



June 1, 2023

Ms. Mary Farnsworth
Intermountain Region Regional Forester
324 25th Street
Ogden, UT 84401

Dear Ms. Farnsworth:

The Wyoming Department of Agriculture (WDA) submits the following Objection to 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. Mary Farnsworth, Intermountain Region Regional Forester is 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 some of management actions in the Preferred Alternative of the FEIS, DROD, and draft Plan, which we previously commented on to reduce unintended consequences to the livestock grazing industry by implementing those management actions.

Our overarching objection topics include: Recreation Management Areas/Destination Recreation Management Areas, domestic sheep grazing near bighorn sheep, and mountain goats.

The implementation of 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 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.

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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,

A handwritten signature in black ink, appearing to read 'Doug Miyamoto', is written over a printed name and title.

Doug Miyamoto
Director

DM/jw

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

Attachment A

WDA Objection Issues

The WDA objects in accordance with 36 CFR § 219 Subparts A and B to the 2023 FEIS, DROD, and draft Plan based on the issues listed below. Objections are identified by heading and detailed by narrative. Bulleted text is direct from the FEIS, DROD, or draft Plan. Our references to previous comments are found in the Connection Statement and appear as dates with parentheses. Finally, violated laws and regulations, coupled with suggested remedies complete each objection. Attachment B contains a list of WDA's previously submitted comments.

OBJECTION 1: Recreation Management Areas/Destination Recreation Management Areas

The WDA objects to the ANF designation of Recreation Management Areas. The FEIS, Chapter 2, page 16 and DROD page 15 indicate the ANF's decision to meet the increasing demands for recreation by designating three Recreation Management Areas: Backcountry, General, and Destination.

Connection Statement:

WDA previously commented (February 2021) regarding the ANF's proposed Recreation Management Areas. Prior versions to the February 2021 DEIS had no information or alluded to the inclusion of Recreation Management Areas. Our original concern in February 2021 was how the Recreation Management Areas were created, followed by how the DEIS interchanged language with "designated" and "destination." We were also concerned with how Destination Recreation Management Areas (DRMA) would negatively impact livestock grazing, either through closures found in the range of alternatives where the proposed DRMA overlapped grazing allotments, or in the future when livestock grazing could increase conflicts in recreationist management areas due to a significant increase in recreationist, as well as unknown development of facilities and amenities in the DRMA

- "Dispersed recreation management areas are detrimental to surface water when compared with developed sited because they are often situated too close to streams and lakes." (FEIS, pg. 79)
- "Dispersed recreation management areas can be detrimental to riparian areas where human use concentrates in riparian areas next to streams and wetland features." (FEIS, pg. 81)

"Dispersed recreation management areas" are not under the proposed Recreation Management Areas found under the FEIS or DROD. This is a third example of how the ANF has interchanged the management areas or in which the Plan has the potential for future misapplication and implementation in the future.

- Livestock grazing would be restricted in destination recreation management areas under alternative C. This would remove 13,000 acres from grazing and would eliminate potential impacts on water quality for streams located in the destination recreation management areas, as described under "Environmental Consequences for Watersheds and Aquatic and Riparian Ecosystems Common to All Alternatives." (FEIS pg. 90)

- “Livestock grazing would be restricted in destination recreation management areas under alternative C. This would remove 2,100 acres of riparian vegetation and 600 acres of wetlands from grazing and would eliminate potential impacts, such as altering the species composition and introducing nonnative species.” (FEIS pg. 91)
- “Alternative C would have reduced acres (13,400 acres closed) available for active grazing allotments and fewer head months compared with alternative A.” (FEIS, pg. 131)
- “No specific recreation classification (general, backcountry, or destination recreation management area) would prohibit livestock grazing.” (FEIS, pg 273)
- “The forest plan does not authorize site-specific projects or activities; therefore, there are no direct effects from adopting the forest plan. Direct and indirect site-specific effects will be further analyzed when future projects are proposed.” (FEIS, pg 303)

We understand the ANF has selected Alternative B as the preferred alternative. However, the FEIS Alternative C analysis is a strong indicator revealing how future ANF project level analysis under the National Environmental Policy Act (NEPA) for DRMA infrastructure and development would incorporate livestock grazing, water quality, and riparian direct, indirect, and cumulative impacts. Under Alternative B, page 273, only the “classification” of the recreation management area is analyzed, not the actual impacts from implementation of the infrastructure and increased recreation use.

For example, potential collision by increased motorized vehicles, increased conflict between livestock and recreationists, or loss of forage due to the future implementation of DRMAs. Simply stating the classification will not prohibit livestock does not provide WDA or the livestock grazing industry any certainty. None of the FEIS, DROD, or the Plan documents provide assurances or long-term protection for the livestock grazing permittees, the forage, access to water, or the certainty the proposed 13,000 acres of grazing allotments overlapping with DRMA under Alternative B will no longer be “suitable” due to the implementation of the DRMA.

- “Specifically, destination recreation management areas, which emphasize developed recreation experiences in high-use areas with motorized access and support facilities, would have the greatest level of impacts on wildlife and at-risk species.” (FEIS, pg 183)
- Table 3-41: DRMA overlaps with bighorn sheep habitat types by 9,000 acres and 17,500 acres of Core Herd Home Range. DRMA overlaps with sage-grouse habitat types by 3,000 acres. (FEIS, pg. 183)
- “It appears that bighorn sheep may be somewhat tolerant of recreation activities (Paupouchis et al. 2001).” (FEIS, page 172)
- “Sage-grouse: A guideline (FW-GD-WILDL-11) was added stating, “Management actions should avoid degradation of occupied sage-grouse habitat,” with specific dates to avoid disturbances and compensatory mitigation.” (Appendix D, pg. 1)
- “Key Threats to Persistence: Threats to the species’ persistence include habitat loss and degradation from human caused disturbance...” (Appendix D, pg. 19)
- “Human-caused activities, such as energy and mineral development and livestock grazing, can degrade habitat conditions for bighorn sheep by fragmenting habitat, reducing forage, and creating surface disturbance that increases the risk of noxious weed establishment. These threats are primarily

addressed through forest-wide plan components for wildlife, energy and minerals, and grazing (table D-4) that would reduce or prohibit surface-disturbing activities and/or development in sensitive habitat..." (Appendix D, pg. 20)

The FEIS, DROD, and Plan inconsistently analyze the impacts of the DRMA across resources. Specifically, the DRMA has substantial overlap of acres with bighorn sheep and sage-grouse. Both of which are analyzed under Appendix D: Persistence Analysis for At-Risk Species. The ANF completely excludes how the DRMA impacts either species.

The FEIS Chapter 2 states "Destination recreation management areas: These areas provide the most intensive recreation development on the Ashley National Forest. The public should expect areas of high-density recreation with high use levels. Motorized access and support facilities (roads, parking lots, water access and boating support services, campgrounds, resorts, and marinas) are emphasized." The description of DRMAs alone conveys incompatibility with bighorn sheep and sage-grouse, yet the ANF dismisses the impacts of the actual impacts and in fact, likely contributes to not meeting viability or persistence.

Violated Laws, Regulations, Policies:

36 CFR 219.19 defines designated areas as "An area or feature identified and managed to maintain its unique special character or purpose. Examples of administratively designated areas are experimental forests, research natural areas, scenic byways, botanical areas, and significant caves."

We believe the ANF proposed Recreation Management Areas fail to meet the definition for having unique special character or purpose.

36 CFR 219.9(a): "provide the ecological conditions necessary to "contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area." (Appendix D, pg. 2)

We believe the ANF directly contradicts itself by implementing DRMA with recreational use and infrastructure, while not providing ecological conditions necessary for species of conservation concern.

Suggested Remedies:

WDA recommends the ANF reduce the Recreation Management Areas, most importantly the DRMAs. We recommend removing all DRMA areas overlapping with active livestock grazing allotments and any wildlife habitat identified in Table 3-41 for At-Risk Species.

OBJECTION 2: DOMESTIC SHEEP GRAZING NEAR BIGHORN SHEEP

WDA gives ANF immense gratitude for their efforts to work with Cooperating Agencies to address potential overlap between domestic sheep and bighorn sheep, especially in regards to the development and inclusion of the statewide and project level MOUs.

The WDA objects to the ANF listing the bighorn sheep as a Species of Conservation Concern (SCC). WDA has submitted a separate Objection to the SCC list to the Associate Deputy Chief Ms. Emanuel. The timing and decision related to the Objections for the SCC is imperative to have as part of the overall ANF Plan Objections. The SCC Objection decision will dictate how the ANF will modify plan components across all documents referencing bighorns as an At-Risk Species.

WDA objects to the expansion of bighorn sheep herds beyond existing habitat.

WDA objects to the ANF's Guidelines 09, 10, and Goal 03 for the following reasons:

- 1) Assumes all domestic sheep allotments waived without preference are near bighorn sheep. Adequate separation from domestic sheep allotments and bighorn sheep is open for interpretation and leaves domestic sheep grazing permittees vulnerable.
- 2) identifying domestic sheep as the causal factor for disease transmission to bighorn sheep.
- 3) inclusion of site-specific management strategies into annual operating instructions.

Connection Statement:

WDA previously commented (October 2018, November 2019, April 2020, February 26, 2021, February 2022, November 7, 2022) regarding the ANF's approach to managing domestic sheep grazing near bighorn sheep. First, WDA requested a preliminary draft of the regional forester's list of Species of Conservation Concern. This list was completed and incorporated with no input. Additionally, we commented specifically opposing the inclusion of bighorn sheep as a Species of Conservation Concern.

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."

- "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

- “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 translocated herd to an At-Risk Species 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 Plan components have the potential to cause additional harm to the current and future domestic sheep grazing permittees.

The statement from Appendix A, page 38 is a strong indicator how future ANF staff could modify existing domestic sheep grazing allotments, permits, or terms and conditions by “altering the timing, intensity, and availability of permitted grazing” for the benefits of bighorn sheep.

In no way does the WDA support expansion of bighorn sheep herds or habitat. This has already occurred from the onset when bighorns were first translocated in 1989. The bighorns according to Appendix D, page 19 “have expanded their range beyond the areas they were introduced.” This expansion encompasses approximately 188,000 acres of vacated domestic sheep allotments, of which and on behalf of the bighorn sheep, has now caused the ANF to develop the Guidelines and Goal as proposed. If bighorns were managed from the onset, and not allowed to expand beyond an original documented, extremely expansive habitat over the past 35 years, domestic sheep allotments and bighorn sheep habitat or herds would not require separation or be in proximity of one another.

- Guideline 09: “When a domestic sheep or goat grazing permit for an allotment is voluntarily waived without preference, and if the allotment does not provide separation from bighorn sheep, then authorized use of the allotment should provide separation of domestic sheep and bighorn sheep by one or more of the following methods: (1) mitigate the threat of pathogen transfer from domestic sheep and domestic goats to bighorn sheep consistent with the most current state bighorn sheep management plans, (2) mitigate the threat of pathogen transfer from domestic sheep and domestic goats to bighorn sheep in accordance with reasonable management guidelines pursuant to a new site-specific memorandum of understanding, (3) leave the allotment vacant of domestic sheep and domestic goats, (4) work with the State of Utah to remove or translocate bighorn sheep, or (5) implement another method that would provide separation of the species or that would reduce the threat of pathogen transfer from domestic sheep and domestic goats to bighorn sheep.” (Plan, pg. 36)

WDA has expressed concerns throughout the Plan Revision process how buyouts of domestic sheep grazing permits for the benefit of expanding bighorn sheep habitat can and will cause further harm to the domestic

sheep industry. The interpretation of what is adequate separation in the future is bound to be a point of contention, and may likely affect the domestic sheep industry.

The Guidelines intentionally identify domestic sheep and goats as the causal factors for disease transmission to bighorn sheep, as seen in Guideline 09 “(2) mitigate the threat of pathogen transfer from domestic sheep and domestic goats to bighorn sheep in accordance with reasonable management guidelines pursuant to a new site-specific memorandum of understanding,” However, as Appendix D, page 20 states: “Respiratory pathogens can be transferred from domestic sheep to bighorn sheep if contact between the species occurs, as well as between bighorn sheep themselves (UDWR 2018). Other species such as mountain goats may also carry pathogens that cause respiratory disease in bighorn sheep (Highland et al. 2018; Wolf et al 2016; Wolf 2018).”

- Guideline 10: “New permitted domestic sheep or goat allotments should not be authorized unless the Ashley National Forest determines, based on local information and the best available science, that separation of the allotment from bighorn sheep will be obtained. 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.”

WDA reiterates our concern and objects to how the ANF will interpret and misapply the Guidelines. As Guideline 10 is stated, the ANF will require additional research and interpret how much separation is required before issuing new domestic sheep or goat allotments. This will likely result in a continued decline in the domestic sheep grazing industry or prohibit future permittees from converting cattle to sheep allotments when markets warrant with an increased demand in lamb and wool.

- Goal 03: “Minimize the risk of contact between bighorn sheep and domestic sheep or domestic goats through collaboration with the State of Utah, such as by utilizing memorandums of understanding and applying site-specific management strategies described in domestic sheep permit annual operating instructions that strive to minimize the risk of contact between the two species.”

WDA strongly supports the inclusion of the memorandums of understanding. We do not support the additional clause incorporating site-specific management strategies into the annual operating instructions. This additional clause is likely to get further from the original intent behind the voluntary best management practices found in the site-specific memorandum of understanding. This will result in the expansion of grazing permit terms and conditions by incorporating the once voluntary strategies and becoming standards with consequences for not implementing them according to range staff or the authorized officer.

Violated Laws, Regulations, Policies:

36 CFR § 219.1(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 (SCC). Once removed from the SCC list, the Final Plan, including Appendix D must also reflect this change. Much of the information in Appendix D is valuable, including the history of reintroducing bighorns, disease transmission between bighorns and mountain goats, and mountain goat information. We urge the ANF to still include this valuable information in the Final Plan, rather than Appendix D.

WDA recommends rewording the following two guidelines and one goal:

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 state bighorn sheep management plans, (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 MOU 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.”

OBJECTION 3: MOUNTAIN GOATS

The WDA objects to the exclusion of any management action pertaining to mountain goats.

WDA commends the ANF for the comprehensive inclusion of mountain goats into the FEIS and Appendix D. We support ongoing efforts to work closely with UDWR to understand how mountain goats and bighorn sheep interact with shared habitat and potential pathogen transmission.

Connection Statement:

WDA previously submitted language pertaining to mountain goats (November 2022) in the form of a Goal to include in the FEIS, DROD and Plan followed by rationale to support the inclusion.

GOAL: Collaborate with the State of Utah utilizing Utah Statewide Management Plans for both bighorn sheep and mountain goat to apply site specific management strategies to minimize the risk of contact and pathogen transfer between the two species.

Cooperator Comment/Rationale:

- 1) “All current populations are the result of introductions;” page 3, Statewide Mountain Goat Plan.
- 2) “In 2010, the Nevada Department of Wildlife documented a pneumonia related die-off in the mountain goats and sympatric bighorn sheep in the Ruby Mountains (peregrine Wolf, personal communication Nevada Department of Wildlife). Disease transmission between

mountain goats, and mountain goats and bighorn sheep is not well understood and UDWR will continue to investigate the important relationship between these two species." Page 6, Plan.

3) "In Utah, sympatric bighorn sheep and goat populations are found only in the eastern Uinta Mountains and to a lesser extent along the Wasatch Front." Page 7, Plan. The Ashley National Forest is located in this area.

4) We strongly support and have previously requested including mountain goats into the guideline, because they are already in the ecosystem and directly in contact with bighorn sheep. Mountain goats were translocated into the area. Mountain goats share the same habitat with bighorn sheep 365 days a year, and likely transfer pathogens (possibly nose to nose); whereas the domestic sheep and goats share the same ecosystem (not habitat) less than 90 days in the summer.

5) Specifically, we strongly support the Ashley Forest Plan to include further analysis and discussion regarding the threat of pathogen transfer between mountain goats and bighorn sheep.

6) We also strongly support the Ashley Forest Plan including and exhibiting the Utah Mountain Goat Statewide Management Plan. Management of the Ashley Forest is undoubtedly familiar with this Plan, since Jeff Schramm, a recent Ashley National Forest Supervisor, was on the committee which created said Utah mountain goat plan.

Violated Laws, Regulations, Policies:

36 CFR § 219.9(2)(ii) states "Include plan components, including standards or guidelines, to maintain or restore ecological conditions within the plan area to contribute to maintaining a viable population of the species within its range. In providing such plan components, the responsible official shall coordinate to the extent practicable with other Federal, State, Tribal, and private land managers having management authority over lands relevant to that population.

Suggested Remedies:

We recommend the following modified Goal to include in the FEIS, FROD, and Plan.

GOAL: Collaborate with the State of Utah utilizing Utah Statewide Mountain Goat Management Plans to apply site specific management strategies to minimize the risk of contact and pathogen transfer between the mountain goats and bighorn sheep.

ANF Objection

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Attachment B

Previously Submitted Comments

November 2016 Draft Assessment Reports
January 2017 Draft Assessment Reports
August 16, 2017 Draft Assessments Reports
October 2018 Proposed Plan
November 2019 Proposed Plan
April 2020 Proposed Plan
February 26, 2021 Preliminary Draft Environmental Impact Statement
February 2022 Draft Environmental Impact Statement
November 7, 2022 Additional Comments for Bighorn Sheep and Mountain Goats