacant status at that point, would open up many AUMs. Congress needs to make that change in FS management. He also noted that the BLM may have unused horse AUMs that are not being reverted to sheep or cattle, but could be. Dave Roberts said to bring those specific cases to their attention and they'll analyze the possibility of changing class of livestock.

Carol asked if perhaps a small group should do a needs assessment of the Wyoming domestic sheep industry to find out which sheep producers are looking for what type of AUMs and where. Then, looking at the maps, perhaps those needs could be matched to available AUMs.

Bob stated that was beyond the scope of this group, but that we do need a smaller group to address the NNL issue with specifics and to expand on the Habitat Committee's recommendations. Discussion turned to the need for, and real agency commitment to, habitat improvement projects.

FNAWS wondered if some of the money allocated for wildlife could be used to do water development projects, prescribed burns to reduce encroaching conifers, etc., that would benefit both wildlife and domestic livestock, making more AUMs available in previously-unusable areas. Truman Julian believes the FS needs to commit to doing those kinds of projects, and noted that even though the increased forage production is temporary, 'temporary' is a 20-year time frame which is useful for producers.

Bob reiterated that a small group needs to get specific about how many AUMs are we talking about on the 12 allotments with overlaps in Bighorn sheep range, determining if range improvement projects really do increase AUMs in a useful amount, determining whether or not prescribed burning and logging help open up habitat, identifying the difference between management styles on different Forests and between agencies, etc.

Regan Smith noted that Bighorn sheep numbers have declined at the same time as domestic sheep numbers have declined. Comparing old photographs of this country with today's views, it's obvious we have a lot more trees now. We need to get specific information that will educate the public on the need to increase total AUMs. Use the Bighorn to get the public's support - the domestic sheep will benefit, too, but the public doesn't care about domestic sheep, and they do care about Bighorns. We need to develop a sales campaign for Bighorns that will also benefit the sheep industry. This group needs to develop that kind of marketing information and a marketing strategy, and WWGA and WISGA need to support those kinds of efforts.

Bob established a committee comprised of the following volunteers:

- Ron Micheli, chair
- Bryce Reece, Bill Taliaferro alternate
- Dave Roberts
- Levi Broyles (he needs to be able to speak for both Regions 2 and 4)
- Ken Hamilton
- Mary Thoman
- Kevin Hurley
- Jim Collins
- Jim Magagna
- Dan Stroud

Their charge is:

Develop a list of approximately 15 specific projects and/or management policies and/or administrative decisions that will enhance core native Bighorn sheep herds and/or their habitat, without resulting in loss of domestic sheep AUMs within Wyoming. Prioritize that list, and submit it to the State-wide Bighorn/Domestic Sheep Interaction Working Group, preferably by mid-July, 2001, but no later than September 1, 2001.

For example, if a WGFD objective is to achieve separation on 24 allotments, write down the 24 allotments, the number of AUMs involved, and identify where replacement AUMs could be found. If conifers are encroaching on a particular Bighorn range, identify where a prescribed burn or timbering (or both) needs to take place, on how many acres, and other pertinent details. If there is a vacant allotment that could be used for replacement AUMs, write down which one it is and whether or not NEPA analysis has been done or is needed.

The next full meeting of this group, to consider that committee's report, will be determined by when that report is submitted and everyone's schedules at that point. It may be late in September or in October, or we may incorporate this into the agenda for the already-scheduled December meeting in Dubois (Dec. 6 & 7). Bob and Carol will make every effort to incorporate this committee's recommendations into the preliminary report Bob will present at the WGF Commission meeting on September 10.