



**Objections to the**

**Custer-Gallatin National Forest**

**Final Environmental Impact Statement for the**

**Revised Land Management Plan**

**and**

**Draft Record of Decision**

Submitted by:

**North American Packgoat Association**

**September 8, 2020**

**VIA ELECTRONIC SUBMITTAL**

**RE: Objections to the Custer-Gallatin National Forest Final Environmental Impact Statement for the Revised Land Management Plan and Draft Record of Decision**

To: Objection Reviewing Officer  
USDA Forest Service, Northern Region  
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Missoula, MT 59804  
Electronic Submittal: <https://cara.ecosystem-management.org/Public/CommentInput?Project=50185>

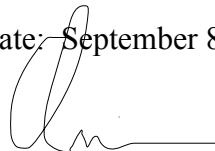
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On behalf of the North American Packgoat Association, I hereby timely submit these Objections to the Custer-Gallatin National Forest Final Environmental Impact Statement for the Revised Land Management Plan and Draft Record of Decision. If you have any questions concerning these objections or need further information, you may contact NAPgA or Andrew Irvine at the emails and phone numbers indicated above.

Date: September 8, 2020



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Andrew A. Irvine  
of Andrew A. Irvine, P.C.

## **I. Introduction to Objections**

The North American Packgoat Association (“NAPgA”) timely files these objections to the Custer-Gallatin National Forest (“Custer-Gallatin NF”) Final Environmental Impact Statement (“FEIS”) for the Revised Land Management Plan (“Revised LMP”) and Draft Record of Decision (“Draft ROD”). *See* 85 Fed. Reg. 41515-16 (July 10, 2020) (Notice of opportunity to object). NAPgA along with several of its members, including Curtis King, President of NAPgA, commented on the Custer-Gallatin NF’s Draft Environmental Impact Statement (“DEIS”) for the Draft Revised Forest Plan. *See* NAPgA, Comments on the Custer Gallatin National Forest Draft Environmental Impact Statement for the Draft Revised Forest Plan (June 6, 2019), available at [https://cara.ecosystem-management.org/Public/DownloadCommentFile?dmdId=FSPLT3\\_4657713](https://cara.ecosystem-management.org/Public/DownloadCommentFile?dmdId=FSPLT3_4657713); Curtis King, Comments, available at <https://cara.ecosystem-management.org/Public/Letter/1929931?project=50185>. Objections to the FEIS for the Revised LMP and the Draft ROD are filed pursuant to the Forest Service’s objection process at 36 C.F.R. § 219. The objection filing period expires on September 8, 2020.

## **II. The North American Packgoat Association**

The North American Packgoat Association, Inc. is an organization established specifically for promoting packing with pack goats. The organization was incorporated in March 2001 as a 501(c)(3) non-profit organization. NAPgA seeks to further the pursuit of goatpacking by sharing the knowledge, ideas and experiences of its members, by promoting the use of pack goats to the public as a means of low impact wilderness transportation and recreation, by serving as an advisory group on local and national land use issues, and by engaging in other activities related to educating the public about goatpacking.

NAPgA appreciates this opportunity to file objections to the Custer-Gallatin NF FEIS, Revised LMP and Draft ROD. Generally, NAPgA agrees with the Custer-Gallatin NF’s selection of alternative F as the preferred alternative. *See* Draft ROD at 7. These objections, however, will better inform the FEIS, Revised LMP and Draft ROD and further develop the efficacy of the management direction. NAPgA respectfully requests that the Custer-Gallatin NF consider and address these objections.

## **III. Objections**

### **Objection 1: NAPgA Requests that the Custer-Gallatin NF Extend the Season of Use for Pack Goats Until November 29 to Coincide with the Close of the General Hunting Season for Deer and Elk.**

NAPgA commends the Custer-Gallatin NF for taking NAPgA’s comments into consideration and for selecting an alternative in the Draft ROD that would allow the use of pack goats on the Forest. *See* Draft ROD at 9, 18. Notably, one of the conditions on the use of pack goats is a limitation on the season of use from June 20 to October 31. *See* Revised LMP at 89 (FW-SUIT-REC-02). While NAPgA does not object to a limitation on season of use, many of NAPgA’s members have raised concern with the early (October 31) closure of the season. These members indicate that the general hunting season for deer and elk on the Forest extends until

November 29. *See* Montana Fish, Wildlife & Parks, “Deer, Elk & Antelope Hunting Guide,” available at <http://fwp.mt.gov/hunting/planahunt/huntingGuides/dea/default.html>.

One of the important uses of pack goats, and a growing interest, is the use of pack goats to transport equipment and to pack out game during hunting season. In order to facilitate this important use, NAPgA requests that the Custer-Gallatin NF extend the closure of the season until November 29 to coincide with the closure of the general hunting season for deer and elk. This extension would continue to avoid potential contact or disturbance between species during the spring kidding or lambing season, as well as avoid most of the fall/winter rut for Rocky Mountain bighorn sheep.

**Objection 2: The Custer-Gallatin NF Should Present the Indicated “Risk Assessment” and Ensure that the Risk Assessment Considers Relevant Science on Disease Transmission from Pack Goats and the Use of Best Management Practices to Reduce Risk.**

Under a number of the alternatives in the FEIS, the Custer-Gallatin NF references a “risk assessment” that would be used to “indicate[] risk of disease transmission to bighorn sheep.” *See, e.g.*, FEIS at 19 (Alt. A.), 27 (Alt. E.), 29 (Alt. F.). In particular, under Alternative F, the FEIS indicates “[p]ermitted recreational goat packing in these geographic areas would be allowed only if a risk assessment indicates that spatial or temporal separation, or other mitigation can effectively minimize risk of disease transmission between livestock and bighorn sheep.” *Id.* at 29.

In its comments, NAPgA inquired about this “risk assessment” and asked that it be presented to the public and subject to public comment as part of the DEIS. NAPgA Comment #2, page 6. NAPgA again requests that the risk assessment be presented to the public and subject to public comment before it is utilized.

The Custer-Gallatin NF has indicated in the LMP the factors that a risk assessment “might consider.” *See* Revised LMP, Appendix A at 40-41. Notably, the suggested factors do not consider the very, very low risk of disease transmission from pack goats, or the use of best management practices to alleviate risk.

Other national forests have utilized very ill informed and biased risk assessments in the past. These assessments have suffered fatal defects and been subject to lengthy litigation. In order to avoid a similar fate and to provide a well informed, science-based and unbiased risk assessment, NAPgA requests that the risk assessment be designed collaboratively, including with NAPgA; that the assessment consider relevant science on disease transmission from domestic goats, including pack goats; and that the assessment consider use of best management practices to reduce risk. Even with bighorn sheep present in an area, pack goats pose a very, very low risk of disease transmission, which is further reduced through use of best management practices.

Also, with regard to the risk assessment, both the FEIS, under Alternative F, and the Revised LMP, under FW-SUIT-REC-01, indicate that recreational use of pack goats is suitable in certain areas “until such time as an area becomes occupied by bighorn sheep.” FEIS at 29;

Revised LMP at 89. Then, based on the FEIS, it would appear that recreational goat packing could be curtailed based on the outcome of the risk assessment. FEIS at 29.

In other words, the Custer-Gallatin NF is stating that if goat packers, working with the Forest Service, are successful in increasing bighorn sheep populations and expanding bighorn sheep habitat, they will then face the possibility of being eliminated from the Forest. This creates a major disincentive for goat packers and is a rather illogical approach to management. The Custer-Gallatin NF is sending the wrong message to goat packers, particularly if the goal for the Forest Service is to cooperate with stakeholders like NAPgA to support bighorn sheep establishment in suitable areas not currently occupied by wild sheep. FEIS at 500 (discussing FW-GO-WLBHS-02).

NAPgA advises and requests the Custer-Gallatin NF to rethink this approach. If goat packers follow management direction and bighorn sheep populations increase and expand into new areas, management direction should be maintained or reduced because it has been shown to be effective. Goat packers should not be victims of their own success.

The Custer-Gallatin NF needs to rethink its approach in order to encourage responsible goat packing on the Forest, while promoting healthy bighorn sheep populations. The Custer-Gallatin NF should not provide in the FEIS or as management direction that expanding bighorn sheep populations would diminish opportunities for goat packing on the Forest.

**Objection 3. The FEIS Misrepresents the Science on Disease Transmission from Domestic Goats, Especially Pack Goats. To Ensure the Scientific Integrity of the FEIS and Forest Plan, the Custer-Gallatin NF Should Correct and/or Remove False or Unsupported Statements Concerning Pack Goats from the FEIS.**

NAPgA commented extensively on the unsupported statements made and the inapplicable science referenced in the DEIS with regard to pack goats. *See* NAPgA Comments #4-#10, at 6-12. While certain of these comments were addressed, a number of misstatements still remain. The Custer-Gallatin NF must ensure the professional integrity, including scientific integrity of the discussions and analyses in the FEIS as required under NEPA. NAPgA is particularly concerned with making sure the Custer-Gallatin NF presents accurate science and conclusions because the Forest Service has a noticeable habit of copying-and-pasting these scientific discussions and references from Forest to Forest. So, where there are unsupported or inaccurate statements in the FEIS for the Custer-Gallatin NF, those are likely to resurface, again and again. Thus, it is important that the Custer-Gallatin NF gets it right.

To start, and concerning bighorn sheep, the Revised LMP indicates that “[d]isease transmission from domestic animals, particularly domestic sheep and goats, is considered a primary threat to bighorn sheep populations.” Revised LMP at 57. No references are provided to support this statement. *See id.* What is this “threat of disease transmission” from goats, especially pack goats, to bighorn sheep? The science does not seem to demonstrate this “threat,” especially not for pack goats. This statement should be revised to exclude pack goats, unless there is available science supporting the statement. If so, that science should be referenced and disclosed to the public.

Next, the FEIS cites to a set of recommendations from the Wild Sheep Working Group, Western Association of Fish and Wildlife Agencies (WAFWA) 2012, for the statement that “[a]n extensive review of scientific literature and available data on bighorn sheep populations in the western United States concluded that contact with domestic sheep and goats was the source of most of the disease resulting in major die-offs of bighorn sheep.” FEIS at 502. This cite is to a collection of “Recommendations for Domestic Sheep and Goat Management in Wild Sheep Habitat,” not a scientific research paper. Moreover, the collection is quite outdated at this point and judging from the Wild Sheep Working Group members and the funding for the collection (organizations largely dedicated to hunting bighorn sheep), the collection did not result from an objective approach. Notably, among the roster of state and federal employees on the Wild Sheep Working Group, the Wild Sheep Foundation somehow managed to join the group as the sole non-governmental representative. As the Custer-Gallatin NF is likely well aware, allowing one group like the Wild Sheep Foundation to have a seat at the table to develop “science,” while excluding others, like NAPgA, is not permitted.

To the extent there is any scientific evidence referenced in WAFWA 2012 to support the quoted statement as it pertains to goats, particularly pack goats, such science should be directly cited and the public should be allowed to review and comment on such science as part of the NEPA process. Otherwise, the Custer-Gallatin NF should remove the reference throughout the FEIS as it pertains to goats, especially pack goats, as it is not a scientific research paper providing any evidence concerning disease transmission between pack goats and bighorn sheep.

Finally, the Custer-Gallatin NF provides in the FEIS:

Domestic goats can carry pathogens that, if transmitted to bighorn sheep, can develop into diseases that are harmful to wild sheep. Therefore, disease transmission from recreational use of domestic pack goats is a potential threat to bighorn sheep. Besser et al. (2017) found that while domestic goats carry disease that can be transmitted to bighorn sheep, the severity of disease that developed after exposure to domestic goats was milder than impacts to bighorn sheep resulting from disease transmitted by domestic sheep.

FEIS at 518-19.

The Custer-Gallatin NF seems to be missing a crucial distinction, namely the difference between “can carry pathogens” and “do carry pathogens.” Where is the science showing that domestic goats, especially pack goats, “do” carry pathogens that can develop into diseases that are harmful to wild sheep? No scientific support is provided.

Further, the statement “Besser et al. (2017) found that while domestic goats carry disease that can be transmitted to bighorn sheep” is a gross misstatement. *Id.* The domestic goats in Besser’s research did not “carry disease.” Rather, they were infected by disease by Besser during his research. Most domestic goats, and especially pack goats, have not been infected by disease by Besser and thus are very different than the domestic goats used for Besser’s research. Pack goats, in fact, rarely carry *M. ovi*, the primary pathogen of concern for disease transmission to bighorn sheep.

If anything, Besser's research showed that domestic goats do not post a threat of disease transmission resulting in mortality in bighorn sheep. Importantly, based on the data and findings in Besser et al. (2017), not a single bighorn sheep died from exposure to domestic goats in any context throughout Besser's experiments. Indeed, as discussed on pages 5 through 7 of 13 of the article, to the extent bighorn sheep exhibited signs of respiratory problems when initially commingled with domestic goats, all bighorn sheep exhibited fewer signs of respiratory problems over time, indicating recovery from such problems prior to being euthanized. In short, Besser et al. (2017) shows that even when domestic goats are purposefully infected with *Mycoplasma ovipneumoniae*, comingling of such goats with bighorn sheep does not result in fatal respiratory disease in bighorn sheep. In other words, exposure of bighorn sheep to domestic goats colonized with *M. ovi* does not induce fatal pneumonia.

To the extent the Custer-Gallatin NF continues to rely on Besser et al. (2017) in the FEIS, it should remove the statement "while domestic goats carry disease" as the domestic goats did not actually carry disease, and it should recognize and discuss that comingling of domestic goats, even those purposefully infected with *M. ovi*, does not lead to fatal respiratory disease in bighorn sheep. When domestic goats are not infected with *M. ovi*, as is the common case with pack goats, there is no risk of transmission of *M. ovi* leading to fatal respiratory disease in bighorn sheep. The FEIS should consider these circumstances.