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First name: Redge

Last name: Johnson

Organization: State of Utah, DNR, Public Lands Policy Coordinating Office

Title: Director

Comments: Dear Regional Forester Farnsworth:

The state of Utah (State), through the Public Lands Policy Coordinating Office (PLPCO), has reviewed the Ashley National Forest Service Plan Revision Final Environmental Impact Statement (FEIS). The State appreciated participating in the development of the EIS as a Cooperating Agency. The State, in collaboration with the Utah Department of Agriculture and Food (UDAF), submits the following technical comments and objections to the Final EIS, the Draft Record of Decision (DROD), and the Draft Land Management Plan (forest plan) for your consideration.

The State supports the Forest Service's decision to revise the forest plan and to make the necessary updates. The State has worked with the Forest Service as a Cooperating Agency from the beginning of the forest plan revision process. The State expresses gratitude to the Forest Service for collaborating with the State to develop a new forest plan. The State especially appreciates Ashley National Forest Supervisor, Sue Eickhoff, for her leadership and willingness to work with and listen to the Cooperating Agencies. We support the Forest Service and believe that we can successfully find resolutions as we work together through the objection process.

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The State's previous comments made clear our concerns with certain aspects of the forest plan. The objections are in relation to the topics of mountain goats, Recreation Management Areas/Destination Recreation Management Areas/Recreation Opportunity Spectrums, and domestic sheep grazing near bighorn sheep. The State requests the Forest Service revise and make the necessary changes to the following objections.

The State, as a Cooperating Agency, is automatically granted interested party status, and formally notifies the Forest Service as the Reviewing Officer, that the State is interested in all specific objections that may be filed and requests an opportunity to participate in all resolution meetings to protect the State's interests.

Pursuant to regulation 36 CFR [sect] 219 Subparts A and B we hereby file the following objections to the 2023 FEIS, DROD, and draft forest plan. The State looks forward to working with the Forest Service throughout the objection process to implement the best version of the forest plan.

Objection 1: Mountain Goats

The State objects to the exclusion of references to the Utah Mountain Goat Statewide Management Plan.¹

Recommendation:

The Forest Service should reference the Utah Mountain Goat Statewide Management Plan as a management action, stating that the Forest Service will adhere to the State's management plan. The State suggests the following language be included in the FEIS, Final Record of Decision (FROD), and forest plan, "Work with the State of Utah to utilize the Utah Statewide Mountain Goat Management Plan to apply site specific management strategies to minimize the risk of contact and pathogen transfer between mountain goats and bighorn sheep."

The State commends the Forest Service for referencing mountain goats in Appendix D of the FEIS. For example, page 20 says, "Other species such as mountain goats may also carry pathogens that cause respiratory disease in bighorn sheep (Highland et al. 2018; Wolff et. al. 2016; Wolff 2018). Mountain goats often overlap bighorn sheep habitat and occur in high, rugged terrain, such as the Uinta Mountains. A study in Nevada found that

mountain goats may have been a carrier of pathogens that caused a pneumonia outbreak in bighorn sheep in the same area (Wolff et. al. 2016; Wolff 2018). A mountain goat harvested in 2018 was the first mountain goat to test positive with *Mycoplasma ovipneumonia* in the Uinta mountains and the prevalence of the pathogen in the mountain goat herds in the Uinta mountains is uncertain (UDWR 2019b)." The acknowledgement and reference to the risk of pathogen transfer from mountain goats to bighorn sheep is important. However, there is no reference in the plan to the Utah Mountain Goat Statewide Management Plan and no references of mountain goats in this manner in the forest plan. Mountain goats are a species managed by the Utah Division of Wildlife Resources (UDWR). It is vital for the Forest Service to adhere to the State's management plan for the species.

1 Utah Mountain Goat Statewide Management Plan, available at

https://wildlife.utah.gov/pdf/bg/mtn_goat_plan.pdf.

Both the Utah Bighorn Sheep Management Plan and Mountain Goat Statewide Management Plan are essential documents used to mitigate pathogen transfer among wildlife.

The Utah Mountain Goat Statewide Management Plan can be found here:

https://wildlife.utah.gov/pdf/bg/mtn_goat_plan.pdf. The wildlife section of the forest plan has no reference to mountain goats and excludes acknowledgement of this species. The Forest Service should include information about the population of mountain goats, their geographic location, and distribution in the Ashley National Forest. Of particular concern is any geographic overlap with bighorn sheep. Inclusion and reference of consistency with the Utah Mountain Goat Statewide Management Plan is essential for proper management strategies to be implemented to reduce risk of pathogen transmission. The forest plan freely acknowledges that potential risk of pathogen transfer can occur between domestic sheep and bighorn sheep but fails to recognize that pathogen transmission can also occur between mountain goats and bighorn sheep.

Previous Comments:

The State submitted comment letters in March 2019, November 2019, March 2021, and February 2022, discussing the concerns with management of potential risk of pathogen transfer to bighorn sheep.

Objection 2: Recreation Management Areas/Destination Recreation Management Areas/Recreation Opportunity Spectrums

The State objects to the designation of Recreation Management Areas/Destination Recreation Management Areas/ Recreation Opportunity Spectrums that negatively affect livestock grazing, or that may negatively affect livestock grazing in the future. The Forest

Service should either remove the designations that could negatively impact livestock grazing, especially when such designations reduce stocking rates or increase conflicts with recreationists and livestock or adjust language throughout the planning documents to specify that grazing is permitted under any recreation designation despite it being designated for such purpose. In the FEIS page 16 and DROD pages 14-15 the Forest Service designates three Recreation Management Areas: Backcountry, General, and Destination.

This is of particular concern for the State because under 36 C.F.R. [sect] 222.4 (a)(1) the Forest Service is permitted to cancel grazing permits where lands are "devoted to another public purpose[.]² Here, the recreation areas specified in the plans have been grazed for decades. By designating these areas for a specific public purpose, this opens the door for the Forest Service to cancel grazing permits in the future in these recreation areas. The State has an interest in keeping grazing permits open long into the future. The State fully supports recreation on the Ashley National Forest and hopes to see ongoing and increasing responsible recreational use. But recreation and livestock grazing are almost always highly compatible uses that, with proper education, can occur side-by-side without conflict in a multiple-use landscape such as the Ashley National Forest.

The State's previous comments have discussed in detail its concerns with aspects of the forest plan negatively impacting livestock grazing. Establishing Recreation Management Areas at the expense of livestock grazing or other multiple uses is in direct violation of several laws. Destination Recreation Management Areas (DRMA) are of concern as the designation of these recreational areas can exclude livestock grazing in some areas. For the same reasons, the recreation opportunity spectrum also poses certain risks to livestock grazing. The State's concern is that the DRMAs could continue to be established and exclude livestock grazing in more areas. Livestock grazing is an authorized multiple use of the land under the National Forest Management Act (NFMA), the Multiple-Use, Sustained-Yield Act of 1960, and 36 C.F.R. [sect] 219.10 and should not be phased out nor excluded due to more recreational designations on the forest.

Recommendation:

The Forest Service should reduce the size of the Recreation Management Areas, most importantly the DRMAs. The State recommends removing all DRMAs overlapping with active livestock grazing allotments and any wildlife habitat identified in Table 3-41 for At-Risk Species in the FEIS.

2 36 C.F.R. [sect] 222.4 (a)(1)

Previous Comments:

The State submitted comment letters in March 2021 and February 2022 discussing concerns with the size of RMAs and DRMAs.

Objection 3: Guidelines 09, 10, and Goal 03 (FW-GD-WILDL)

The State objects to Guidelines 09, 10, and Goal 03 under the Wildlife Section (FW- GD-WILDL). These guidelines and goal assume that all domestic sheep allotments waived without preference are near bighorn sheep. The State's concern is that adequate separation from domestic sheep allotments for bighorn sheep is unclear and could leave domestic sheep grazing permittees at risk. The full potential of disease transmission is outside of the control of the Forest Service and has been addressed in the Utah Bighorn Sheep Statewide Management Plan. That plan is the guiding document on bighorn sheep issues and should be referenced, but not included as conditions, in annual operating instructions (AOI).

Appendix A on page 38 for the forest plan states that the Forest Service staff could modify existing domestic sheep grazing permits, allotments, or terms and conditions by, "altering the timing, intensity, and availability of permitted grazing" for the benefits of bighorn sheep. The State is concerned that such actions could lead to further losses of AUMs that could harm the domestic sheep industry. Alterations of the availability of permitted grazing for the protection of bighorn sheep, without the consent of livestock grazing permittees, are inconsistent with the Utah Bighorn Sheep Statewide Management Plan, which states that:

"UDWR does not support involuntary conversions or relinquishment of public land grazing AUMs or allotments for the benefit of wildlife.

UDWR supports increases in public land grazing AUMs where the forage conditions that precipitated reductions have adequately improved."³

Provisions of the forest plan related to the balance between bighorn sheep and domestic sheep should be consistent with the Utah Bighorn Sheep Statewide Management Plan, and the State therefore objects to Guidelines 09, 10, and Goal 03 as presently written.

3 Utah Bighorn Sheep Statewide Management Plan, at 10, available at <https://wildlife.utah.gov/pdf/bg/bighorn-plan.pdf>.

Recommendation:

Edit the following two guidelines and goal to read as follows:

Guideline 09: "When a domestic sheep or goat grazing permit for an allotment in proximity of bighorn sheep herds is voluntarily waived without preference, then authorized use of the allotment should work towards separation of domestic sheep and bighorn sheep by one or more of the following methods: (1) mitigate the threat of pathogen transfer between bighorn sheep and domestic sheep and domestic goats consistent with the most current Utah Bighorn Sheep Statewide Management Plan, (2) mitigate the threat of pathogen transfer between bighorn sheep and domestic sheep and domestic goats in accordance with reasonable management guidelines pursuant to a new site-specific memorandum of understanding, (3) work with the State of Utah to remove or translocate bighorn sheep.

Guideline 10: "New permitted domestic sheep or goat allotments may be authorized when the Ashley National Forest in cooperation with UDWR, and grazing permittees can develop a site-specific MOU⁴ to mitigate threat of pathogen transfer and reduce or eliminate bighorn contact with domestic sheep or domestic goat allotments. This guideline does not apply to use of pack goats for recreational use, nor to existing domestic sheep or goat grazing permits waived with preference."

Goal 03: "Minimize the risk of contact between bighorn sheep and domestic sheep or domestic goats through collaboration with the State of Utah, by utilizing memorandums of understanding and applying reasonable and relevant site-specific management strategies that strive to minimize the risk of contact between the two species."

Previous Comments:

The State of Utah submitted comment letters in March 2019, November 2019, March 2021, and February 2022, discussing concerns with management of potential risk of pathogen transfer to bighorn sheep.

⁴ This references the existing the Big Horn Sheep Statewide Management Plan, not a new plan.

Conclusion

We again express our appreciation to the Ashley National Forest personnel for their vigorous work and collaboration with Cooperating Agencies. We are confident that we can find reasonable solutions to the objections we are submitting and look forward to working further with the Forest Service. Please contact me if you have any questions.

Sincerely,

Redge B. Johnson Director