



August 9, 2024

Wyoming Game and Fish Commissioners
Attn: Breanna Ball (breanna.ball1@wyo.gov)

Re: Comments on Upper Wind River Mule Deer migration corridor

Dear Wyoming Game and Fish Commissioners:

On behalf of The Nature Conservancy, I am pleased to offer comments on the draft map and threat evaluation report for the proposed identification of the Upper Wind River Mule Deer migration corridor.

The mission of The Nature Conservancy (TNC) is to preserve the lands and waters on which all life depends. At the Conservancy, we work to achieve that goal – guided by science, research, and analysis – with the sincere belief that people's stewardship of Wyoming's unique and sometimes fragile landscape is vital to the success of our beautiful state for this and all generations. The Nature Conservancy has worked alongside partners within the Upper Wind River Mule Deer migration corridor for many years, supporting and connecting landowners and agencies with conservation easements and resources such as the Regional Conservation Partnership Program (RCPP). Through RCPP, partners in this region have supported invasive cheatgrass treatments, aspen regeneration, wildlife-friendly fencing, and other habitat enhancement projects within migratory big game habitat. We are invested in the collaborative process to identify solutions that conserve wildlife and support landowners and the local economy.

It is hard to overstate the importance of protecting Wyoming's big game migrations and of ensuring the long-term health of these herds. TNC has a history of protecting “the last great places” and Wyoming's ungulate migrations, including the Upper Wind River Mule Deer migration, are among the last great migrations not just in America, but in the world. They also present a unique conservation challenge: migrating big game are a public good with significant cultural and economic importance. Their survival depends on the protection of geographically precise habitat that spans ownership, management, and uses. The Upper Wind River Mule Deer migration corridor is a prime example of these overlapping jurisdictions, underscoring the importance of keeping this habitat intact and connected for animal movement.

Each spring and fall, approximately 10,000 mule deer migrate from an extensive network of private, public, federal, and tribal lands through the Upper Wind River Valley. Stretching as far as the Owl Creeks to Yellowstone National Park, these migrations are central to the survival of these mule deer, bringing them from winter range on the Wind River Indian Reservation to the summer ranges in the high country. While much of the corridor is on public lands, the private lands that intersect are critical to deer survival, especially during peak migration seasons in the spring and fall when thousands of them pour

onto the private lands of the greater Upper Wind River area before pushing further west or east on their annual migrations.

TNC fully supports the Wyoming Game and Fish Department (WGFD) in giving formal recognition to this incredible mule deer herd and its migration pathways. We understand the differences between identifying this corridor versus designating it. And we understand the pressures that face the Department as it decides how best to steward this critical natural resource.

Formal designation provides the maximum protection under the Executive Order (EO), and we believe this corridor warrants maximum protection. That said, we agree with the WGFD's threat evaluation in that the risk of industrial development within this corridor is relatively low compared to others in the state. For this reason, we believe that the Department's conclusion that identification of the corridor provides adequate protection is not unreasonable as it pertains to industrial development on public land. We don't believe that the protections afforded by the EO to public land in this corridor are as critical as they are in, for example, the Sublette herd corridor.

However, we also agree with the threat evaluation's conclusion that the risk of residential development is very high within this corridor. Since the EO does not prescribe restrictions on private land development, formal designation is arguably less critical but for two subtle parts of the picture. Precisely because the EO does not address private land development, we believe that designation will do two key things that identification will not do in terms of Wyoming's ability to protect this corridor:

1. Formal designation will provide more focus for federal funding agencies to direct dollars to the ground in critical locations on private land,
2. Formal designation will empower the Department to identify formal "bottlenecks" within the corridor on private land that could become vulnerable pinch points for the herd in the future.

If the WGFD could implement solutions to these two issues, TNC could potentially support identification of this corridor. For now, however, we ask for full designation and we offer the following points of concern with identification that we ask the Department to consider.

Specific to the Draft Migration Corridor Map:

- **Data:** The Upper Wind River Mule Deer herd has a decent GPS data set from 147 collared animals over the past nine years. The maps showing the stopover sites accurately emphasize the importance of much of the private lands associated with this corridor. TNC appreciates that the Executive Order acknowledges the significance of private lands in maintaining corridor access. We want to stress the importance of considering this valuable data to adequately conserve the full corridor. It is worth noting that TNC works with various private landowners who live within the mapped corridor, many of whom have expressed to us their interest in and support for full designation of this corridor due to the importance of private land to the herd.
- **Bottleneck Designation:** It is our understanding that with identification rather than formal corridor designation, there will be no opportunity to map and call out bottlenecks within the corridor that could present migration-stopping issues for the deer herd should development occur in critical places. As identified in the department's threat evaluation, "the most concerning threat on private land is subdivisions and other residential development." ***By not identifying bottlenecks within this corridor, where development is on the rise, the opportunities to put resources on the ground in what may be critical pinch points for this herd may be more***

difficult to find. TNC supported the effort in Sublette County in 2016 to secure the Luke Lynch Wildlife Habitat Management Area. This project came about because the parcel at risk was identified as a clear bottleneck within the Red Desert to Hoback corridor assessment. Without the map that pointed to the 364-acre parcel for sale, this project may never have happened, leaving that corridor vulnerable. While the EO and formal designation itself will not provide more teeth to restrict residential development, *the element of pointing out the most vulnerable places is a critical factor in enabling conservation.*

Specific to the Draft Threat Evaluation:

- Wildfire threat due to cheatgrass invasion of sagebrush ecosystem: TNC believes that it is inaccurate to state that there is “no” current/existing threat. We take this stance given the following efforts that have been taking place to address cheatgrass invasion in this corridor:
 - The WGFD (Lander Region) has taken significant and appropriate efforts to mitigate the current threat of cheatgrass in the corridor, including the treatment on Spence/Moriarity Wildlife Management Area:
 - approximately 240 acres treated at a value of \$21,964 in 2022
 - approximately 800 acres at a value of \$65,300 in 2023
 - Additionally, the Fremont County Weed and Pest has treated cheatgrass and other invasives on crucial range and migration routes (on private and public lands) within the corridor:
 - over 1,447 acres treated, 114 landowners engaged, at a value of \$183,466 in 2022 (Figure 1 below).
 - over 1,200 acres, 179 landowners engaged, at a value of \$166,365 in 2023 (Figure 2 below).
 - Tribal entities on the Wind River Indian Reservation have been deeply engaged in invasive weed treatment. TNC is in the early stages of working with agency partners to develop a ground-based research program on the Reservation to develop tools that will inform the prioritization of future treatment.

- Habitat Leasing: For the protections listed in the threat evaluation table, it should be noted that “USDA habitat leases (Grasslands CRP)” are both currently existing and future options available to landowners. This correction should be made to the threat analysis, as this and other USDA programs will be more fully utilized in the future and are currently in place now.
- Industrial Development Risk: According to the threat evaluation, the current BLM Resource Management Plan (RMP) precludes industrial development within the corridor. This is good news for this herd, and certainly not true for many of the BLM lands elsewhere in the state that are critical to migrating wildlife, and we appreciate the importance of this fact in the Department’s assessment of threat. That said, the evaluation also makes clear that of the total 506,491 acres in the corridor, only 45,746, or 9%, lie on BLM land, while 336,416 acres (66.4%) are managed by the US Forest Service. These USFS lands, while not under current pressure for industrial development, are identified with the current forest plan as “suitable for oil and gas development (see Map H below).” While current activity on the forest does not suggest a high degree of risk now, it is nonetheless important to consider this given the lifespan of forest plans and the changes often seen in oil and gas development activity in response to market forces. ***If the Department settles on identification for this corridor, it is critical that WGFD keeps close track of changes that take place in this landscape over time and reconsider designation as necessary to maintain migration.***



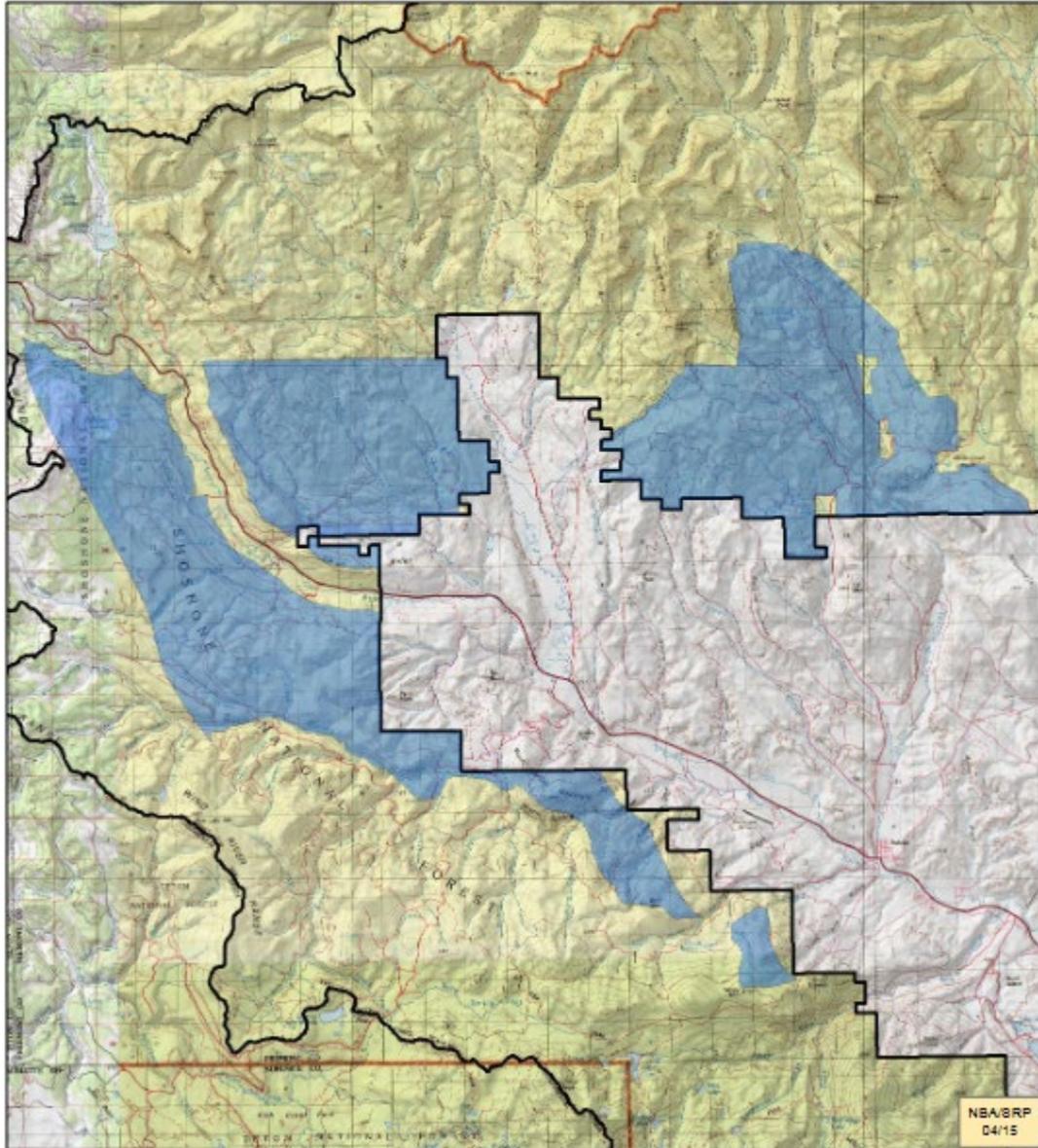
Legend

-  Suitable Lands
-  ForestBoundary

The USDA Forest Service makes no warranty, expressed or implied, as to the accuracy, reliability, or completeness of the geospatial data displayed on this map. The original data, compiled to meet project objectives, was current at the time of analysis and may come from various sources.



**Map H (Page 5 of 5)
Wind River
Lands Suitable for
Oil & Gas Surface Development**



Funding Corridor Conservation

The Upper Wind River Mule Deer herd is under pressure from human population growth and its associated impacts from increased automobile traffic, residential development, subdivisions, and fences. *WGFD has unique influence to prioritize funding for voluntary conservation measures by landowners to support the corridor, such as the conversion of fences to be wildlife-friendly in areas where mule deer travel.*

In conversations with various partners, including the WGFD, we understand that the agreement between the Department and the federal agencies provides that the WGFD will identify priority areas to guide the direction of federal funding to the ground. It is encouraging to know this process is in place. In practice, however, we have concern that at the local level, when faced with more requests than funding can cover, federal agencies will consider designated corridors to be highest priority. There is a risk that identifying this corridor puts it at a competitive disadvantage in the eyes of our federal partners' project ranking processes. We strongly encourage the WGFD to continue to work closely with its federal partners to ensure that this corridor won't "get bumped down the list" because of its label. ***It is TNC's understanding that by formally recognizing this corridor, it will rise in priority for funding. We count on WGFD to make certain this becomes reality in practice.***

Identification versus Designation

The threat evaluation makes clear that existing protections are insufficient to mitigate threats to this corridor. From residential development to fence and road impacts, the forces that make it harder for Upper Wind River Mule Deer to migrate are evident and growing. TNC acknowledges that the threat of industrial development in this landscape is lower relative to other important corridors in the state, and that the department believes that identification rather than designation is appropriate as a result. ***While TNC believes that conservation gains will be aided by corridor identification, we strongly encourage the WGFD to either find solutions to the two main issues identified at the top of this letter, or to formally designate the corridor.*** Once a route is severed and migration ceases, it is unlikely to ever be recovered.

We strongly support the protection of Wyoming's Upper Wind River Mule Deer herd through this formal corridor assessment process, and we appreciate the opportunity to provide these comments and look forward to continuing our work in partnership with WGFD and others to protect this critical migration corridor.

Sincerely,



Jennifer Lamb
Director of Conservation Programs

Copy: Director Brian Nesvik, Deputy Director Angi Bruce, Big Game Migration Coordinator Jill Randall, Lander Regional Wildlife Management Coordinator Daryl Lutz, Wildlife Biologist Zach Gregory, Game Warden Brian Baker