**From:** Tony Barton [mailto:tbarton@westongov.com]
**Sent:** Friday, February 27, 2015 1:24 PM
**To:** mertman@westongov.com
**Cc:** 'Cheryl Kregel'
**Subject:** RE: Prairie dogs: recommending a path forward

Cheryl,
Would you get this on the agenda.

Thanks,
Tony

**From:** mertman@westongov.com [mailto:mertman@westongov.com]
**Sent:** Friday, February 27, 2015 1:05 PM
**To:** tbarton@westongov.com; thunt@westongov.com; rrossman@westongov.com
**Subject:** Fwd: Prairie dogs: recommending a path forward

I talked to Lenard today and he will be in at 3 pm on Tuesday to give us an update.

Thanks

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**From**: adpro@vcn.com
**Sent**: Friday, February 20, 2015 7:35 AM
**To**: mertman@westongov.com
**Subject**: Fwd: Prairie dogs: recommending a path forward

-------- Original Message --------
Subject: Prairie dogs: recommending a path forward
Date: 2015-02-19 16:09
From: "Cowan, Gregory" <gcowan@wyo-wcca.org>
To: "Garry G. Becker (GGB01@ccgov.net)" <GGB01@ccgov.net>, "Kendra Como (krc01@ccgov.net)" <krc01@ccgov.net>, "Mark A. Christensen (MAC01@ccgov.net)" <MAC01@ccgov.net>, "Matt Avery (GMA01@ccgov.net)" <GMA01@ccgov.net>, "Micky Shober (MJS01@ccgov.net)" <MJS01@ccgov.net>, "Robert Palmer (RPP01@ccgov.net)" <RPP01@ccgov.net>, "Rusty Bell (RRB01@ccgov.net)" <RRB01@ccgov.net>, "Jim Willox (jim.willox@conversecountywy.gov)" <jim.willox@conversecountywy.gov>, "Mike Colling (mike.colling@conversecounty.org)" <mike.colling@conversecounty.org>, "Rick Grant (rick.grant@conversecountywy.gov)" <rick.grant@conversecountywy.gov>, "Robert G. Short (robert.short@conversecountywy.gov)" <robert.short@conversecountywy.gov>, "Tony Lehner (tvlehner@yahoo.com)" <tvlehner@yahoo.com>, "Greg Starck (gstarck2011@gmail.com)" <gstarck2011@gmail.com>, "Patrick Wade (patwadecc@gmail.com)" <patwadecc@gmail.com>, "Richard Ladwig (nfsupply59@gmail.com)" <nfsupply59@gmail.com>, "Bill Lambert (blambert@rtconnect.net)" <blambert@rtconnect.net>, "Marty Ertman (adpro@vcn.com)" <adpro@vcn.com>, "Randy Rossman (commissioners@westongov.com)" <commissioners@westongov.com>, "Tony Barton (tonyjamesbarton@hotmail.com)" <tonyjamesbarton@hotmail.com>, "Tracy Hunt (wyosaurusrex@gmail.com)" <wyosaurusrex@gmail.com>
Cc: "Major Brown (conversecommish@yahoo.com)"

<conversecommish@yahoo.com>, "lseeleyrnch@wildblue.net"
<lseeleyrnch@wildblue.net>, "Robert Palmer (RPP01@ccgov.net)"
<RPP01@ccgov.net>, "Kendra Como (krc01@ccgov.net)" <krc01@ccgov.net>,
"Obermueller, Pete" <pobermueller@wyo-wcca.org>

Good afternoon, Commissioners.

I want to provide a bit of an update on the Thunder Basin Prairie Dog Amendment and solicit your feedback regarding a preferred path to pursue.

First, the update. After nearly 18 months, the USFS, with the assistance and input of your representatives sitting on the agency's interdisciplinary team (ID team), has whittled the list of 13 possible alternatives to just a few. It is safe to assume that these remaining alternatives will serve as the analytical foundation for the draft environmental impact statement (DEIS). Late last fall, the USFS floated a proposal to the ID team and the Governor that would recognize the flexibility currently existing in the 2009 amendment and therefore render moot the need to continue to advance an amendment to the 2009 strategy. This, mind you, is the same flexibility that the counties, many of your constituents, and the Governor reminded the FS existed back in 2010 only to be told no. (The current amendment process is a direct response to that. In brief, the currently proposed amendment is attempting to make explicit the flexibility seen in the 2009 strategy.) Now it seems by floating this proposal the FS has caught up and indeed recognizes the flexibility captured in the 2009 amendment.

So where are we? Essentially, there are two options in front of you.

1. CONTINUE WITH AMENDING THE 2009 STRATEGY. This option would continue down the path that you have been down for the last 18 months. While it's always risky to predict timelines on an EIS, I believe that with the initial alternatives more or less identified, and with dedicated attention by the ID team, a DEIS could be here by mid-summer. At that point there will be another opportunity for public comment. Consideration and incorporation of those comments by the ID team. Then release of a final environmental impact statement (FEIS) in the first half of 2016. Again, an opportunity for comment and then release of the Record of Decision (ROD) sometime late 2016. At that point the FS will be obligated to manage prairie dogs in accordance with the management prescriptions explained in the ROD.

2. FORGO AMENDING THE 2009 STRATEGY AND SUPPORT THE FS'S PROPOSAL. (_I have attached the proposal for reference._) This proposal essentially puts the FS on the path the counties and others have advocated for since 2010. The foundation of the proposal is development of a work group that would provide recommendations for the agency to act on, utilizing the tools previously identified in the 2009 amendment. This option would ideally get the recommended management actions implemented by end of this year or no later than beginning of 2016.

Pros and cons:

1. CONTINUE WITH AMENDING THE 2009 STRATEGY.

a. PROS:

i. A lot of work has gone into developing the range of alternatives presently before the ID team that identifies what can and cannot work on
the ground in the TBNG

ii. The alternatives are inclusive of concerns and inputs advanced by the counties in their roles as Cooperating Agencies

iii. Making explicit and unambiguous the flexibility borne from the 2009 strategy

iv. Potential to develop a cross-jurisdictional and stakeholder inclusive advisory committee to provide management recommendations to the FS

v. Durable. The management prescriptions identified in the ROD will withstand changes in personnel and administration and provide the cover required by the FS to implement an updated strategy

b. CONS:

i. Time

ii. Litigation

iii. Potentially limiting flexibility by adding layers to the 2009 strategy because we are drawing lines around favorable ambiguities in the 2009 strategy

2. FORGO AMENDING THE 2009 STRATEGY AND SUPPORT THE FS'S PROPOSAL.

a. PROS:

i. Quicker to implementation

ii. Embraces much of the flexibility identified in the 2009 strategy

iii. Like above, the potential to develop a cross-jurisdictional and stakeholder inclusive advisory committee to provide management recommendations to the FS

iv. Potentially increases the odds of successful implementation if the work/advisory group is appropriately structured and appropriate stakeholder groups are represented

b. CONS:

i. Lacking assurance by the FS its newfound flexibility will be durable
(i.e. withstand personnel, attitude, and administrative changes)

ii. Requires the FS to step up and provide a level of consistent, inclusive, and appropriate leadership rarely seen on the TBNG

iii. Litigation and/or no guarantee of "buy in" by required stakeholders

My thoughts? This is not an exhaustive list, but it represents those that are most apparent from my seat. I'll admit, when the new forest supervisor floated this proposal I was biased toward its pursuit. However, as time has gone on its cons have skewed my bias the other

direction, toward continuing down the EIS path. For me, it's the FS's lack of contextual understanding regarding the assurances required and the leadership needed that has me lacking confidence with the proposal.

For the assurances, we need to know how a "yes, we do have the flexibility" will not revert back to a "no" in the event of personnel changes. Without that assurance of durability there is a very real risk we will end up back where we are, pursuing an amendment in a few years' time; however, now with even more distrust pervading the process. We asked for this assurance from the FS, and we're still waiting for a response.

For the leadership element, we need to know that not only will the FS step up and implement an updated strategy, but it must do so in the face
of strong headwinds. Frankly, I think this is asking too much of the FS.
I do not see it reversing course so abruptly and having the stomach required for implementing its proposal. This is not to suggest the FS personnel we are currently working with are up to the challenge. No. They are some good eggs; and I think there is a lot of opportunity for constructive engagement with them as partners moving forward. But it's the institutional headwinds within the agency itself that have me concerned about the continued commitment by the FS to see its proposal through, long after the current players have gone.

So, here is my ask. I offered to the Governor's team that I would provide him a consensus direction from the counties on which path you are inclined to choose. PLEASE DISCUSS THIS AT YOUR NEXT MEETING IF POSSIBLE AND REPORT BACK WITH WHICH PATH YOU PREFER. Feel free to provide caveats, refutations, or additions to any conclusions made by me. If we can all get on the same page, I will draft a letter for your consideration that will represent your preferences to the Governor.

Know that I am free and glad to get your direction or call-in for a discussion if you ask it. Thank you.

My best,

Gregory

Gregory M. Cowan

Natural Resource Staff Attorney

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Links:
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[1] http://www.wyo-wcca.org/