



April 16, 2021

U.S. Forest Service  
Director  
Forest & Range Management, Vegetation Ecology  
201 14<sup>th</sup> Street SW, Suite 3SE  
Washington, DC 20250-1124

Dear USFS:

On behalf of the Wild Sheep Foundation (WSF) and the National Wildlife Federation (NWF), please accept this comment letter concerning proposed USFS Rangeland Management Directives updates. The WSF mission is to enhance wild sheep populations, promote scientific wildlife management, educate the public and youth on sustainable use and the conservation benefits of hunting, while promoting the interests of the hunter. The WSF supports scientific solutions to resource management challenges and invests the funds raised in disease research, habitat and population management, and conservation education. Our purpose is “To Put and Keep Wild Sheep on the Mountain”®.

National Wildlife Federation’s mission is “Uniting all American to ensure wildlife thrive in a rapidly changing world.” NWF believes America’s experience with cherished landscapes and wildlife has helped define and shape our national character and identity for generations. Through its science-based Common Agenda for Wildlife, the NWF supports advancing 21<sup>st</sup> century wildlife management, defending public trust resources, and confronting emerging stressors like climate change, invasive species and wildlife diseases.

Both WSF and NWF strongly support the U.S. Forest Service’s (USFS) mission of sustaining the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations. The scope and scale of the USFS proposal to substantially revise and create entirely new sections for the Rangeland Management Program’s manual and handbook, however, is not appropriate under both the Administrative Procedures Act and the National Environmental Policy Act. Rather, changes of this scope should be addressed through changes to law, regulation and policy. We believe that bighorn sheep and other wildlife are vital components of that mission and thus, must be carefully considered in all USFS management decisions.

Our organizations fully support efforts to update and modernize USFS Rangeland Management Directives (RMDs). Ultimately, we believe USFS Grazing Manual direction should include specific direction for species where direct conflicts exist, such as the management of domestic sheep and goats with wild sheep, large carnivores, ESA-listed species, and species of conservation concern. In regards to addressing spatial/temporal separation between wild and

domestic sheep on public lands, there are specific policies within other federal land management agencies (e.g., Bureau of Land Management Manual Direction 1730) we feel the USFS should emulate and include. USFS Manual direction would provide important and clear guidance on coordination and management strategies where the presence of domestic sheep and goats may lead to interaction with wild sheep; the potential for pathogen transmission between the species must be critically addressed.

In order to effectively address livestock/wildlife conflicts, these policies should be included within USFS Land Use & Resource Management Plans, Allotment Management Plans, and Annual Operating Instructions. Regarding domestic and wild sheep conflicts, USFS policy and direction should be to (1) achieve effective spatial and temporal separation of USFS-authorized domestic sheep or goats from wild sheep on USFS-managed lands, and (2) to minimize risk of contact between the species. We also feel that well-designed Risk Assessments (including the USFS/BLM Risk of Contact Model) and Monitoring are critical to evaluate effectiveness of USFS grazing management, especially when it comes to restoring wildlife populations like wild sheep. When making resource-management decisions and conducting environmental analyses of proposed grazing management, the USFS should continue to provide ample opportunity for public participation.

Our recommended changes to the RMDs would demonstrate USFS responsiveness to what we perceive as clear direction\* from Congress, repeated annually over at least the past 6 years, “to ensure the Nation does not lose its domestic sheep industry or bighorn sheep conservation legacy [by implementing] a variety of solutions” to resolve conflicts between these two uses. We do not understand if and how the USFS has acknowledged and responded to repeated Congressional direction. Since FY2016, to our awareness, the only acknowledgement that cites this Congressional direction as part of its justification has been a (proposed but not yet initiated) Forest Plan amendment on the Okanogan-Wenatchee NF. We believe the proposed updates to the USFS RMDs fail to address, incorporate, or even mention this clear Congressional intent.

***\*Bighorn Sheep Conservation.*** – In order to ensure the Nation does not lose its domestic sheep industry or bighorn sheep conservation legacy, the Service and the Bureau of Land Management shall implement a variety of solutions, including the following directives: The agencies are directed to complete risk of contact analyses using appropriate data sources, such as from the Western Association of Fish and Wildlife Agencies, and to share the findings with the public. The Service is expected to engage the Agricultural Research Service to ensure the best scientific understanding of where disease transmission occurs and the degree of that risk and to assist the Forest Service with identifying all allotments that are suitable for sheep grazing. The Service and Bureau of Land Management also are directed to identify and implement actions to resolve issues on allotments with a high risk of disease transmission, including, if agreeable to the directly affected stakeholders, the relocation of domestic sheep to allotments with a low risk, pending any site-specific environmental analysis. Together, the agencies are encouraged to convene a meeting of stakeholders interested in collaborating on strategies and solutions to address the risk of disease transmission and to report to the Committees on implementation of these directives within 60 days of enactment of this Act.

We ask that the revised RMDs include new language concerning wildlife conflicts that arise during administration of grazing permits. Such conflicts may or may not have been anticipated during the planning and permitting decisions that precede issuance of a permit. Therefore, clear direction is needed for the administration of grazing permits that reinforce or prepare the USFS and permittees to react to the unforeseen. We elaborate below.

Concerning wildlife conflicts, we ask that the Rangeland Management Directives include a section addressing wild sheep, large predators such as grizzly bears, mountain lions, wolves, and coyotes, and also other ESA-listed species and species of conservation concern. Here, we suggest standard practices helpful in responding to conflicts with wild sheep. We note that currently, the only effective means of preventing conflicts with wild sheep are dealt with in the location and operating instructions for a grazing permit. However, both to reinforce permit terms and conditions and also to respond to unanticipated conflicts, the following practices should be standard for all permits.

- Require prompt, accurate, recording and reporting by herders working on domestic sheep or domestic goat grazing allotments of approach or contact by wild sheep, such that the relevant state wildlife agency may respond.
- Document each approach or contact with wild sheep by date, time, and location.
- Ensure fluency in English among, or effective translation to, herders of the instructions for vigilance and reporting.
- Require sheepherders to use cellular or, if necessary for reliable contact, satellite phones.
- Require 100% counts of domestic sheep or domestic goats when moving on or off the grazing allotment, and after any scattering event such as an incursion by a predator, period(s) of loose-herding, or trailing.
- Require prompt logging and reporting of short counts along with date, time, and location so that the relevant state wildlife and federal land management agency can investigate the possibility of stray domestic sheep/goats.
- In regards to wolf and grizzly conflicts, sheepherders should immediately report depredation events to Wildlife Services and respective state wildlife agencies.

We also request that Section 13.7 of the proposed RMDs be struck. Concerning Section 13.7, it is not clear how or when an “official agency policy” was developed regarding third-party agreements (“buy-outs”), and whether it is even appropriate for inclusion in these RMDs. An April 2014 internal USFS memo from then-Acting Director of Rangelands Management & Vegetation Ecology Ralph Giffen appears to be the basis of this “official agency policy.” One sentence in this memo stands out: “*Management and use of NFS lands are to be determined in an open public process...*” Carrying that logic forward, it would seem that development of official agency policy would also be conducted in an open public process. WSF and NWF fail to understand how the USFS developed this “apparent” official agency policy without that stated “public process”. As the leading wild sheep conservation organization and the largest wildlife conservation organization in the U.S., both with histories of emphasizing cooperative solutions, WSF and NWF are perplexed with the proposed changes reflected in Section 13.7 regarding official agency policy on Third-Party Buyouts by external groups, and the proposed direction against closing grazing allotments. Collectively, NWF and WSF have negotiated the largest number of third-party waiver agreements of any conservation organization, investing millions of dollars in willing seller/buyer transactions to mitigate conflicts between livestock and wildlife.

Also, as presented, this proposed language seeks to eliminate valid existing options for Third-Party negotiated permit waivers under current law and regulation. We are dismayed that the conservation progress WSF, NWF and partner Non-Governmental Organizations (NGOs) have achieved through these arrangements with years of effort and millions of private investment dollars, appears unwelcome or even opposed by the USFS. Third-Party negotiated arrangements

are – and should remain – possible in at least two scenarios. One, when a grazing permit is waived back to the USFS without a Preferred Applicant, this gives the Authorized Officer the option to leave the allotment vacant or available as a forage reserve without issuing another permit upon the waiver; our preference/recommendation is for the USFS to close allotments or when the conflict is between domestic and wild sheep, to convert them to cattle grazing (if suitable), following a “buyout” and subsequent permit waiver. Two, when a permittee seeks a period of non-use for personal convenience or resource protection (or a combination thereof), which is justified by the permittee’s arrangement with a third party to resolve a conflict, this provides time for the USFS and involved stakeholders to work toward a longer-term solution.

Previous USFS direction such as the 2011 letter by then-Deputy Chief Joel Holtrop, and 2012 and 2014 letters by then-Deputy Chief Leslie Weldon to USFS line officers and resource personnel appear to serve as far better agency policy than the aforementioned 2014 email message from Acting-Director Giffen. We respectfully request an explanation of how these 2011, 2012, and 2014 letters spelling out how to conduct/evaluate risk of contact were apparently superseded by Mr. Giffen’s 2014 memo, and how the USFS “official agency policy” was derived (absent a public process).

Inconsistencies between individual forests and line officers are common. Similar to BLM’s 1730 Manual Direction, WSF and NWF recommend that the USFS ultimately develop and adopt an analogous set of Manuals and associated, supportive Handbook Directions that provide USFS line officers and resource staff with clear and consistent agency policy on how to address risk-of-contact situations on domestic sheep grazing allotments in/near occupied bighorn sheep habitat. Insertion of an “official agency policy” as suggested in Section 13.7 of the proposed RMDs would be far easier for interested publics to then understand and comply with, or, may not even be required if clear Manual/Handbook direction were to surface.

Despite serving as a third-party to dozens of financial incentives whereby grazing permittees have willingly waived their allotment permits back to the USFS, typically without preference for another permittee, WSF and NWF have never claimed any legal authority to manage National Forest System lands. Conversely, WSF and NWF have repeatedly volunteered to help resolve difficult resource conflicts between USFS line officers and permittees. Rather than ignoring a Gordian knot that seemed insoluble, WSF, NWF and our collaborators have brought another real-life, tangible option to the negotiating table, in essence, adding another “tool to the USFS toolbox”. In almost every example, permittees who neighbor controversial domestic sheep grazing allotments have been notified of the possible availability of those allotments, but neighboring permittees have not acted on these opportunities. WSF, NWF and other third-party NGOs have stepped up, and voluntarily brought assets and resources to a permittee that may have ultimately resulted in loss of permit(s), often due to a legal challenge.

We are puzzled by the 2014 USFS Giffen memo, and again in the January 2021 Washington Office Rangeland Management 1-pager on Waiving Range Allotments, with the intimation that third-party NGOs are attempting to wrest authority and control of NFS lands from the USFS. We dispute the implication that third-party NGOs are meddling in USFS management. To the contrary, we feel we bring real-life solutions to the table that the USFS cannot offer. And, often,

these negotiations with permittees have been initiated by the permittee when they have reached out to NGOs for options to difficult situations.

Section 13.6 of the proposed RMDs indicates that “Forage Reserves” are to be established as an official type of grazing allotment. In our experience, forage reserves are really nothing new. This designation has been used on multiple National Forests in various USFS Regions for many years. Furthermore, the stated rationale for establishing forage reserves (*to prevent vacating or closing grazing allotments*) is poor, in our opinion. We understand that closing a grazing allotment may appear to “tie the decision-maker’s hands.” However, in every situation where allotments have been closed, there has been a compelling resource conflict or issue that couldn’t be resolved via other solutions/strategies. Rather than continually “kicking the can down the road”, vacating and/or closing conflict allotments is a tangible, overt agency management response/decision that has been supported by many domestic sheep and cattle grazing permittees. If a USFS line officer/deciding official and their staff cannot develop meaningful Terms and Conditions whereby an allotment could be grazed again, then, in our opinion, those controversial grazing allotments should be closed. Creation of Forage Reserves as a “new” category of grazing allotment must be accompanied by commensurate and crystal-clear metrics for when and how a forage reserve might be periodically grazed, and how livestock/wildlife conflict would be addressed.

We believe that non-use of a grazing allotment for “resource protection” could be expanded or lengthened in duration, to achieve the same net result (i.e., NOT grazing domestic sheep in/near occupied bighorn sheep habitat, where Risk-of-Contact analyses clearly demonstrate there are tangible risks [e.g., pathogen transfer] to maintaining status quo), or where large carnivore conflicts have become intractable. Clearly-defined Terms and Conditions developed AND agreed upon, prior to establishment of a forage reserve, are vital. In simplest terms, these Terms and Conditions should lay out precisely what vegetative recovery thresholds must be achieved before these forage reserves could be grazed by the class/type of livestock in question. In addition, there needs to be very specific Terms and Conditions on how often and by what class of livestock a forage reserve might be grazed to achieve defined vegetative recovery thresholds (e.g., % plant cover, frequency, vegetative species composition, etc.).

We recommend that, and are willing to engage in, a transparent and collaborative, stakeholder-driven process with specific Terms and Conditions be developed and implemented that clearly define when an allotment could be grazed again. In addition, we believe that controversial domestic sheep grazing allotments in/near occupied bighorn sheep habitat should, at a minimum, be placed into vacant status. Furthermore, allotments of this nature must remain in vacant status until effective methods have been developed that minimize or negate the risk of contact and potential pathogen transfer from domestic sheep/goats to wild sheep. This strategy results in no net loss of AUMs to the domestic sheep industry; rather, AUMs are suspended from grazing until stakeholders agree on permanent solutions for moving forward and resolving conflicts. We believe this language will help bring disparate viewpoints to the negotiation table.

In our opinion, it is past time for the USFS to work collaboratively with all parties in deriving effective solutions to one of the West’s most controversial natural resource issues. We believe USFS has both opportunity and obligation to show true leadership with this issue.

WSF and NWF appreciate the opportunity to comment via this letter, and we appreciate the extended comment period. We also request the USFS provide a better visual comparison of the proposed RMD changes with existing direction. There is a lot of information and potential changes to examine in this proposal; it has been difficult to determine what all the proposed changes are, as well as the potential effects to wild sheep and other wildlife.

WSF and our Chapters and Affiliates, and NWF and our state affiliates, appreciate the opportunity to provide our comments on these proposed USFS Rangeland Management Directives. We look forward to the USFS's response to our comments, and respectfully request a prompt response from the U.S. Forest Service.

Sincerely,



Gray N. Thornton  
WSF President & CEO



Dr. Peregrine Wolff  
Chair, WSF Board



Kit Fischer  
NWF Director of Wildlife Programs

cc: WSF Board of Directors  
WSF Conservation Staff  
WSF Conservation Committee  
WSF Chapters & Affiliates