



Wyoming
DEPARTMENT OF Agriculture

Mark Gordon, *Governor*
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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.

July 9, 2026

U.S. Department of the Interior, Director (630)
Bureau of Land Management
1849 C. St. NW, Room 5646
Washington, DC 20240

Dear Director:

Following are the Wyoming Department of Agriculture (WDA) comments regarding the Bureau of Land Management (BLM) proposed rule to modernize the grazing program including 43 CFR 4100 regulations and the relocation of 43 CFR 4180 to a proposed Section 1700.

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. As the proposed rule could affect our industry, citizens, and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

WDA appreciates the concerted effort to modernize the BLM's grazing regulations. This includes modifying the Fundamentals of Rangeland Health and Standards and Guidelines for Grazing under 43 CFR 4180, as well as proposing the new Fundamentals of Land Health under Section 1700.1.

§1700.1 Fundamentals of Land Health and Standards for Program Administration

We fully support the proposal of Section 1700.1, which applies the Fundamentals of Land Health to uses other than livestock grazing. Historically, the BLM analyzed livestock grazing permit renewals under the National Environmental Policy Act (NEPA), incorporated a Standards Determination, and identified standards not meeting the Fundamentals of Rangeland Health. If livestock grazing was found to be a significant causal factor, the BLM would then modify the permits to ensure progress toward meeting those standards by the next grazing season.

The newly proposed Section 1700.1 will require BLM to analyze all the uses across their lands, under the multi-use mandate. The analysis will determine if these uses are contributing to not meeting the Fundamentals of Land Health. Each of these uses has the potential to impact the resources found across BLM lands. In cases where there is adequate permit review, including coordination with regulatory state agencies, decisions likely already incorporate additional guidance, such as weed management plans, Best Management Practices (BMPs), and reclamation plans. Our primary concern lies where there is a lack of oversight or mitigation. Uses such as dispersed recreation, off-highway vehicle (OHV) travel, and wild horse populations above Appropriate Management Levels (AML) may have direct negative impacts on resources. Furthermore, they frequently overlap with livestock grazing allotments, resulting in reduced forage, streambank erosion, and conflict with livestock or guardian animals.

The BLM proposes to remove air and water quality from Section 1700 and Standards Determinations, given that state agencies possess the oversight and authority to address exceedances and implement projects targeting the causal factors of non-compliance. WDA supports removing these two standards from BLM decisions, including the Fundamentals of Land Health. However, certain statements remaining within Section 1700 could cause future confusion if air or water quality metrics are inadvertently retained elsewhere in the Fundamentals of Land Health.

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First example: §1700.1(a) states: “Watersheds are in, or are making significant progress toward, properly function physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform; watershed, riparian-wetland, and hydrological processes maintain or **improve water quality**, water quantity, and timing and duration of flow (emphasis added).”

Second example: “Rapid landscape-scale condition assessments assess and synthesize information on the condition of soil, **water**, habitats, and ecological processes that are relevant to the fundamentals of land health identified in § 1700.1 (emphasis added).”

While the WDA does not oppose the proposed use of Rapid Landscape-scale condition assessments for completing land health evaluations, we urge the BLM to provide greater clarity on their implementation. Specifically, if a site-specific area exhibits resource issues, we question how the remaining users across that broader landscape, including livestock grazing permittees, might be negatively impacted. Additionally, we request clarification on what documented proof will be required to establish when an evaluation is officially 'initiated' under the 90-day timeline. Finally, because there is frequently a lack of quantifiable data available for completing lands health evaluations, we are concerned that subjective determinations could have severe, long-term consequences for public land users.

The WDA recommends removing references to air and water quality metrics to promote clarity.

§4100 Grazing Administration

The WDA manages an established state mediation program that has been certified by the United States Department of Agriculture (USDA) since 1987. Accordingly, we strongly support the Department of the Interior’s utilization of mediation as an approved appeals process. While we provide the existing relevant statutes below, we specifically request that **43 CFR § 4100.0-5 (Definitions)** be amended to incorporate the following definition for mediation:

“**Mediation** means a confidential process in which parties to a dispute meet with a neutral, mutually acceptable third party who assists them in negotiating their differences with the goal of reaching a mutually agreed-upon solution”

We also encourage the BLM to include a formal definition for 'Active Use' under Section §4100.0-5. Currently, there is significant inconsistency and confusion regarding the interchangeable use of terms such as permitted use, suspended use, active use, active grazing, and actual use. Clearly defining 'Active Use' will provide much needed regulatory clarity for both agency staff and permittees.

§4110.2-2 Specifying permitted use

The section states: “Active use will be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan, or subsequent decision... (emphasis added).” If permitted use comprises active use **plus** any suspended use, limiting a land use plan strictly to active use would restrict the scope of the NEPA analysis, preventing the authorized officer from reinstating suspended Animal Unit Months (AUMs) in the future. We are concerned this language will improperly constrain future land use plans and eliminate the mechanism for permittees to reinstate their AUMs when range conditions improve and forage increases. To preserve this flexibility, we recommend the statement read:

“Permitted use will be used for decisions in the land use plan, activity plan or subsequent decision...”

§4110.3-2 Decreasing Active Use

The proposed statement: “(c) Where active use is reduced under paragraphs (a) and (b) of this section it will be held in suspension until the permittee applies for active use to resume, and the authorized officer approves that application.”

WDA's primary concern lies in the implementation of this section. According to subsection (a), "Active use may be suspended in whole or in part on a temporary basis due to drought, fire, or other natural causes, or to facilitate installation, maintenance, or modification of range improvements." In drought years, many permittees proactively reduce their stocking rates ahead of the grazing season. Currently, this voluntary difference between their permitted AUMs and actual use is not placed into formal suspension. Based on our experience, once AUMs are placed in suspension, they are incredibly difficult to reinstate. Under the proposed rule, the onus of reinstating suspended AUMs shifts entirely to the permittee through a formal application process. To address this unfair burden, we recommend revising the statement to read:

"Where active use is temporarily reduced under paragraphs (a) and (b) of this section, the BLM will work with the permittee to document the AUMs not utilized to address resource or other identified concerns. The BLM will also consult, cooperate, and coordinate with permittees to develop reasonable and achievable objectives that support returning grazing to the permitted use level. The BLM will assist permittees in identifying when these objectives have been met."

§4110.3-3 Implementing changes in active use

WDA notes that this section appears explicitly focused on closures rather than adaptive management 'changes,' contrasting with the previous section's focus on temporary reductions for suspension purposes. Specifically, Section (2) reads: "After consultation, cooperation, and coordination with affected permittees and the state having lands or responsible for managing resources within the area, the authorized officer will close allotments or portions of allotments to grazing..."

Further under section (i) "The soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, or insect infestation..."

As proposed, permittees are left highly vulnerable to having their AUMs suspended or their allotments closed during drought years. Drought and wildfire are persistent realities across Wyoming and the West. If BLM range staff and authorized officers implement these rigid suspension or closure mandates during a drought year like 2026, the region will likely face the suspension of thousands of AUMs or the closure of hundreds of allotments, proceedings that ignore the more practical, traditional approach of simply reducing stocking rates to a level appropriate for current range conditions.

WDA recommends that any closure language explicitly include the word 'temporary' to ensure these allotments are not permanently closed based on a misinterpretation of the regulations. Additionally, we urge the BLM to evaluate whether sections 4110.3-2 and 4110.3-3 should be merged to clearly distinguish when temporary non-use, suspension, and/or closure occur. We believe many of the issues and resource concerns mentioned in these sections would be more appropriately addressed under section 4130.4.

§4120.3-3 Range improvement permits

The statement reads: "(2) The authorized officer may mediate disputes about reasonable compensation and, following consultation with the parties to the dispute, make a determination concerning fair and reasonable share..."

Although the WDA operates an established state mediation program, the BLM currently lacks the regulatory framework to utilize mediation in grazing disputes. There is currently no regulatory guidance or framework outlining how an authorized officer would initiate or request mediation to address these conflicts. We strongly advocate for the codification of mediation processes across all BLM and Department of the Interior actions, mirroring the successful framework currently utilized by the USDA.

§4130.4 Authorization of temporary changes in grazing use within the terms and conditions of permits, including temporary nonuse

WDA supports increasing the flexibility of on-and-off dates for grazing allotments. As proposed, this section states that permittees have 21 days before or after the specified dates on the permit to utilize forage, provided that doing so does not exceed the amount of active use specified in the permit.

WDA respectfully request BLM increase the flexibility from 21 days to 30 days.

Section (2) states: “The authorized officer will not authorize anyone to graze forage made available as a result of temporary nonuse approved under paragraph (f)(1) of this section.” WDA appreciates the BLM supporting a permittee’s decision to take temporary non-use for resource conservation, enhancement, or protection by ensuring that forage is not allocated to other users. However, if a permittee takes temporary non-use for personal or medical reasons, the proposed language could allow the authorized officer to issue a temporary use permit to another producer without consulting the existing permittee. WDA is concerned about this lack of mandatory consultation.

A new operator utilizing a temporary use permit on these allotments may not manage livestock grazing as rigorously, potentially exacerbating resource areas needing protection or failing to maintain range improvements to the same standard as the existing permittee. Therefore, WDA strongly encourages the BLM to give the primary permittee the opportunity to provide formal input before the authorized officer issues a temporary use permit to another permittee.

§4130.6-3 Trailing permits

Trailing livestock is imperative for many Wyoming grazing permittees. While this section correctly grants the authorized officer the ability to issue trailing permits across public lands, it notes that “such decisions will remain in effect pending the decision on appeal unless the Office of Hearings and Appeals grants a stay in accordance with part 4 of this title.” The WDA requests that the BLM explicitly clarify whether trailing permits require NEPA analysis. Currently, Wyoming BLM offices have varying interpretations and implementations of NEPA when analyzing the effects of trailing. We urge the BLM to provide clearer, standardized direction on NEPA requirements versus a straightforward authorized officer decision. Furthermore, WDA views trailing disputes as an excellent opportunity for mediation before a formal appeal is filed. Appeals are costly and time-consuming; many permittees lack the sole capacity to navigate the appeals process, making mediation a vital, cost effective alternative.

§4160.2 Protests

While we appreciate the BLM increasing the protest period from 15 to 20 days under the proposed rule, the WDA supports aligning these timelines the USDA, which allows a 30-day objection period for Environmental Assessment decisions. We recommend adjusting the BLM’s proposed protest period from 20 days to 30 days.

Additionally, we strongly urge the BLM to incorporate mediation options following adverse decisions for livestock grazing permittees. Since 2004, WDA has successfully conducted numerous grazing appeal mediations for the U.S. Forest Service, as well as adverse decision appeals for the Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA), and Rural Development. Implementing a similar mediation framework would allow the BLM to replicate these proven benefits, significantly reducing staff time spent on appeals, lowering legal costs, and accelerating local level decisions by authorized officers. Furthermore, mediation offers permittees a vital opportunity to resolve conflicts without the burden of formal legal appeals and expensive attorney fees.

We offer the following existing USDA regulations for BLM to consider.

§ 214.6 Notice of an appealable decision.

(a) The Responsible Official shall promptly give written notice of decisions subject to appeal under this part to the affected holder, operator, or solicited applicants and to any holder of a similar written authorization who has made a written request to be notified of a specific decision.

(b) If the decision is appealable, the notice must specify the contents of an appeal, the name and mailing address of the Appeal Deciding Officer, and the filing deadline. The notice shall also include a statement indicating the Responsible

Official's willingness to meet with the affected holder, operator, or solicited applicants to discuss any issues related to the decision and, where applicable, informing term grazing permit holders of the opportunity to request mediation in accordance with 36 CFR 222.20 through 222.26.

§ 214.8 Appeal content.

Specific requirements for the contents of an appeal. In addition to the general requirements in § 214.8(a), the following specific requirements must be included in an appeal, where applicable:

- (1) A request for an oral presentation under § 214.16;
- (2) A request for a stay under § 214.13; and
- (3) A request to participate in a state mediation program regarding certain term grazing permit disputes under 36 CFR part 222, subpart B.

Mediation Definitions: <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-VII/subchapter-D/part-785/section-785.2>

In closing, we appreciate the BLM's efforts to update the revised regulations for grazing administration and allowing public input into the proposed rule. If you have questions, please contact Justin Williams, Senior Policy Analyst at 307-777-7067.

Sincerely,



Doug Miyamoto
Director

DM/jw

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Association of Conservation Districts
Wyoming Game and Fish Department
Wyoming County Commissioners Association
Public Lands Council



July 13, 2026

Ruth Miller
Bureau of Land Management
Lander Field Office
1335 Main Street
Lander, WY 82520

Dear Ms. Miller and Mr. Novotny,

Following are the Wyoming Department of Agriculture (WDA) Environmental Assessment (EA) comments regarding the Bureau of Land Management (BLM), Lander Field Office (LFO) and Rawlins Field Office (RFO) for the Herd Management Area Plans (HMAP) for the Antelope Hills, Crooks Mountain, Green Mountain, Lost Creek, and Stewart Creek herd management areas (HMA).

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. As the proposed project could affect our industry, citizens, and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

Purpose and Need

The WDA supports the BLM's efforts to analyze the EA to gather wild horses in the five HMAs. The estimated population of 2,300 wild horses is nearly five times the lower appropriate management level (AML). WDA recommended the BLM develop two alternatives: No Action and Proposed Action. However, BLM analyzed three alternatives: No Action, Alternative A, which includes fertility control, and Alternative B, which is removal only with no fertility control.

While we understand and support analyzing a width under the EA, we don't believe Alternative B meets the intent of the Purpose and Need Statement, specifically the following:

"The other purpose of this action is to restore and maintain a TNEB by maintaining wild horse populations of the Red Desert Complex within the established AML ranges as established in the appropriate Land Use Plans (LUPs) for each HMA; to remove wild horses located outside - designated HMA boundaries; and to implement long-term strategies for reducing wild horse population growth rates and maintaining established AML by following the objectives detailed in the HMAP (emphasis added) (EA pg. 8)."

Alternative B does not implement long-term strategies to reduce wild horse population growth rates, nor does it maintain the population within the established AML. We cannot support Alternative B, because it fails to meet the Purpose and Need of the EA.

Sage-Grouse RMP Amendment

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WDA specifically requested BLM include all three Management Actions from the Wyoming Greater sage-grouse Range-wide Planning Approved Resource Management Plan (RMP) Amendment in our Scoping comments. However, BLM failed to include the third Management Action.

- 1) Management Action 1: "Where wild horses and burros overlap with GRSG:
 - a. Manage wild horse and burro populations within established Appropriate Management Levels (AML) **AND**
 - b. Incorporate GRSG habitat objectives into wild horse and burro management (e.g. herd management area plans, AML) monitoring, and gather prioritization, with prioritization of such activities in PHMA, then GHMA."
- 2) Management Action 2: "Manage wild horse and burros herd management areas in GRSG habitat (or portions of the herd management area overlapping or within GRSG habitat) within the established AML ranges to achieve and maintain GRSG habitat objectives and achieve or make significant progress toward achieving LHS, considering the full suite of approaches to maintain AML, including temporary fertility control and non-reproducing or partially non-reproducing herds. "
- 3) Management Action 3: "If GRSG site-scale habitat objectives are not being met in PHMA and GHMA, evaluate AMLs and adjust, if necessary through the NEPA process where wild horse or burro use is identified as significant causal factor to not meeting LHS, or is a factor in the area not meeting the GRSG habitat objectives."

We believe it is imperative to have all three management actions included in this EA to ensure compliance with the RMP. Furthermore section 3.8 "**Issue 8: How would the alternatives affect greater-sage grouse and their habitat within Priority Habitat Management Areas?**" is under analyzed and misleading for the following reasons:

- 1) Management Action 1b. states: "Incorporate GRSG habitat objectives into wild horse and burro management (e.g. herd management area plans, AML) monitoring, and gather prioritization, with prioritization of such activities in PHMA, then GHMA.(emphasis added) (EA pg. 12)." This plan has not included any of the habitat objectives into this plan, there is no indication of any monitoring for sage-grouse habitat, and no maps show the overlap with the HMAs, PHMA, or GHMA.
- 2) Management Action 2 requires BLM to "Manage wild horse and burros herd management areas in GRSG habitat (or portions of the herd management area overlapping or within GRSG habitat) within the established AML ranges to achieve and maintain GRSG habitat objectives and achieve or make significant progress toward achieving LHS, considering the full suite of approaches to maintain AML, including temporary fertility control and non-reproducing or partially non-reproducing herds (emphasis added) (EA pg. 12)." This plan fails to include any information related to achieving LHS or the contributing factors of exceeding AML on sage-grouse. Additionally, as our Scoping comments requested, but the EA neglects to analyze the full suite of approaches to maintain AML.

We previously requested the BLM analyze the use of Intrauterine Devices (IUDs) and mare spaying; however, both methods were excluded from the analysis. By omitting these proven and previously approved fertility control methods, the EA fails to incorporate the 'full suite of approaches' required by Management Action 2, resulting in an overly narrow management strategy. The WDA urges the BLM to modify Alternative A to include a broader range of both temporary and non-reproducing fertility control methods.

- 3) Management Action 3: "If GRSG site-scale habitat objectives are not being met in PHMA and GHMA, evaluate AMLs and adjust, if necessary through the NEPA process where wild horse or burro use is identified as significant causal factor to not meeting LHS, or is a factor in the area not meeting the GRSG habitat objectives (emphasis added) (EA pg. 12)." By excluding the site-specific habitat objectives across the HMAs, and excluding

Management Action 3 altogether, the BLM can not monitor wild horses impacts on sage-grouse or the ability to determine LHS. BLM must include Management Action 3, and ensure appropriate monitoring at the site-scale.

On page 61, the EA states: "The complex is located within the assessment areas for the Wind River-Platte mid-scale (second order) HAF analysis (BLM 2024)." The EA notes that this report indicates the region contains some of the highest-quality remaining Greater Sage-Grouse (GRSG) habitat within the species' range. However, the relevant Management Actions explicitly require the BLM to incorporate site-scale (fourth-order) objectives and to monitor at this level to determine LHS compliance and evaluate whether wild horses are a significant causal factor for any non-attainment. WDA strongly recommends the BLM incorporate these three Management Actions and their required components into the analysis to ensure compliance with its own RMPs. Ultimately, the analysis for each alternative must specifically evaluate and determine whether these local objectives and LHS can be achieved.

2.4.3 Fertility Control

The Purpose and Need on page 8 states: "...restore and maintain a TNEB by maintaining wild horse populations of the Red Desert Complex within the established AML ranges..."

The 2014 Lander RMP on page 10 states: "Goal: Manage healthy wild horse herds within appropriate management levels that will..."

The 2008 Rawlins RMP on page 11 states: "Objective: To maintain wild horse herds at appropriate management levels within herd management areas..."

Alternative A on page 15 also states: "manage and maintain healthy wild horses and herds inside HMAs in a TNEB within the productive capacity of their habitat while preserving multiple use relationships," and this requires the BLM to achieve and maintain AML within the complex."

Alternative B excludes all fertility control. Given the statements above require BLM to achieve, manage, and/or maintain wild horses populations within AML, WDA again requests the EA expand Alternative A to utilize IUDs and spaying mares to ensure more options are analyzed and available to reach this requirement. The lack of fertility control in Alternative B makes this alternative non-viable. We do however, commend the BLM for including WDA's scoping recommendation for analyzing bait trapping in the EA.

We believe bait trapping in addition to a wide use of fertility control to ensure the BLM will regularly maintain the wild horse populations within AML, rather than allowing the populations to grow unchecked for a number of years with little to no actions implemented between gathers.

3.7.3.1 Effects of Alternative A

The EA states on page 60: "The project has been stipulated for the pilots to avoid disrupting big game whenever practicable, reducing the risk of disrupting impacts to big game species during operations in every season. In addition, the project has been stipulated to avoid gather operations from November 15 to April 30 in big game crucial winter range (and elk winter range in the LFO as required by the 2014 LFO RMP)."

WDA is concerned that the EA may misinform the public regarding the total number of operational days available for gather activities. On page 14, the EA states: "Gather operations for removal could tentatively be scheduled to start as early as October 1, 2026 and could continue to February 28, 2027 based on outcomes, logistics and on the ground

conditions.” However, if big game seasonal stipulations restrict gather operations from November 15 to April 30, the BLM realistically only has from October 1 to November 15, 2026, to conduct operations. To resolve this contradiction, the EA must include maps clearly identifying where these big game stipulations apply and delineating the specific areas where the BLM can legally continue gathering wild horses through February 28, 2027.

3.10 Issue 10: How would the Alternatives impact Livestock Grazing?

During the scoping period, WDA explicitly requested that the BLM evaluate how excess wild horse populations impact the viability of livestock grazing permits. Specifically, we noted that year-round horse presence makes it difficult to differentiate upland and riparian vegetation utilization between wild horses and livestock grazing. Furthermore, wild horses frequently degrade range improvements by damaging fences, depleting stock tank water, and obstructing livestock access to water. The Draft EA fails to adequately address these concerns. WDA reiterates its request that the BLM comprehensively analyze the economic and operational impacts of wild horse populations exceeding AML on livestock grazing permittees.

We request the environmental effects analysis for Alternatives A and B expand on the impacts of year-round forage utilization by wild horses on livestock grazing permits. As the EA notes, wild horses disperse freely across the complex and naturally gravitate toward livestock allotments with preferable forage or reliable water sources. Unlike wild horses, livestock are strictly bound by mandatory terms and conditions regarding specific utilization levels and LHS. The final EA must thoroughly evaluate how year-round wild horse grazing compromises the ability of permittees to meet these strict regulatory standards.

In the recent past, some permittees within this project area who had not yet turned livestock out onto their allotments found that annual utilization levels were already exceeded due to wild horse grazing. Page 67 of the EA states: 'Reduced year-to-year variation in wild horse numbers would decrease the likelihood of operators needing to voluntarily adjust grazing rotations or reduce AUMs under drought scenarios.' It is highly inequitable for grazing permittees to absorb the over-utilization of forage by wild horses, which has prohibited turn-out in some instances, while being penalized for a failure to meet LHS for riparian and upland vegetation. Furthermore, while the EA attributes these management adjustments to drought, this is an over-utilization issue, not a climate-driven scenario.

The EA asserts on page 67 that “wild horse numbers would be rapidly reduced to low AML and maintained there through fertility control.” However, if previous gathers and current fertility control methods were truly capable of maintaining the population within the AML range, the ongoing need for repeated, emergency-scale gathers would not exist. The resource relief provided to livestock permittees by the agency's current strategy remains short-lived and temporary. It fails to provide the long-term herd stability required to meaningfully resolve rangeland resource concerns when LHS are not being met.

On page 67, the EA states: “Some riparian exclosures are opened to wild horses after the livestock grazing season, some remain closed year-round.” WDA finds this practice deeply concerning. Riparian exclosures are constructed specifically to improve degraded habitats and achieve LHS. Excluding livestock during the grazing season is entirely futile if wild horses are then permitted to degrade those exact same riparian resources for the remaining nine months of the year. This represents a glaring omission in the EA; it is a direct example of how wild horses negatively impact livestock grazing management and nullify resource recovery efforts, yet it is completely unaddressed in the Environmental Effects section

In conclusion, we strongly support BLM's efforts to gather wild horses to low AML, but we urge BLM to address some of the fatal flaws identified in the EA before issuing a Decision Record. We appreciate the opportunity to provide our

Red Desert HMA EA

7/13/26

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comments on this project and look forward to working with your staff in the near future. If you have questions, please contact Justin Williams, Senior Policy Analyst at 307-777-7067.

Sincerely,



for Doug Miyamoto
Director

DM/jw

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Association of Conservation Districts
Wyoming Game and Fish Department
Wyoming County Commissioners Association
Public Lands Council



July 15, 2026

Mr. William D. Wesela,
APHIS National Grasshopper and Mormon Cricket Policy Manager
Regulatory Analysis and Development, PPD, APHIS,
5601 Sunnyside Ave., #AP706,
Beltsville, MD, 20705

Dear Mr. Wesela,

Following are the Wyoming Department of Agriculture (WDA) comments regarding the United States Department of Agriculture, Animal and Plant Health Inspection Service's (APHIS) Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) for grasshopper and Mormon cricket suppression programs.

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. As the proposed project could affect our industry, citizens, and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

The WDA funds grasshopper and Mormon cricket control throughout Wyoming, and oversees any state, local, or private treatments. Wyoming's 23 Weed and Pest Control Districts are the primary entities conducting treatments, either independently, or in coordination with APHIS.

Purpose and Need for the Proposed Action

The NOI fails to establish a clear Purpose and Need for proposing and analyzing the PEIS. APHIS should develop a Purpose and Need statement that describes the underlying problem, potential deficiencies or opportunities the agency has to address the issue, while developing the objective (Purpose) of what they will do to satisfy the identified Need.

Currently APHIS operates under the 2019 Environmental Impact Statement (EIS) and Record of Decision (ROD) where "APHIS would continue to address grasshopper outbreaks by using USEPA-registered chemical insecticides, namely, carbaryl, diflufenzuron, chlorantraniliprole, and malathion, and both conventional rates per label instructions and Reduced Agent Area Treatments (RAATs), applying one of the aforementioned insecticides once per treatment season within a treatment area as needed (NOI 2026)."

WDA is unclear if the 2019 EIS and ROD is non-viable, not compliant with existing laws and regulations, or because the decision has a sunset date. APHIS must clearly indicate why existing management under Alternative 1 in the PEIS is inadequate, as well as how existing Integrated Pest Management (IPM) tools are either insufficient or problematic.

Alternative 1

Alternative 1 is the No Action Alternative and current program from the 2019 ROD, utilizing a wide array of chemical insecticides at both conventional rates and RAATs. During the last seven years of implementing Alternative 1, we are unaware of any instances in Wyoming where the limited, targeted, and conscientious use of malathion or blanket

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applications has had detrimental environmental effects. Alternative 1 allows land managers to use the best available tools to achieve responsible grasshopper and Mormon cricket control. At most, any restriction should be made on a site-specific basis, in coordination with state and local land managers. Yet, APHIS is moving away from Alternative 1 and instead supporting Alternative 4 as their preferred alternative. WDA strongly urges APHIS to provide an extensive overview of concerns or negative impacts of the No Action Alternative in Chapter 2, Alternatives, and/or Chapter 3, Affected Environments of the PEIS.

Alternative 2 and Alternative 3

Alternative 2 indicates APHIS will not fund or participate in any insecticide treatments to suppress grasshopper outbreaks. Rather APHIS “would be limited to surveying, monitoring, and population mapping of grasshopper populations...” WDA believes Alternative 2 would not meet the Purpose and Need, nor the APHIS mission which states: “APHIS’ mission is to protect the health, welfare, and value of our Nation’s plants, animals and natural resources¹.” Alternative 2’s surveying, monitoring, mapping, and technical assistance is entirely insufficient to protect the nation's plants and natural resources from grasshopper and Mormon crickets across 17 western states.

Furthermore, Alternative 3 is equally insufficient, relying on surveying, monitoring, mapping, and technical assistance with the addition of biopesticides. WDA isn’t opposed to including biopesticides into an alternative to give applicators and land owners a wider array of options. However, the NOI does not indicate if the biopesticides products are available for implementation once the PEIS is complete. If the products are not readily available, additional research would be required, which is a lengthy and expensive process. Once research is complete, final approval for their use in the field often takes years. Alternative 3 omits insecticides entirely, and likely would allow pest populations to quickly denude rangeland, especially if other stress conditions like drought are present.

Alternative 4

APHIS identifies Alternative 4 as their preferred Alternative. Alternative 4 indicates it will only use RAATs to apply insecticides, removing conventional rate applications, as well as removing the insecticide malathion to suppress grasshopper and Mormon cricket outbreaks. We respectfully disagree with Alternative 4, by removing chemistries and methods from those available for the suppression of grasshoppers and Mormon crickets. While the RAATs method is almost always preferred and highly effective, there are circumstances in which a blanket application is warranted. The same is true for treatments with malathion. More targeted treatments utilizing insecticides like diflubenzuron are almost always the preferred control method, but there are occasions when that might not be the most effective chemistry.

Summary of Substantiative Issues

The “Summary of Substantive Issues” section, describes how APHIS will consider the effects of control measures on health and safety. Labels, including applications for pesticides and biopesticides, are regulated by the Environmental Protection Agency (EPA). EPA has already thoroughly examined health and safety, efficacy and economic inputs for pesticides and their application. WDA believes it is redundant for APHIS to require additional studies, and will likely result in additional unnecessary hurdles for the implementation and application of grasshopper and Mormon cricket control.

We appreciate APHIS acknowledging the impacts grasshoppers and Mormon crickets have on rangeland health and resiliency. We also support the benefits of grasshopper and Mormon cricket control measures pertaining to threatened and endangered species. We encourage APHIS to continue working with the United States Fish and Wildlife Service, as well as state game and fish agencies who have the best knowledge of local fish and wildlife concerns.

¹ <https://www.aphis.usda.gov/mission>

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In conclusion, we support APHIS developing and analyzing an Alternative including all management actions; RAATs, conventional treatments, chemicals, biopesticides, etc. We believe each circumstance for treatment is unique and the area in which treatment will occur is best left to the local staff implementing APHIS programs. We look forward to reviewing the PEIS and providing comments on behalf of Wyoming's citizens. If you have questions, please contact Lindsey Woodward, Weed and Pest Coordinator at 307-777-6585.

Sincerely,



Doug Miyamoto
Director

DM/lw/jw

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Association of Conservation Districts
Wyoming Game and Fish Department
Wyoming County Commissioners Association
Public Lands Council
Wyoming Weed and Pest Council