



SEE INSIDE FOR HEALTHY LIVING

SUBLETTE EXAMINER

Returning from State
Page 18

Election results
Page 7

Tribute to veterans
Page 21-28

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Coalition announces intent to sue gray wolf delisting

By Joy Ufford, jufford@subletteexaminer.com

SUBLETTE COUNTY – As promised, an environmental coalition against the nationwide wolf delisting process will be taking the federal agencies involved to court – but that is open to negotiation.

On Nov. 6, the Western Environmental Law Center sent its 60-day notice of the intent to sue the U.S. Department of the Interior and U.S. Fish and Wildlife Service for “violations of the Endangered Species Act.”

The coalition consists of eight groups, including WildEarth Guardians and Western Watersheds Project, which are protesting the FWS’ final rule of Nov. 3 “removing the gray wolf from the list of endangered and threatened wildlife.”

Wolves are delisted in Wyoming and managed by Wyoming Game and Fish in the trophy-game management zone and not in the state’s predator zone.

The notice of intent, written by the Oregon-based law center, lists seven arguments about how the wolf-delisting final rule violates the Endangered Species Act.

- The FWS erroneously concluded the gray wolf does not meet the statutory definition of a “species.”
- The FWS’s analysis of different “gray wolf entities” is legally flawed.
- Gray wolves are endangered throughout a significant portion of their range.
- The FWS’s analysis of the (de)listing factors is inadequate, not based on the best available science and does not support gray wolf delisting.
- The Final Rule is not based on the best available science.

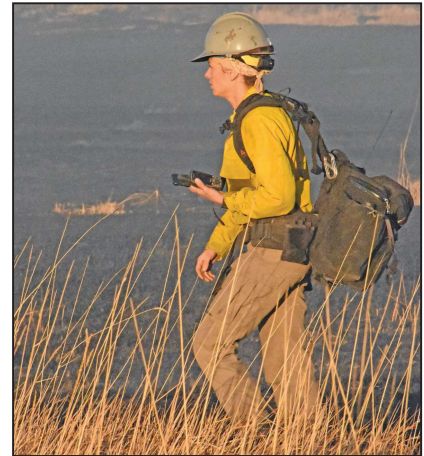
- The post-delisting monitoring program violates the ESA
- The changes between the proposed and final delisting rules for gray wolf warranted additional peer review and additional public comment.

Square peg?

“Although gray wolves are making a remarkable comeback in select areas of the United States – e.g., a population of roughly 4,200 individuals currently roam the region surrounding the Great Lakes – they have yet to return to much of their historic habitats across vast portions of the American West, including in the Pacific Northwest, the Central/Southern Rockies and the Southwestern United States (including Nevada and most of California),” the notice says.

“The gray wolf is still recovering across much of the contiguous United States as it attempts to reestablish itself across its historical range, and as such, a determination that the wolf has recovered is premature. As explained in greater detail below, the final rule violates section 4 of the ESA and its implementing regulations. The final delisting rule continues the Service’s decades-long attempt to fit a square peg in a round hole.”

Law center attorneys are willing to negotiate – “We would, however, prefer to avoid litigation. As such, we welcome the opportunity to meet with (FWS) to discuss these concerns and attempt to come to a meaningful resolution of these issues to avoid seeking relief from a court after costly and time-consuming litigation. Please let us know at your earliest convenience if you would be interested in such a meeting.”



ROBERT GALBREATH PHOTO

Bureau of Land Management fire fighter Jennifer Fensel waters down the perimeter of the Dunham Fire on Wednesday.

Dunham Fire scorches nearly 20 acres Nov. 4

By Robert Galbreath, rgalbreath@subletteexaminer.com

DANIEL – Thick plumes of smoke towered between Daniel and Big Piney at the Dunham Place on Wednesday, Nov. 4. Wind-fueled flames near a small cottonwood stand on property owned by Mike and Tara Miller that they lease and raced up a slope onto BLM land.

The cause of the fire is still under investigation but is believed to have been human caused.

Firefighters from multiple agencies responded to the fire around 2:30 p.m. Sublette County Unified Fire Battalion I out of Pinedale, Battalion II from Big Piney and Battalion V out of Daniel arrived at the scene.

A crew of Bridger-Teton National Forest firefighters from Big Piney and the BLM joined SCUF in the battle.

The fire was contained by nightfall and burned 19.48 acres, said Battalion II Chief Mike Petty at the scene. Crews remained on the smoking scene digging trenches and spraying down the perimeter as dusk set in. The preventative measures were taken to keep the fire from reigniting, Petty said.

Nighttime humidity lowered the fire danger and the large hayfield, crisscrossed by irrigation ditches, was a hazard to navigate after dark, Petty said. Firefighters did not stay overnight as a result. BLM firefighters returned early on Thursday morning to check the status.

The fire burned part of an unharvested hayfield before the wind drove flames up a sage-studded slope. Petty pointed out the remains of large sagebrush, up to 6 feet tall, that got torched in a ditch running along the bottom of the hill.

Firefighters were relieved that the wind blew the flames up out of the ditch and onto the sparsely vegetated ridge, Petty said. The overgrown hay in the field was excellent fuel for a fire with its low moisture content, he explained, and if the fire had burned southeast through the field, the size would have been larger.

No buildings were damaged by the blaze.

Fire investigators from the BLM were expected on Thursday afternoon. The cause of the fire was still under investigation at press time.

Making the new hospital district a success

By Joy Ufford, jufford@subletteexaminer.com

SUBLETTE COUNTY – While the county’s overall vote Nov. 3 passed the new special hospital district and its plans to build a critical access hospital and new Sublette Center – 2,856 to 1,895 – voter majorities in Daniel, Marbleton and Big Piney rejected it.

The votes were relatively close – but show a split between Pinedale, Pinedale West, Boulder, Cora and Bondurant voters who showed strong support.

In Big Piney, 343 people voted “no” and 328 voted “yes,” only a 15-vote difference. In Marbleton, 205 voted against it and 174 supported it, a difference of 31 voters. Daniel’s count was even closer, 138 to 134.

Emily Ray of the Sublette County Rural Health Care District is more focused on the overall win for the county as a whole.

“The RHCD is ecstatic that the initiative passed by almost 1,000 votes, and we are focusing on the positive impact that this will have on the entire community,” Ray said Friday in an email. “We have a strong team who are hard at work getting everything in order to open the hospital’s doors as soon as possible and keep our Sublette County residents healthy and off the road.”

The five newly elected hospital district board members will be sworn into office at 7 p.m. Tuesday, Nov. 10, by Sublette County Clerk Carrie Long at The Den at Daniel Junction.

Sublette RHCD board member Mike Pompy and other board members and officials worked overtime before the Nov. 3 election to bring people out, hear their questions and answer them as best as they could.

“It was a united effort by many members from all the communities in Sublette County,” he acknowledged.

Rebuild trust

Fellow board members Wendy Boman and Tonia Hoffman are elected to the new hospital district board. They and Pompy said continuing to provide and improve the county’s health-care system is of utmost importance and the new hospital district will accomplish that.

They and administrator Dave Doorn hosted many question-and-answer sessions and spoke at town council meetings. They were often asked about the fate of the Marbleton-Big

See Hospital, page 4

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COMMENTARY

Drought and water speculation

By Dave Marston

There's a concept called "demand management" in the news in Colorado, and here's a simple definition: Landowners get paid to temporarily stop irrigating, and that water gets sent downstream to hang out in Lake Powell.

It's an idea long talked about because of increasing drought and the very real danger of both Lake Mead and Lake Powell dropping into "dead pool" where no hydropower can be generated. But fears keep arising about what water markets mean. To some rural people, the idea of separating water from the land sounds like heresy.

Here's how Andy Mueller, general manager of the Colorado River District sees it: "Just talking about demand management has already attracted deep-pocketed investors, whose motives are money and not for maintaining a healthy river."

But James Eklund, former head of the Colorado Water Conservation Board, and who shares credit for creating Colorado's version of demand management, thinks setting up demand management in Colorado is crucial.

"We need to act now," he said. "Last winter and spring, where 107 percent snowpack turned into 52 percent runoff, was proof we've entered a deadly phase where millions of acre-feet of water need to be stored in Lake Powell."

These days, Eklund is a lawyer for the New York investment company, Water Asset Management (WAM), whose land purchases in Mesa County have sounded alarms about outsiders speculating on water. State Sen. Kerry Donovan, Democrat from Vail, has co-sponsored what could be called an anti-WAM bill, aimed at beefing up the state's water anti-speculation laws.

"If we don't do demand management correctly," Donovan warned, "we are going to create a commodity-based situation where water goes to the highest bidder."

Eklund's rejoinder: "Like it or not, we live in a capitalist system."

Gary Wockner of the non-profit Save the Colorado has a different approach. He supports following the West's existing water laws that took root in scarcity and drought. "If Lake Powell requires more water to keep functioning, why not curtail junior users across the Upper Basin states of Colorado, Wyoming, Utah and New Mexico rather than employing expensive water purchases?"

Critics of Wockner's plan say that by then it'll be too late, that after multiple dry years Upper Basin reservoirs will be empty.

Jim Lockhead, president of Denver Water, argued that by not putting demand manage-

ment into place, increasing drought could bring about a crisis: "Water rates would spike in cities, just as farm income and output would plunge region-wide." Without demand management, Lockhead predicted, there would be "an economic black hole."

To test demand management, four municipal water districts, including Denver Water, funded a pilot program in 2015-2019. It stored 175,000 acre-feet of water in Lake Mead by paying irrigators in Arizona, California and Nevada to fallow fields and forgo cultivation.

Applications rose annually, according to the U.S. Bureau of Reclamation, which funded 53 percent of the study. The rest, 47 percent, came from the four water districts and the Walton Family Foundation. Eklund wants the same players to back Colorado's program, the first of the Upper Basin states to attempt demand management.

"BuRec built all the dams possible (and they should steer into conservation)," Eklund said.

But to gain participation in the pilot program, water prices were set at levels that boosted farm incomes above what agriculture alone would produce. That raise in income also increased the value of their land.

Mueller doesn't like what that could lead to: "That will squeeze out future mom-and-pop operators. Ninety-five percent of Western Slope irrigators are owner-operators and we don't want that declining."

Although the Colorado Water Conservation Board hasn't ironed out how to "shepherd" the water downstream or who will round up willing sellers, investors from outside of Western Colorado are already buying up land with senior water rights.

"We are seeing large, well-financed purchasers – ostensibly agricultural organizations – coming into the Gunnison basin," said Steve Anderson, who manages the Uncompahgre Valley Water Users Association, a canal company in Montrose County. In Delta County, the Conscience Bay Company, operating out of Boulder, bought the 3,000-acre Harts Basin Ranch, with senior water rights on the Grand Mesa.

Yet, the new owners are hardly quick-buck artists. They have expanded the cattle herds, improved irrigation and hired locals.

For the new water owners, it's a waiting game until demand management exists and water comes with a price. As drought worsens, the owners of these senior water rights – whether they are from New York City or Texas – could well be sitting on a fortune.

Dave Marston is the publisher of Writers on the Range, writersontherange.org, a non-



TOM COULTER, WYOMING TRIBUNE-EAGLE PHOTO

After former Vice President Joe Biden was announced the winner of the country's presidential election earlier in the day, about 40 residents from Cheyenne and other parts of the state gathered in support of President Donald Trump at the Wyoming State Capitol around noon Saturday, Nov. 7.

HOSPITAL continued from page 1

Piney Clinic, where many want to see services reinstated.

They were told it was coming – but not immediately.

A lack of overwhelming support from southern precincts showed the three board members that distrust lingers from past boards' missteps.

Hoffman said Friday, "My short answer is that we continue to work tirelessly to reinstate and expand services at the Marbleton Clinic. I think it's important (at least, it sure is to me) that we keep working at that even during the transition and process of getting the new district in place. We can't and won't relax in that aspect. It's the metric by which we are being judged currently, and it continues to be crucial that those after-hours services be restored, even in part, as soon as we possibly can arrange for it."

Some doubts

Pompy pointed to doubts the Marbleton Clinic would add services rather than cutting them.

"I know there has been a concerted effort to improve services provided by this clinic as well as restoring trust in the medical system," he said. "This will continue with the hospital district being formed."

Boman said the south county clinic would not be neglected. She recalled the "revolving door" of providers; now they want to come to Sublette County – and stay, she said

"After-hours emergency care is so very important and reinstating that service to the MBP clinic is paramount on my list as well," she said in an email. "We are working with the state to get the construction info that we need to make the upgrades necessary to bring the MBP clinic up to code so it can be a 'satellite' CAH facility. The money for those changes has been set aside."

Pompy said many do not believe "the hospital can survive in this county."

Another issue was the 2-mil tax increase, he said – "There are those that will automatically vote no whenever there is an issue concerning increasing taxes. Others didn't want

the county to be saddled with debt. I believe these last two issues also affected the vote in Daniel."

Keep working

Hoffman said the key is to continue providing excellent health care countywide.

"It's obviously going to take longer to earn trust back than I had initially hoped," she said. "We just have to keep working at it, and providing the absolute best care, services and customer service that we can until people see that we really are in it for the right reasons, and trying hard to do it in the right way."

To do that, she said, "We have to continue to address and correct problems, and to foster a strong culture of patient care. We have to hire and support great providers and support staff who share our goals, and who are vested in our communities and their wellbeing."

"Most of all, I think we just have to be empathetic to the frustration that our communities have had from years of mismanagement. My hope is that if we keep working at it, and offering the best we can, people will understand that we're doing what we really feel is in the best interests of our residents."








A new model?

"As far as how to heal all this, the new hospital board will need to proceed with building the hospital, merging with the Sublette Center and increasing needed services that can be provided by the hospital so patients can be treated locally," Hoffman said. "This will not happen overnight, but I believe it will happen and will create a complete health-care system in this county that will be a model for other critical access hospitals to follow."

Boman agreed with Hoffman. "We truly want and need to provide the best care possible to our residents from all staff. Not knowing when or if we might construct a hospital has been difficult for the staff as well; now they can put that concern to rest. I'm very encouraged by the positive hospital vote and look forward to moving forward as soon as possible."

Weather for Sublette County, WY

Nov . 10 - 16

Today	Wed	Thurs	Fri	Sat	Sun	Mon
 31° 11°	 32° 6°	 33° 6°	 33° 20°	 39° 17°	 35° 11°	 32° 8°
Precip: 0% Wind: NW 10 mph UV Index: 1 Low						

WYOMING WINDS

Sublette's registered voters hit 5,000 *Hospital district, Pinedale lodging tax pass*

By Joy Ufford, jufford@subletteexaminer.com

SUBLETTE COUNTY – It takes teamwork for an election like last Tuesday's to run smoothly – and in Sublette County it did. Counting the eight precincts' ballots took less time after the polls closed at 7 p.m. than it did for deputies to transport them safely to the Sublette County Clerk's Office.

County Clerk Carrie Long and Deputy Clerk Andrea Jean began receiving the bright blue locked boxes at 7:35 p.m. on Nov. 3, with the arrival of Pinedale and Boulder ballots.

Five minutes later, Deputy Scott Winer arrived with the Daniel and Cora boxes. Then came the Marbleton and Big Piney ballots and at 7:55 p.m., Deputy Dan McClure carried in the last two boxes to arrive from Bondurant, where votes were cast in the secular section of St. Hubert's Episcopal Church.

Altogether, Sublette County set a new record at an even 5,000 voters – well over 4,178 who voted in the primary election.

However long it takes to officially announce the 2020 presidential race's winning duo, President Trump with Vice President Mike Pence cleanly and clearly won in Sublette County.

A total of 3,957 people voted for their reelection; the Democratic Joe Biden-Kamala Harris ticket gathered 882 votes, about 20 to 25 percent in each precinct. Independent Brock Pierce had 23 votes and Libertarian Jo Jorgensen, 71.

Several states with very close results counted into the weekend with Biden emerging as president-elect.

Vote getters

The special hospital district ballot initiative passed, 2,856-1,895, with the largest margins in Pinedale Precinct 1-1 and showing good support also in Pinedale West, Boulder, Bondurant and Cora. The nays outweighed the ayes in Big Piney, 343-328, Marbleton, 205-174, and Daniel, 138-134.

The new special hospital district board's two-year trustees are Kenda Tanner, Wendy Boman and Dr. Brendan Fitzsimmons. New four-year trustees are Tonia Hoffman and Jamison Ziegler. With this election approving the special hospital district, the Sublette County Rural Health Care District will dissolve at the end of the fiscal year, June 30, 2021, and the all-new board will be sworn in Nov. 10, at 7 p.m. at The Den.

Pinedale's 2-percent lodging tax initiative passed, 645-298, in Pinedale 1-1 with 265 yes, 137 no, and Pinedale West 1-3, 380 yes, 161 no.

Wednesday, a recount took place for the Upper Green River Cemetery District, where former sexton Don Schooley was overwhelmingly elected as a four-year trustee with 1,591 votes countywide. Dwight Dibben took a seat with 1,271 votes.

Long called for the recount due to the 10-vote difference between incumbent Jana Bloxham's 1,224 votes and Carmen Hittle's 1,214 votes.

Mary Ellen Schooley defeated incumbent Kent Van for the two-year term, 1,603-1,160.

As expected, newly elected Sen. Cynthia Lummis will join reelected Rep. Liz Cheney in Washington, D.C. In Cheyenne, Sen. Fred Baldwin, Sen. Dan Dockstader, House Rep. Albert Sommers and House Rep. Jim Roscoe are reelected.

The primary's top three county commissioner candidates – Tom Noble, Sam White and Dave Stephens – moved on through the General Election.

Pinedale school district's incumbent trustees Stacy Iloway, Marie McGuire and Clayton Olson are reelected to four-year terms.

Flurries

Up to Monday and continuing through

Election Day at the polls, more than 900 people had registered to vote in Sublette County for the first time or renewed their registrations, Long said on election night.

"Every polling place had people registering to vote today," she said, adding that it will be several days before the new registrations are tallied.

Although some poll workers stayed home to avoid possible COVID-19 transmission, Long said a many "newcomers" called and volunteered as poll workers – "They have just moved here and they want to be part of the process."

Long had decided to start opening and counting the 1,328 absentee ballots mailed or left in a dropbox as soon as her office opened Tuesday. The final ballot was dropped off just before the office closed at 5 p.m. Deputy Clerk Andrea Jean served as election clerk.

Accomplishing that task and incorporating 956 early in-person votes with poll results streamlined what in many states is a tedious, time-consuming process.

For more of Sublette County's 2020 General Election results, go to www.sublettewyo.com/DocumentCenter/View/3396/Sublette-County-2020-General-Ofical-Results.

Big Piney Library hosts mixed media art show and sale


BIG PINEY – The Big Piney Library is hosting the Mixed Media Art Group's annual art show and sale now through January.

Participating local artists are Kay Meeks, Ruth Rawhouser, Sharon Schell, McKenzie Davison, Laurie LaMere, Dorothy Selman, Dee Parker and Madeleine Murdock. Many pieces are for sale – it's an opportunity to get holiday shopping done while supporting local artists.

Sublette County Mixed Media is a collaborative art organization made up of local artists working in a variety of artistic mediums. Artwork will be available for viewing and for sale through the month of January.

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