

## WILDERNESS GRAZING IN WYOMING'S FOUR NATIONAL FORESTS

### Study data collected by The Wyoming Wilderness Association 12/8/09

The concern has recently arisen in many dialogues, letters and public forums that indicate a Wilderness designation in itself, such as with the proposed Rock Creek addition to the Cloud Peak Wilderness Area, would indeed remove or “destroy” grazing in that wilderness area.

In order to fully comprehend the impact that wilderness designation may or may not have upon a permittee and allotment holder, the Wyoming Wilderness Association contacted the Regional Wilderness managers of the U.S. Forest Service's Rocky Mountain Region 2 (Bighorn, Shoshone and Medicine Bow) and the Intermountain Region 4 (Bridger-Teton), and the resource, wilderness and grazing staff of those individual forests for more detailed and follow up data.

In summary, not one Wyoming National Forest staff person could pinpoint any wilderness area where grazing allotments have been removed due to the wilderness designation. However, to indicate that there are no conflicts between recreation users, in and out of wilderness, would not be accurate. Conflicts occur from perceptions of wilderness users who expect that wilderness be pristine and that cattle and sheep grazing is not a wilderness activity. Educating users on the mandate of the Wilderness Act and its grazing provisions needs to continue. Conflicts occur also outside of wilderness and are perhaps more harmful to cattle and sheep grazing with ATV harassment, highways and associated collisions, high day use with fishing and picnicking, resorts and developed campgrounds which are off-limits to livestock, and contain more densely motorized areas. Wilderness areas provide non-motorized pastures with a high success rate of maintaining AUMs.

### Number of allotments in Wilderness/number closed since Wilderness Designation

| Wyoming NF name                                    | Wilderness Acres (WA)<br>Wilderness Study Acres (WSA) | Allotments in Wilderness                  | #allotments /# closed | Notes, reasons for closures                                                     |
|----------------------------------------------------|-------------------------------------------------------|-------------------------------------------|-----------------------|---------------------------------------------------------------------------------|
| Bighorn NF <sup>1</sup>                            | 189,000 CPWA<br>34,000 RCPW                           | 15 allotments<br>2 allotments             | 15/1                  | 1 sheep allotment closed due to resource issues                                 |
| Shoshone NF <sup>2</sup>                           | 1,378,400 WAs<br>43,687 WSAs                          | 28 Wilderness allotments.                 | 28/0                  |                                                                                 |
| Bridger Teton NF <sup>3</sup><br>Pinedale District | 1,200,000 WAs<br>165,340 WSAs                         | 24 allotments<br>8 allotments, 12 permits | 24/4<br>8/0           | 4 voluntarily sold to FNAWS                                                     |
| Medicine Bow NF <sup>4</sup>                       | 120,000 WAs<br>in Wyoming                             | 10 allotments, 12 permits                 | 10/2                  | 2 sheep allotments have been vacant but likely to be filled after NEPA analysis |

<sup>1</sup> Bernie Bornong, Resource Officer, Bighorn NF, email correspondence.

<sup>2</sup> Bryan Armel, Resource Officer, Shoshone NF, email correspondence.

<sup>3</sup> Randy Welsh, Salt Lake, UT, Region 4, email correspondence.

<sup>4</sup> Bob Mountain, Resource Officer, Medicine Bow NF, email correspondence.

In the Wyoming Wilderness Act, signed October 1984, it is noted that livestock grazing is insured under law and that is the intent of Congress:

#### TITLE V—MISCELLANEOUS PROVISIONS

##### GRAZING IN WILDERNESS AREAS

SEC. 501. The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in the State of Wyoming in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, as interpreted by Public Law 98-406.

Animals.

16 USC 1131  
note.  
Ante, p. 1485.

5

#### Overall perspective, Ralph Swain, U.S.F.S. Region 2, Wilderness Program Manager:

"However, I'll begin by giving my perspective. First, as you know, by law, the Wilderness Act of 1964 allows for the continued use of grazing in wilderness where such activities were established prior to wilderness designation (P.L. 88-577, section 4(d)(4)(2) - Special Provisions). That provision specifically states, '...shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.'

"Thus, I think your question is trying to get at is the **conditions** in which grazing might be 'adjusted' in wilderness to meet range and/or wilderness objectives. For example, all grazing permittees are under an annual operating plan that specifically addresses numbers (AUMS) duration and range conditions appropriate for that permittee's operation. Using adaptive management, it might be that a range specialist will require changes to meet current situations, like duration might be adjusted to meet drought conditions and vegetation loss due to lack of water and plant growth.

"Therefore, I know of no grazing permittees in R2 wildernesses that have been displaced or removed due to wilderness status. However, I think Chuck and Tom [other R2 specialists] will agree with my assessment that surely some permittees have been rotated or adjusted to meet climate conditions. These adjustments are not due to wilderness designation. They are the result of meeting range standards established in the annual operating plan." <sup>6</sup>

#### Bighorn National Forest

There are currently 15 grazing allotments in the Cloud Peak Wilderness in the Bighorn National Forest. Since Wilderness designation in 1984, one grazing permit has been closed: "I am closing the upper portion of the Misty Moon allotment to commercial livestock grazing and incorporating the lower portion into the Battle Park allotment. I made this decision because of the low likelihood of this small upper portion of an allotment becoming economically viable for a band of sheep, combined with the fact that the area in question is one of the most heavily used, and therefore impacted, by wilderness visitors. The lower portion of the Misty Moon allotment has been added into the Battle Park allotment." <sup>7</sup>

Bernie Bornong, Bighorn National Forest, suggests a question posed by the Forest Service regarding heavy usage: whether the area is heavily used specifically *because* it is wilderness, or would it be heavily used either way because it is a beautiful area. It is possible to re-open a closed grazing permit, if the permit-holder requests it, but would require a NEPA decision to do so. <sup>8</sup>

<sup>5</sup> Wyoming Wilderness Act, October 30, 1984. <http://www.wilderness.net/NWPS/documents/publiclaws/PDF/98-550.pdf>

<sup>6</sup> Ralph Swain, Region 2 Wilderness Program Manager, email correspondence.

<sup>7</sup> Mark Booth, Powder River District Ranger, Bighorn NF, email correspondence.

<sup>8</sup> Bernie Bornong, IBID.

The Misty Moon area is one of the most heavily utilized areas in the entire Cloud Peak Wilderness, with the three major access trails coming from Battle Park (Trail #66), from West Tensleep (Trail #63), and Florence Pass (Trail #38). To try to equate this area with the Rock Creek proposed wilderness would be a stretch and inaccurate. The heavy use, access corridors and attractions are not similar in any way.

Wilderness grazing in the Bighorns provides evidence that traditional uses by grazers are upheld. Beth Bischoff of the Bighorn National Forest Service points out the following grandfathered use has been allowed after the designation of Cloud Peak: "Only thing I am aware of on the Medicine Lodge/Paintrock District is that there was an existing cow camp just on the edge of the wilderness boundary (inside) when it was designated. This was on Shell Creek allotment. A letter dated June 25, 1985 was approved by regional forester allowing each permittee (2) to make two round trips each to the cow camp during grazing season with purpose to haul in and out large quantities of supplies (in their pickup). It went on to say that request follows intent of FSM 2323.2 and conference report S. 2009 (H.R. No. 96.1126 ). "The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can be reasonably and practically accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. The cow camp is pretty well uninhabitable now, and the permittee has been authorized a camper trailer outside the wilderness to administer the permit." <sup>9</sup>

"The effects of Wilderness designation on Livestock Grazing are often not direct. But to imply that they do not exist is misleading, and a deviation from truth. I believe potential effects of wilderness grazing were discussed in the Forest Plan EIS (page 3-406,7)." <sup>10</sup>

### **Shoshone National Forest**

In 1902 President Roosevelt first greatly expanded the reserve and then divided the reserve into four separate units, with Shoshone being the largest. Upon the creation of the U.S. Forest Service in 1905, the reserve was designated a National Forest, but the current wording and title were formulated forty years later in 1945. A remnant of the earliest years of the forest management is the Wapiti Ranger Station which is located west of Cody, Wyoming.

In the Shoshone National Forest there are 28 grazing permits that contain Wilderness acres.

"In the last 10 years there have not been any adjustments in allotment boundaries or changed permit numbers to decrease numbers in Wilderness." <sup>11</sup>

### **Bridger Teton National Forest**

In the Bridger Teton National Forest there are a total of 24 grazing allotments (13 sheep, 11 cattle) in Wilderness. Since Wilderness designation there have not been any closures due to Wilderness. There have been some reductions in AUM's because of resource concerns or issues, like drought, permittee requests for reductions in AUM's due to changes in businesses, reductions from non-compliance with terms and conditions, and there was a voluntary relinquishment of 4 sheep allotments by a willing permittee who sold his business to FNAWS. Pinedale District has 1 sheep and 1 cattle allotment in the Gros Ventre Wilderness. <sup>12</sup>

---

<sup>9</sup> Beth Bischoff, Range Management Specialist, Medicine Wheel/Paintrock, email correspondence.

<sup>10</sup> Scott Gall, Range Management Specialist, Powder River District, telephone correspondence.

<sup>11</sup> Bryan Armel email, Resource Officer, Shoshone NF, email correspondence.

<sup>12</sup> Randy Welsh, Salt Lake, UT, Region 4, email correspondence.

"I think I can say with some certainty that we have not closed any allotments for wilderness reasons. There is some resource associated reason, and it's always done with a cooperative rancher. Ranchers should not fear wilderness. It does create an additional layer of protection for the area that may have terms and conditions that are more stringent than outside wilderness areas, but not to the point of putting anyone out of business." <sup>13</sup>

The Pinedale Online web site does a good job of educating potential visitors about the likelihood of encountering cattle or sheep in wilderness:

"Livestock grazing is permitted in certain special allotments of the Wind River Range and in wilderness areas. Sheep graze the southern end of the Bridger Wilderness from July to September. Herding practices are designed to minimize contact with recreationists. Brief encounters may occur in meadows from Cooks Lake south to the Sweetwater River. Cattle graze in the Upper Green River area and some of the western fringes of the Bridger Wilderness. Animals come off these allotments in the fall, usually before hunting season starts or when cold temperatures cause them to drift down out of the mountains. Backcountry users might encounter domestic sheep and cattle in certain areas during the summer, as well as occasional cowboys on horses or sheepherders managing the herds." <sup>14</sup>

#### Medicine Bow National Forest

|                             |                     |                      |                                                                                    |
|-----------------------------|---------------------|----------------------|------------------------------------------------------------------------------------|
| Huston Park Wilderness      | 3 active allotments | 2 sheep and 3 cattle | 2 currently vacant sheep allotments (will likely be restocked after NEPA analysis) |
| Encampment River Wilderness | 2 allotments        | 4 cattle permits     |                                                                                    |
| Platte River Wilderness     | 2 allotments        | 2 cattle permits     |                                                                                    |
| Savage Run Wilderness       | 1 allotment         | 1 cattle permit      |                                                                                    |

"As I mentioned, I don't believe we have any allotments that have been vacated as a result of wilderness designation. We have some areas where some AUMs have been lost (both within wilderness areas and outside) where conflicts with high recreation use-areas have resulted in some areas no longer being grazed and/or seasons reduced to minimize or avoid those conflicts.

Hog Park allotment on the Sierra Madre was closed in the 1960s largely due to recreation conflicts around a high-use area; this was done prior to 1984." <sup>15</sup>

#### Wilderness and Congressional Legislation:

Crafting the language of a Wilderness bill offers the strongest protection for grazers in that area, and enables them to ensure permanent protection of their way of life on those acres.

<sup>13</sup> Randy Welsh, IBID.

<sup>14</sup> Pinedale Online! Pinedale, Wyoming, [www.PinedaleOnline.com](http://www.PinedaleOnline.com)

<sup>15</sup> Bob Mountain, Resource Officer, Medicine Bow NF, email correspondence. 12.09

“Ranchers should not fear wilderness. It does create an additional layer of protection for the area that may have terms and conditions that are more stringent than outside wilderness areas, but not to the point of putting anyone out of business.”<sup>16</sup>

Language in Wilderness legislation can be crafted to protect existing uses or methodologies, or to exclude existing uses. Language can be used as a tool to assure the potential permittees, that if certain uses or methodologies were specifically protected in the legislation, this could ease their fears [about having grazing rights hampered because of wilderness].<sup>17</sup>

According to Wyoming Wilderness Association Executive Director Liz Howell who has researched this type of language in other Wilderness bills: “Any wilderness legislation currently going through Congress where grazing is permitted has strict language to allow the continuance of that activity based on wilderness law. It should be noted that there are other laws that pertain to the ecological factors that the agency must take into account in annual operating instructions and management plans. Stakeholders should have the ability to read and feel comfortable, add or subtract the notions within the basic language of a wilderness act in its development process.”<sup>18</sup>

**SEC. 2. FINDINGS AND DEDICATION** within the Wilderness Act that provide for livestock grazing:

(6) As specified in the Wilderness Act (16 U.S.C. 1133(d)(4)) and in the long-established Congressional Grazing Guidelines incorporated in the Forest Service Manual, established livestock grazing use will continue in the proposed area when added to the \_\_\_\_\_ Wilderness.

(A) As summarized by in the formal committee report of the U.S. Senate on the Wyoming Wilderness Act of 1984 (Senate Report 98-54), the Congressional Grazing Guidelines specify that “(1) there will be no curtailment of grazing in wilderness areas simply because an area is, or has been designated as wilderness, (2) maintenance of existing fences, line cabins, stock tanks, water wells, lines and other support facilities in permissible, (3) natural materials need not be required for the replacement or reconstruction of deteriorated facilities, (4) the construction of new improvements is permissible, and (5) motorized equipment may be used for emergency purposes.”

(B) Congress has consistently applied this policy and the Guidelines in designating Federal lands with established livestock grazing as wilderness for more than 25 years.

**SEC. 3. ADMINISTRATION OF WILDERNESS.**

(c) Grazing of Livestock- In the wilderness designated by this Act, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96-617 to accompany H.R. 5487 of the 96th Congress.<sup>19</sup>

Fairly recently Congress has enacted a number of Wilderness Laws which added the phrase "and the maintenance of existing facilities related to grazing in wilderness areas" to the boilerplate original Wilderness Act Grazing Language. (This language was enacted in the Northern California Coastal Wild Heritage Act, and more recently, I believe, in the Eastern Sierra law which was part of the 2009 Omnibus Lands package. It is also the same language which Public Lands Subcommittee Chair Raul Grijalva placed in his own Tumacacori Highlands Wilderness bill.) The full language goes as follows: "Livestock- Grazing of livestock and the maintenance of

---

<sup>16</sup> Randy Welsh, IBID.

<sup>17</sup> Bernie Bornong, telephone Conversation. 12.09

<sup>18</sup> Liz Howell, email correspondence. 12.09

<sup>19</sup> The Wilderness Act. 1964.

existing facilities related to grazing in wilderness in wilderness areas designated by this Act, where established before the date of enactment of this Act, shall be permitted to continue in accordance with (then it lists The Wilderness Act, and the Congressional Grazing Guidelines)." <sup>20</sup>

"Where previously established, commercial grazing (i.e. cattle, sheep, etc. within permitted grazing allotments) may continue in wilderness, where it was occurring prior to designation. Permittees may be allowed to maintain range improvements, such as fences and watering facilities, that are necessary to the livestock operation or the protection of the range. The use of motorized equipment may be permitted where it occurred prior to the establishment of wilderness. New range improvements, such as fences and watering holes, may be made where they are the [minimum necessary](#) to protect wilderness values and manage the range resource. Prescribed burning, noxious weed control, seeding, irrigation, fertilization, and liming may be allowed where each activity was practiced prior to wilderness designation, when absolutely necessary for the grazing operation, and where there would be no serious adverse impacts on wilderness values." <sup>21</sup>

In sum, the livestock grazing permitting process, allotment management process, evaluations and monitoring are complex, biological assessments based on use, economics and environmental conditions. With many permittees under threat and duress from outside organizations, the Forest Service standards and guidelines, and recreation users of all kinds, it is no wonder they would feel the need to fight a protective status for the Rock Creek area. However, after reviewing this data and research, the Wyoming Wilderness Association is confident that wilderness designation is not in itself a threat to the livelihood of the ranching community but can work hand in hand to protect this unique and traditional use of wilderness.

Compiled by Kendra Kallevig Childers and Liz Howell of the Wyoming Wilderness Association

#### References:

- Ralph Swain, Region 2 Wilderness Program Manager, Denver, CO, 303-275-5058, [rswain@fs.fed.us](mailto:rswain@fs.fed.us).
- Randy Welsh, Region 4 Congressional Designated Areas Program, Salt Lake City, UT, 801-625-5250, [rwelsh@fs.fed.us](mailto:rwelsh@fs.fed.us).
- Bernie Bornong, Resource Officer, Bighorn NF, 307-674-2685, [bbornong@fs.fed.us](mailto:bbornong@fs.fed.us).
- Scott Gall, Range Management Specialist, Powder River District, Bighorn NF, 307 684-2387, [sgall@fs.fed.us](mailto:sgall@fs.fed.us).
- Bryan Armel, Resource Officer, Shoshone NF, 307-578-5134, [barmel@fs.fed.us](mailto:barmel@fs.fed.us).
- Wyoming Wilderness Act, October 30, 1984.  
<http://www.wilderness.net/NWPS/documents/publiclaws/PDF/98-550.pdf>.
- Bob Mountain, Resource Officer, Medicine Bow NF, 307-745-2411, [bmountain@fs.fed.us](mailto:bmountain@fs.fed.us).
- Beth Bischoff, Range Management Specialist, Medicine Wheel/Paintrock Ranger District, Bighorn NF, 307-548-5305, [bbischoff@fs.fed.us](mailto:bbischoff@fs.fed.us).
- Pinedale Online! Pinedale, Wyoming [www.PinedaleOnline.com](http://www.PinedaleOnline.com) A "Slice of Life" view of Pinedale and Sublette County, Wyoming, <http://www.pinedaleonline.com/destinations/windrivermountains/>
- Liz Howell, Executive Director, Wyoming Wilderness Association, Sheridan, WY, 307-672-2751, [liz@wildwyo.org](mailto:liz@wildwyo.org).
- Bart Koehler, The Wilderness Society. 720-530-9538, [bart.koehler@yahoo.com](mailto:bart.koehler@yahoo.com).
- Wilderness.net on Grazing in Wilderness  
<http://www.wilderness.net/index.cfm?fuse=NWPS&sec=manageIssuesRM>.

---

<sup>20</sup> Bart Koehler, The Wilderness Society, email correspondence. 9.23.09.

<sup>21</sup> Wilderness.net on Grazing in Wilderness <http://www.wilderness.net/index.cfm?fuse=NWPS&sec=manageIssuesRM>