

UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 Worland Field Office  
 P.O. Box 119,  
 Worland, Wyoming 82401-0119

IN REPLY REFER TO:

April 14, 2003

Memorandum

To: John Kunz, Regional Solicitor's Office  
 From: David L. Wallace, Supervisory Rangeland Specialist  
 Subject: Inquiry regarding livestock use by Frank Robbins

The Worland Field Office Range staff has monitored livestock use, as follows. The livestock use (i.e., monitoring information) and analysis are documented in the Official Records. The following information was sent to the Wyoming State Office (decision authority) on March 19, 21, and 24, 2003 as well as on April 10, 2003 (excludes information on 4/14/03 which has just been received).

Monitoring Information

3/07/03	#574 Coal Draw	Cert. of Livestock Count	62 Cattle
3/12/03	#574 Coal Draw	Cert. of Livestock Count	611 Cattle
3/12/03	Conversation Record (Frank Robbins with John Elliot and Len Cannella)		
	- Robbins stated that he is using #574 Coal Draw with 650 Cattle from 2/19/03 to 4/01/03		
	- Robbins stated that he has 330 Cattle on #535 West Cottonwood until 3/18/03		
	- Robbins stated that he was going to move his cattle to #573 Wagonhound Bench on 4/2/03		
3/14/03	#535 West Cottonwood	Cert. of Livestock Count	302 Cattle
3/26/03	#573 Wagonhound Bench	Cert. of Livestock Count	178 Cattle
	- Not an accurate and complete count because was incidental to sage grouse lek observations. The cattle were within about 1 mile radius of the lek.		
4/14/03	Conversation Record and Certified Actual Use Report (Frank Robbins with John Elliot)		
	- Robbins stated that he used #574 Coal Draw with 650 Cattle from 2/18/03 to 4/02/03		
	- Robbins stated that he used #535 West Cottonwood, Northwest pasture with 330 cattle from 01/24/03 to 3/24/03		
	- Robbins stated that he used #535 West Cottonwood, Powerline pasture from 02/10/03 to 02/17/03		
	- Robbins stated that he is using #573 Wagonhound Bench with 330 cattle 03/24/03 to 04/24/03		
	- Robbins stated that he is using #534 East Cottonwood with 650 cattle 04/03/03 to 05/01/03		

### Agreement Analysis

A) In accordance with paragraph 4.b.(2)[page 7 of 16] of the Settlement Agreement, dated January 15, 2003, the #574 Coal Draw, # 573 Wagonhound Bench, and #535 West Cottonwood allotments (86%, 66%, and 52% public land acres, respectively) are to be grazed in accordance with the grazing permit, as follows:

#574 Coal Draw	360 cattle	11/01-02/06	928 AUMs
#573 Wagonhound Bench	173 cattle	09/15-02/28	560 AUMs
#535 West Cottonwood	330 cattle	03/01-04/23	281 AUMs
	330 cattle	11/20-02/28	526 AUMs

B) In accordance with paragraph 4.b.(1)[page 6 of 16], Settlement Agreement, dated January 15, 2003, Robbins has the ability to vary livestock numbers, season of use, and allocated AUMs without prior notification (i.e., additional management flexibility) in those allotments in which his deeded acres and state leased acres sum 50% or greater (this includes use of the #534 East Cottonwood @ 3,396 or 50% public land acres). He is only limited to use by utilization criteria set forth in paragraph 4.b.(1)[page 7 of 16].

### General Conclusions

- 1) Robbins has not had any grazing authorizations since March 1, 2002 nor has he paid a grazing bill since that time. At this time, no prior grazing authorizations have been provided.
- 2) Robbins was grazing the Coal Draw allotment (2/18/03 reported on 4/14/03) previous to formal issuance of the grazing permit (Owl Creek Ranch) on 2/26/03.
- 3) Robbins has grazed Coal Draw, Wagonhound Bench, West Cottonwood (for 7 days Robbins had excess livestock numbers), and East Cottonwood differently than specified season of use and livestock numbers defined on the grazing permits without formal application for modifications requiring an environmental assessment decision process.
- 4) Robbins reports conflicting information regarding livestock use on 3/12/03 and 4/14/03 to John Elliot.
- 5) According to monitoring data, livestock use levels on key forage species surpass criteria outlined in either the Grass Creek RMP or the Settlement Agreement.
- 6) Under the terms of the Settlement Agreement and internal direction, WFO is not the decision making authority for identifying or resolving conflict. The aforementioned information is passed through the chain-of-command for resolution by the Director's Designee. This process has been followed.
- 7) Given the aforementioned, documented information, a reasonable person would conclude that the above facts are inconsistent with the grazing permits and the Settlement Agreement.