



State of Utah

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August 28, 2023

Submitted electronically: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=44503>

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U.S. Forest Service
Uinta-Wasatch-Cache National Forest
857 W South Jordan Parkway
South Jordan, UT 84095

Susan Eickhoff
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U.S. Forest Service
Ashley National Forest
355 N Vernal Avenue
Vernal, UT 84078

RE: **High Uinta's Wilderness Domestic Sheep Analysis Supplemental Draft
Environmental Impact Statement (SDEIS)**

Dear Supervisors, Whittekiend and Eickhoff:

The State of Utah (State), through the Public Lands Policy Coordinating Office, appreciates the opportunity to continue our Cooperating Agency relationship with the U.S. Forest Service on the subject project. The State submitted scoping comments on June 23, 2014. The State submitted comments on the Administrative Draft Environmental Impact Statement (ADEIS), the Draft Environmental Impact Statement (DEIS), and amendments to the DEIS by letters dated January 18, 2018, March 3, 2018, February 1, 2019, August 2, 2019, July 20, 2020, October 14, 2020, and November 15, 2022. The State incorporates these comments by reference.

The State encourages the U.S. Forest Service to decide on an alternative that will continue the traditional practice of domestic sheep grazing on the affected allotments, with the appropriate measures being taken to mitigate potential impacts on bighorn sheep that have been translocated into the area.

The State recently received the latest information on this project from Paul Cowley, project manager, and our comments at this time are restricted primarily, as requested by the Forest Service, to the supplements to the DEIS (highlighted in cyan color in the document).

Consistency with the State Resource Management Plan

The State encourages the Forest Service to take action to preserve domestic sheep grazing on the subject allotments in accordance with the State's resource management plan,¹ which includes the following applicable goals, objectives, and policies:

Goal(s):

- Balance the grazing and livestock needs on public lands in an equitable manner that benefits livestock producers, wildlife populations, and the natural environment.

Objectives:

- Ensure that AUMs/HMs within Utah remain at or above current levels.
- Oppose the relinquishment or retirement of AUMs in favor of conservation, wildlife, and other uses, and the transfer of AUMs to wildlife for supposed reasons of rangeland health.
- Uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding practices that optimize and expand forage for grazing and wildlife.
- Encourage National Environmental Policy Act processes that establish a reasonable set of desired conditions for grazing allotments and allow permittees maximum flexibility in stocking rates, range improvements, and seasons of use in managing to those standards.
- Protect historic trailing rights, as these rights are critical for ingress and egress by livestock producers moving livestock on the range.

Policies:

- Because approximately 60 percent of Utah is made up of federal lands, the state's livelihood is substantially affected by the policies of land management agencies. As such, it is the state of Utah's policy that federal land management agencies work closely and cooperatively with the state to ensure access to public lands.
 - Include state agency personnel as members of interdisciplinary teams when developing land use plans.
 - Allow the state more of a constructive role in drafting land use plans, rather than a reactionary role.
- Support the concept of multiple-use and sustained yields on public lands. Livestock grazing is an integral part of the multiple-use concept. Reductions of livestock numbers through frivolous lawsuits and barriers to infrastructure

¹ <https://storymaps.arcgis.com/collections/81d4406668e34acca4d98275ee41cd07?item=18>

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improvements and maintenance necessary for effective grazing management are unacceptable. It is the State of Utah's policy:

- That BLM and Forest Service do not participate in sue and settle agreements with other organizations without properly consulting the state.
- To oppose the culture of sue and settle as a means to limit access to public lands, slow down range improvement projects, and drain limited resources from land management agencies.
- Support and value the ranching industry as an integral part of Utah's history, culture, and heritage. Ranching and agriculture are recognized as a cultural resource within the state of Utah.
- Adopt a stance of not only "no-net-loss" with regard to grazing AUMs/HMs on federal lands, but also a stance that supports the expeditious return of all permitted AUMs/HMs to active status at the earliest opportunity.
 - Active AUMs/HMs within the state must remain at or above current levels unless a scientific need for temporary reduction is demonstrated to the satisfaction of state officials.
 - Employ strategic and targeted annual rangeland health evaluations as a tool for returning all permitted AUMs to active status as range conditions improve.
 - In the case that AUMs/HMs are temporarily reduced, these reductions are reinstated at the earliest possible moment once vegetative health has been restored to its previous levels.
- Support the use of the best-available science to establish grazing AUM/HM levels.
 - In the case of increased forage availability and upward stable vegetative trends, the state supports a subsequent increase in domestic livestock AUMs/HMs.
 - Effective monitoring must occur to achieve healthy rangelands and a vibrant diversified economy in Utah.
- Assume a policy preference for domestic grazing over alternate forage uses in established grazing districts, while upholding management practices that optimize and expand forage for grazing and wildlife.
 - The state supports quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by drought or other climatic adjustments, giving due regard to the needs of the livestock industry and the need to protect the decline of a wildlife species to a point of listing under the terms of the Endangered Species Act.
 - When rangeland improvement practices increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, the state supports allocating a reasonable and fair portion of the excess to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife representatives that are appointed and constituted by the Governor for that purpose. These decisions will be

- consistent with Title 23 (Utah Wildlife Code) and the authority granted to the Wildlife Board and Title 4 (Utah Agricultural Code).
- The state opposes the relinquishment of AUMs/HMs as well as the transfer of AUMs/HMs for conservation, wildlife, supposed rangeland health and other uses.
- In established grazing districts, AUMs/HMs that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve and should not be converted to wildlife or other uses.
- The State does not support the permanent retirement of any grazing allotment.
- Insist that vacant grazing allotments are assigned to permittees affected by fire, large energy development projects, or other resource-disrupting activities that will cause economic disruption to permittees.
- Livestock trailing rights and easements must be protected to ensure the viability of ranching operations. Such trails are critical for moving livestock across rangelands and to markets.

Consistency with the County Resource Management Plans

Much of the project area is located within Duchesne County, Utah. Maintaining domestic sheep grazing within the study area would be consistent with the Duchesne County Resource Management Plan,² which states:

Policy: *It is the policy of Duchesne County to support efforts by the Utah Division of Wildlife Resources and federal land management agencies to manage Bighorn sheep populations for recreational purposes such as hunting and viewing and to ensure their contribution to ecosystems, provided that such management can be accomplished in coordination with the domestic sheep industry in a manner that does not force domestic sheep operators from their ranges or force them out of business. The County supports efforts to manage and augment the bighorn sheep population as long as there is no competition or interference with domestic animals.*

The remainder of this letter provides comments associated with supplemental information occurring on specific pages of the SDEIS. In collaboration with the Department of Agriculture and Food (UDAF), the State provides the following comments for your consideration.

² https://www.duchesne.utah.gov/wp-content/uploads/2022/09/Duchesne_CRMP_2022.pdf

Chapter 1 – Purpose of and Need for Action

Wasatch-Cache National Forest

4.1 (Backcountry Non-Motorized Emphasis) and 5.1 (Maintaining/Restoring Forested Ecosystem Integrity), pages 10, 25-26

The State agrees with the conclusion and project-specific plan amendment recognizing that "...Forest-wide Sub-goal (3i) (see below) cannot be met for bighorn sheep (a sensitive species) in the planning area alone. The core herd home range for this metapopulation of bighorn sheep extends across two forests, two states, and includes multiple jurisdictions including Forest Service, state, private, and Bureau of Land Management managed lands. Based on its current distribution, the viability of the bighorn sheep metapopulation affected by the Project cannot be maintained on the Wasatch-Cache plan area independent of the other lands associated with the population." In other words, even if the two allotments with a risk of contact on the national forest were to be closed, Rocky Mountain bighorn sheep would likely encounter domestic sheep and mountain goats on lands administered by the BLM or under state and private management.

Environmental and Social Concerns

Climate Change, page 21

The state agrees that the issue of "Climate Change" should be dismissed from detailed analysis. Climate has always changed during the history of the Earth and man has no control over such fluctuations. Although the Ashley National Forest has experienced several years of drought, the winter of 2022-2023 produced the most snow and snow-water equivalent since 1952.³

Chapter 2 – Alternatives Including the Proposed Action

Management Requirements Common to All Allotments

Forest Service Memorandum of Understanding (MOU) Actions (UDWR et al. 2022), pages 32-33

The State supports inclusion in the SDEIS of the August 2022 Memorandum of Understanding (MOU): "*Bighorn Sheep and Domestic Sheep Management – Nine Allotments in the Gilbert Peak Area of the Uinta Mountain Range*" established by the Utah Department of Natural Resources (Division of Wildlife Resources-"DWR"), the Utah Department of Agriculture and Food, two sheep grazing companies and the Forest Service. This MOU establishes management direction and mitigation measures and recognizes that the DWR has been able to sustain translocated Rocky Mountain bighorn sheep populations in the Uintas successfully over the past 35+ years despite occasional disease outbreaks. Under the 2018 [Utah Bighorn Sheep Statewide Management Plan](#), the DWR will continue to maintain Rocky Mountain bighorn sheep populations regardless of the proximity of domestic sheep allotments in the far westerly portion of bighorn sheep herd areas, where bighorn sheep numbers are low (see pages 153 - 187 of the SDEIS).

³ <https://www.deseret.com/utah/2023/3/24/23655000/utah-friday-storm-snowpack-record>

Chapter 3 – Affected Environment and Environmental Consequences

Terrestrial Wildlife

Region 4 Forest Service Sensitive Species

Bighorn Sheep, page 149

The State applauds the Forest Service for conducting a “*Revised Assessment of the North Slope Uintas Bighorn Sheep Herds*” for the five bighorn sheep herds that occur in the Uintas, and on the Ashley Wasatch-Cache National Forests (USDA Forest Service 2021). This Assessment “reviews the history of these herds and associated threats, the 2018 Utah State-wide Bighorn Sheep Management Plan (UDWR 2018d), an abundance of bighorn sheep literature regarding bighorn sheep biology, habitat, threats, and risks (including disease),” and its incorporation by reference is appropriate for the SDEIS.

Bighorn Sheep, page 150

The State agrees with the SDEIS amendment which recognizes that other species, including mountain goats, moose, mule deer, and white-tailed deer can be responsible for transmission of respiratory pathogens to the translocated Rocky Mountain bighorn sheep in the study area.

Bighorn Sheep

Methodology, pages 153-169

The State appreciates the efforts of the Forest Service and DWR to utilize location data from collars affixed to Rocky Mountain bighorn sheep to track their movements to prepare an updated, accurate, and scientifically defensible risk of contact model. This updated model clearly shows how only the two easterly domestic sheep allotments raise potential concerns; but even if those two allotments were closed to domestic sheep, the risk of contact would remain, given the existence of BLM, state, and private grazing lands in the area and possible contacts with mountain goats.

Bighorn Sheep

Alternative 1 – No Action, No Grazing, pages 174-175

The Forest Service makes a good case here for not adopting Alternative #1; the “no grazing alternative.” Closing of the USFS allotments to domestic sheep does not reduce the risk of contact with mountain goats, moose, mule deer, and white-tailed deer and does not reduce the risk of contact with domestic sheep grazing on BLM and private lands near the bighorn sheep range. There are 102 square-mile sections of private land that overlap the core herd home range (see page 182).

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Bighorn Sheep

Alternative 2 – Proposed Action, Continued Management, pages 175-181

The Forest Service makes a good case for Alternative #2; which continues the historic management, including eleven Range Annual Operating Instructions (AOI)/Permit Requirements, the six strategies within the 2018 Utah DWR Statewide Bighorn Sheep Management Plan, four coordination measures between the USFS, State, and permittees, and 27 strategies within the August 2022 Memorandum of Understanding (MOU): “*Bighorn Sheep and Domestic Sheep Management – Nine Allotments in the Gilbert Peak Area of the Uinta Mountain Range*” established by the Utah Department of Natural Resources (Division of Wildlife Resources-“DWR”), the Utah Department of Agriculture and Food, two sheep grazing companies, and the Forest Service. All these strategies and coordination efforts will contribute to the continued persistence of the Rocky Mountain bighorn sheep herds in the High Uintas.

Bighorn Sheep

Alternative 2 – Proposed Action, Continued Management

Cumulative Effects Specific to Bighorn Sheep, pages 183-188

The State supports the Forest Service’s conclusion that domestic sheep grazing in the Uinta Mountains on these allotments occurred for many decades prior to the introduction of bighorn sheep into the Uintas. The bighorn sheep have persisted since their introduction concurrent with these active domestic sheep allotments. Thus, domestic sheep grazing the 10 allotments and the associated sheep driveway system described in the proposed action may impact individual bighorn sheep but would not cause a trend toward their federal listing or reduce the current viability of the bighorn sheep population in the Ashley National Forest or Wasatch-Cache National Forest. DWR is doing a great job managing the bighorn sheep herds and acting to control predators and augment the population when needed.

Summary of Effects and Findings, page 201:

The State agrees with the Forest Service’s conclusion that cumulative effects combined with domestic sheep grazing on the allotments, would not adversely affect wildlife; including migratory birds, management indicator species, and focal species.

Livestock Grazing

Chapter 1 – Purpose of and Need for Action

County and State Plans, pages 16-17

The Utah State Resource Management Plan and the Duchesne County Resource Management Plan as stated above reflect the needs and perspectives of those living in the area that this SDEIS will affect firsthand. Consistency with state and county resource management plans is essential for the successful implementation of the SDEIS. As stated, Alternative 1 – No Grazing, is not consistent with these plans. Agriculture and livestock

grazing is vital to the communities affected by the SDEIS decision, and it is important to allow maximum sustainable use of the rangelands for livestock grazing.

Chapter 2 – Alternatives Including the Proposed Action
Wasatch-Cache Forest Plan Project-specific Amendment, pages 25-26

UDAF is in full support of the Wasatch-Cache Forest Plan Project-specific Amendment. This amendment will allow the SDEIS to be implemented in the project area without issues. This amendment will also allow for continued domestic sheep grazing while benefiting bighorn sheep.

Forest Service Memorandum of Understanding (MOU) Actions (DWR et al. 2022),
pages 32-33

Reference to the site-specific MOU is greatly appreciated in this section and throughout the SDEIS. State agencies, permittees, and the Forest Service worked hard for several years to come to an agreement for this MOU and it is important to include this in the SDEIS. The site-specific MOU will help all stakeholders improve communication and hopefully benefit the domestic sheep industry and bighorn sheep in the project area.

Chapter 3 – Affected Environment and Environmental Consequences
Region 4 Forest Service Sensitive Species
Bighorn Sheep, page 150, third paragraph

The reference and acknowledgment of mountain goats as being carriers of respiratory pathogens is essential to fully understand the reality of the situation that bighorn sheep face in the High Uinta's Wilderness Area. Mountain goats can transfer pathogens to bighorn sheep, and potentially other wildlife, and bighorn sheep themselves can transfer pathogens to other bighorn sheep. This shows that domestic sheep cannot be solely targeted as the only cause of pathogen transmission to bighorn sheep when there are several other species that could also be the cause.

Bighorn Sheep
Alternative 1 – No Action, No Grazing, page 174

UDAF disagrees with the following statement and requests that it is removed from the SDEIS, *“Therefore, it is determined that Alternative 1 would likely result in a ‘beneficial impact’ to the NS Uintas BHS herds.”* As stated, numerous times throughout the SDEIS, removing domestic sheep from the project area will not reduce the risk of pathogen transmission to bighorn sheep due to domestic sheep on surrounding BLM and private lands. Domestic sheep grazing greatly helps reduce catastrophic wildfire fuels loads and ultimately results in the health of the rangeland. Catastrophic wildfires destroy bighorn sheep habitat and displace the herds, showing the importance of domestic sheep grazing in the project area.

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The No Grazing Alternative would not result in a beneficial impact on the north slope of Unita's Bighorn Sheep herds.

Alternative 2 – Proposed Action, Continued Management State Actions DWR (2018 Statewide Bighorn Sheep Management Plan), page 177

UDAF fully supports the 2018 [Utah Bighorn Sheep Statewide Management Plan](#). The inclusion of this plan in the SDEIS is essential for the successful implementation of the SDEIS. It is important to recognize that the Utah Division of Wildlife Resources (DWR) has legal jurisdiction over bighorn sheep in the state of Utah.

Coordination Measures (FS, State, Permittees), page 178

UDAF again supports the inclusion of the site-specific MOU and thanks the Forest Service for the coordination.

Cumulative Effects Specific to Bighorn Sheep, page 186

UDAF appreciates the Forest Service including the history of the bighorn sheep reintroduction and associated information. The SDEIS states, “*If all domestic sheep were removed from Forest Service domestic sheep allotments in the Uintas, BHS would still experience a ‘high’ ROC because of the BLM and private lands with domestic sheep that would still overlap the CHHR.*” This statement sums up some of the main importance of the SDEIS. Removing domestic sheep grazing from the project area will not result in any significant benefits for bighorn sheep. Domestic sheep grazing is an essential economic driver for the surrounding communities and must be authorized to continue.

Overall UDAF supports continued domestic grazing sheep grazing at maximum sustainable levels in the project area. UDAF also supports DWR's management of bighorn sheep and supports DWR's legal jurisdiction over the management of bighorn sheep. UDAF looks forward to continually working with the Forest Service to ensure sustainable livestock grazing on public land.

Conclusion

In conclusion, the State commends the Forest Service for finding a way to move forward in a manner that preserves the cultural and historic use of the lands in the High Uintas for domestic sheep grazing while seeking to protect translocated Rocky Mountain bighorn sheep from potential disease transmission. This is a good compromise based on several years of effort to find common ground and allow continued multiple use of these public lands.

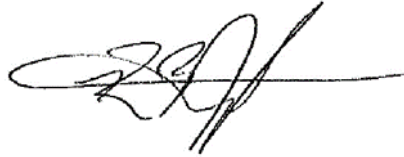
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Thank you for the opportunity to comment. Please direct any written correspondence to the Public Lands Policy Coordinating Office at the address below or call to discuss any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Redge B. Johnson', with a long horizontal line extending to the right.

Redge B. Johnson
Director