



Mark Gordon, *Governor*
Doug Miyamoto, *Director*
2219 Carey Ave. • Cheyenne, WY 82002
Phone: (307) 777-7321 • Fax: (307) 777-6593
Web: agriculture.wy.gov • Email: wda1@wyo.gov

The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

June 1, 2023

Ms. Jacqueline Emanuel
Associate Deputy Chief, National Forest System
324 25th Street
Ogden, UT 84401

Dear Ms. Emanuel:

The Wyoming Department of Agriculture (WDA) submits the following Objection regarding the inclusion of bighorn sheep to the list of Species of Conservation of Concern (SCC) into the Final Environmental Impact Statement (FEIS), Draft Record of Decision (DROD), and Draft Land Management Plan (Plan) for the Ashley National Forest (ANF). The FEIS and DROD for the ANF Plan was published in the Legal Notice section of the Vernal Express on April 19, 2023. Jacquelin Emanuel, Associate Deputy Chief or authority delegated as the reviewing officer.

The WDA is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. We have served as a Cooperating Agency and regularly provided comment letters and suggested changes throughout the FEIS process (Attachment B). The ANF is required to review and address our comments as they relate to the objection issues contained in this letter.


We support the ANF decision to revise the Plan and commend the forest staff and supervisor for their dedication over the years to work closely with the Cooperating Agencies throughout the draft documents. However, we urge the ANF to revise the SCC list incorporated into the FEIS, DROD, and draft Plan, which we previously commented on to reduce unintended consequences to the livestock grazing industry by implementing the subsequent management actions affiliated with bighorn sheep designated on the SCC list.

The implementation of the SCC list into the FEIS, DROD, and draft Plan as submitted will likely cause negative impacts to livestock grazing permittees over the years through misinterpretation, misapplication, and loss of original intent. Pursuant to regulation 36 CFR § 219 Subparts A and B we hereby file the following objection to the SCC list in the 2023 FEIS, DROD, and draft Plan (Attachment A).

In accordance with 36 CFR § 219 WDA also formally requests the ANF provide our agency reasonable notification of all objection resolution meetings and the opportunity to participate in person, teleconference, zoom, or by other means.

We look forward to working with you throughout the objection process. If you have questions, please contact Justin Williams, Senior Policy Analyst at 307-777-7067.

Sincerely,

for 
Doug Miyamoto
Director

DM/jw

Equal Opportunity in Employment and Services

BOARD MEMBERS

Andrew Patrick, *District 1* • James Rogers, *District 2* • Kim Bright, *District 3* • Amanda Hulet, *District 4* • Mike Riley, *District 5*
Jody Bagley, *District 6* • Larry Krause, *District 7*

YOUTH BOARD MEMBERS

Landon Hoffer, *Southeast* • Benjamin Anson, *Northwest* • Hadley Manning, *Southwest* • Lexi Bauder, *Northeast*

SCC Objection for Ashley National Forest

6/1/23

Page 2 of 10

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Association of Conservation Districts
Wyoming Game and Fish Department
Wyoming County Commissioners Association
Upper Green River Cattlemen's Association
Sublette County Conservation District
Sublette County Commissioners
Public Lands Council

WDA Objection Issues

OBJECTION 1: Listing Bighorn Sheep on Species of Conservation Concern

The WDA objects to the ANF listing the bighorn sheep as a SCC.

Connection Statement:

WDA previously commented (October 2018, November 2019) regarding the ANF's inclusion of bighorn sheep on the SCC list in the ANF Proposed Plan. First, WDA requested a preliminary draft of the regional forester's list of SCCs. This list was already completed and incorporated with no input from Cooperating Agencies as part of the earliest stages of the ANF Plan revision process. Once the Proposed Plan and affiliated documents were reviewed by Cooperating Agencies, we commented specifically opposing the inclusion of bighorn sheep as a SCC.

WDA's comment from October 2018 is as follows: "WDA does not support listing bighorn sheep as a Species of Conservation Concern. Any bighorn sheep on the Wyoming side are not core-native and should not warrant the same level of protection. We reiterate the need to follow Wyoming and Utah Statewide Bighorn/Domestic Sheep working group plans."

WDA also commented again in November 2019, "WDA does not support listing bighorn sheep as a Species of Conservation Concern. Any bighorn sheep on the Wyoming side are not core-native and should not warrant the same level of protection. We reiterate the need to follow Wyoming and Utah Statewide Bighorn/Domestic Sheep working group plans."

The Deputy Chief memo 2670, 1900 dated June 6, 2016 states "A species of conservation concern is a species "that is known to occur in the plan area and for which the Regional Forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area."

Furthermore, the memo states, "For plan revisions being prepared pursuant to the 2012 Planning Rule, the Regional Forester must identify SCC specific to the planning unit during the planning process."

The Deputy Chief memo 1920, dated June 6, 2016 states "FSH 1909.12, Chapter 20, Section 21.22a requires you to identify the SCC and to work with the public in doing so. The Directive currently states you have the responsibility to identify SCC early enough to expedite the planning process. This should occur during the planning development phase but may occur at any time. Whenever SCC are identified the rationale must be given." [emphasis added]

Additionally, the memo states "However, given our experience implementing this direction, we now recognize that identifying the SCC and providing the rationale for doing so, including supporting best available scientific information (BASI), is most useful when you make them available to the public well before release of the draft environmental impact statement (DEIS)."

WDA doesn't dispute the SCC list was developed prior to the release of the DEIS. In fact, we reviewed the Proposed Plan in October 2018 and again in November 2019 with comments opposing the bighorn inclusion on the SCC in the ANF Plan revision. However, we did not get any documented response or rationale for the inclusion. We understood the

reasoning as the list was developed by the Regional Office and there was no recourse for changing the list. As a result, we unfortunately did not continue to comment on the inclusion of the bighorn sheep on the SCC list, but rather focused our efforts on the range of alternatives and subsequent analysis.

Upon further review while looking for the Regional Forester's rationale, we only found two documents online conveying efforts to develop the Potential Species of Conservation Concern for the ANF from July 13, 2016. ¹ This primary list does not include bighorn sheep on the potential species list, and meeting notes from public meetings held in August 2016, which again does not include any information related to bighorn sheep. ²

Forest Service Handbook (FSH) 1909.12 – Land Management Planning Handbook Chapter 10- The Assessment, 12.52, "The list of potential SCCs must include the following: 1. Species with status ranks of G/T 1 - 2 on the NatureServe ranking system, which categorizes the viability status of species. See exhibit 01 for description of NatureServe Conservation Status Ranks. (<http://www.natureserve.org/explorer/ranking.htm>); 2. Species that have been petitioned for Federal listing and for which a positive "90-day finding" has been made; and 3. Species that are federally delisted within the past 5 years, and other delisted species for which regulatory agency monitoring is still considered necessary. When developing the list of potential SCCs, consideration must also be given to: 1. Species with status ranks of G/T 3 or S 1-2 on the NatureServe ranking system, [emphasis added] which categorizes the viability status of species.;

According to NatureServe, bighorn sheep are considered a G4- Apparently Secure ranking, with a Utah ranking as S3, Vulnerable. These rankings do not meet the criteria identified under FSH 1909, "Species with status ranks of G/T 3 or S 1 – 2 on the NatureServe ranking system."³

Furthermore, we believe the Regional Forester neglected to consider "All six herds are the result of reintroduction efforts; over time, they have expanded their range beyond the areas where they were introduced (UDWR 2018, UDWR 2019, Forest Service 2021)." Appendix D, page 19.

The original intent of the translocations was accepted as experimental and the Utah Division of Wildlife (UDWR) accepted the risk of potential future conflict with domestic sheep. Prior to the 1986 ANF Plan Revision, bighorn sheep were not physically present on the ANF. The species would still not be present or included under the 2023 ANF Plan Revision if the reintroduction did not occur, thus not considered an SCC species.

Due to the expansion of the bighorn sheep range, they now pose a risk for "Additional protections for sensitive natural resources, such as bighorn sheep, might affect grazing operations by altering the timing, intensity, and availability of permitted grazing, thereby limiting the number of livestock and season of use authorized to grazing operations. For example, expansion of bighorn sheep herds could result in the need to modify management of domestic sheep allotments to minimize contact between domestic sheep and bighorn sheep." (FEIS, page 272) See also Appendix A Figure 3 – 18 page 38.

WDA adamantly opposes any further harm to the domestic sheep industry due to the evolution from an experimental translocation to being included on list of SCCs. The domestic sheep allotments have remained in place and consistently managed prior to the 1986 ANF Plan Revision. The expansion of bighorns across the Plan Area, along with proposed

¹ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd509884.pdf

² https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd525299.pdf

³ https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.102557/Ovis_canadensis

Plan components have the potential to cause unnecessary harm to the current and future domestic sheep grazing permittees.

Finally, we cannot support the Regional Forester listing bighorn sheep on the SCC list, when the UDWR supports annual hunting of the species. Bighorn Sheep Hunt Areas in the ANF include North Slope, Summit/West Dagget, North Slope, Three Corners, and North Slope, Bare Top/West Dagget. We fully support the UDWR's authority to make decisions regarding the management of bighorn sheep herds, including hunting and removal due to known contacts with domestic sheep.

Violated Laws, Regulations, Policies:

36 CFR § 219(b)(c)

“Consistent with the Multiple-Use Sustained Yield Act of 1960 (16 U.S.S. 528-531) (MUSYA), the Forest Service manages the NFS to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land. Plans will guide management of NFS lands so they are ecologically sustainable and contribute to social and economic sustainability...”

WDA believes the social and economic sustainability of the domestic sheep industry is jeopardized by the inclusion of bighorn sheep on the SCC list, as well as developing plan components requiring economically unsustainable strategies to manage for separation of domestic and bighorn sheep. The domestic sheep grazing industry contributes to the local economies.

FSH 1909.12, Chapter 10, section 12.52

The Regional Forester's listing of bighorn sheep on the SCC does not follow the NatureServe ranking, and went beyond the “consideration” of G/T 3 or S 1-2 ranking.

FSH 1909.12, Chapter 20, section 21.22(d)(e)(f)

d. Leverage expertise of the public and local, State, Tribal, and other Federal natural resource agencies, for identifying species of conservation concern.

e. Engage the public and invite public input when identifying species of conservation concern, as part of the public participation strategy (FSH 1909.12, ch. 40, sec. 42).

f. Document the rationale for the selection of species of conservation concern.”

WDA believes the Regional Forester neglects to include the expertise of the UDWR stating the “population of bighorn sheep has co-existed with domestic sheep in proximity to their occupied habitat for nearly 30 years, and our agency has successfully managed a sustainable population of wild sheep during that time.”

Additionally, we believe as Cooperating Agencies who worked closely with the ANF from the onset of the Plan Revision, to have been excluded from providing input prior to the inclusion of the bighorns as an SCC. When we requested the documentation for the rationale, we did not receive any information.

Deputy Chief Memo: 1920, June 06, 2016

Deputy Chief Memo: 2670, 1900, June 06, 2016

Suggested Remedies:

WDA recommends removing bighorn sheep from the list of Species of Conservation Concern.

We are also recommending all ANF documents, FEIS, FROD, Final Plan, including Appendix D remove any reference to bighorn sheep as an SCC.

Previously Submitted Comments

October 2018 Proposed Plan
November 2019 Proposed Plan



State of Utah
DEPARTMENT OF NATURAL RESOURCES
MICHAEL R. STYLER
Executive Director
Division of Wildlife Resources
MICHAEL D. FOWLKS
Division Director

April 27, 2018

Jeff Schramm
Forest Supervisor
Ashley National Forest
U.S. Forest Service
355 North Vernal Avenue
Vernal, UT 84078

David C. Whittekiend
Forest Supervisor
Uinta-Wasatch-Cache National Forest
U.S. Forest Service
857 West South Jordan Parkway
South Jordan, UT 84095

Dear Mr. Schramm and Mr. Whittekiend:

It is my understanding that the U.S. Forest Service ("USFS") is finalizing the High Uintas Wilderness Domestic Sheep Analysis Environmental Impact Statement, and that potential disease transmission between domestic sheep and wild bighorn sheep is one component USFS's analysis. At this time, the Utah Division of Wildlife Resources ("UDWR") supports authorization of the domestic sheep allotments under consideration. This population of bighorn sheep has co-existed with domestic sheep in proximity to their occupied habitat for nearly 30 years, and our agency has successfully managed a sustainable population of wild sheep during that time. Should unanticipated management concerns arise in the future, we will actively manage the bighorn population consistent with UDWR's approved bighorn sheep management plans to mitigate potential risks.

Collaboration with land management agencies and public stakeholders is critical in successful wildlife management. We wish to reiterate the positions made in the December 12, 2017 letter sent by Kathleen Clarke, Director of Utah's Public Lands Policy Coordinating Office regarding proposed revisions to the Ashley National Forest Plan, wherein we identified potential habitat improvement solutions that would further minimize the risks of disease transmission to wildlife.



SCC Objection for Ashley National Forest

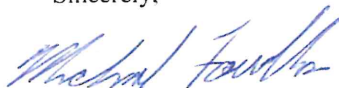
6/1/23

Page 9 of 10

Page 2
April 27, 2018

We appreciate your consideration in this matter and are happy to answer any questions you may have.

Sincerely,



Michal Fowlks
Director

gbh

cc: Eric South, Chairman, Uinta County Commission

6/1/23

United States Forest Service
Department of Agriculture

Wasatch-Cache National Forest

Mountain View Ranger District
P.O. Box 129
Mountain View, WY 82939
(307) 782-6555

File Code: 2230

Date: April 5, 1998

Joe Broadbent
Box 734
Evanston, WY 82930

Dear Joe:

In 1989 big horn sheep were re-introduced into the Hole-in-the-Rock area. The decision to do so was made in the 1988 Burnt Beaver Area Analysis. No domestic sheep grazing permits were cancelled, but rather a decision was made not to re-stock three vacant domestic sheep allotments above Hoop Lake. When the proposal was made, the District Ranger and I met with several individuals and the Summit Co. Commissioners to assure them that no permits would be cancelled to accommodate the re-introduction, and that no permits would be in jeopardy of cancellation in the future.

The District Ranger, a Forest Service biologist, a UDWR biologist, and I were all aware that there was permitted sheep grazing as close as Gilbert Peak, and that there was a real possibility that some of the big horns could possibly mix with domestic sheep in that area and other areas to the west. However, all felt that it was worth the risk; it was felt that the area around and south of Hoop Lake would be adequate for the big horns.

The decision in the Burnt Beaver Area Analysis did not preclude any future analysis and decisions that could involve your grazing allotments and the future management of the big horns.

I hope this has answered your questions and addressed your concerns.

Sincerely,



Richard Zobell
Rangeland Management Specialist