

JRB, LLC

Salt Lake City, Utah

August 28, 2023

David Whittekiend, Forest Supervisor
Uinta-Wasatch-Cache National Forest
857 West South Jordan Parkway
South Jordan, UT 84095

Susan Eickhoff, Forest Supervisor
Ashley National Forest
355 N. Vernal Ave.
Vernal, UT 84078

Re: Comments on High Uintas Wilderness Domestic Sheep Analysis Project
Supplemental Draft Environmental Impact Statement

Dear Mr. Whittekiend and Ms. Eickhoff,

JRB, LLC submits the following comments on the U.S. Forest Service's High Uintas Wilderness Domestic Sheep Analysis Project Supplemental Draft Environmental Impact Statement (SDEIS). JRB is a permittee on both the Ashley and the Uinta-Wasatch-Cache National Forests and has therefore been actively involved in the project, including submitting comments on the DEIS that JRB now incorporates by reference. At the request of the Forest Service, JRB has tried to limit the following comments to only the new information and additional discussions in this SDEIS.

JRB is a fifth generational ranching entity that grazes livestock on federal, state, and private lands in Wyoming and Utah. JRB operations include the grazing of both cattle and domestic sheep, and more specifically the grazing of domestic sheep in the Uinta Mountains for generations. Due to the substantial amount of public lands (approximately 50%) in both these states, JRB, as many ranchers, relies heavily on its federal grazing permits, including on the Ashley and the Uinta-Wasatch-Cache National Forest, to run a successful ranching operation. JRB is a longstanding steward of the land and its resources, and manages its livestock grazing activities to ensure healthy vegetation conditions persist for both its livestock and other wildlife in the area. To do otherwise makes no environmental, agricultural, or economic sense to a long term, generational ranching operation.

JRB continues to support Alternative 2 – Proposed Action, which continues the current livestock grazing management. Allowing grazing to continue is consistent with the Resource Management Plans, State Plans, the 2019 Memorandum of Understanding (MOU) for the

Management of Bighorn Sheep on National Forest System lands in the State of Utah, and the 2022 Site-Specific MOU. JRB appreciates the Forest Service's efforts to move this Project forward and for providing additional information on and incorporating the management actions of the 2022 Site-Specific MOU into this SDEIS, in addition to a more thorough discussion of past and current efforts the State of Utah has implemented to manage a sustainable bighorn sheep population while in proximity to domestic sheep. SDEIS at 32, 178-180.

The Forest Service has included discussion on not only the management actions agreed to by the Forest Service in the 2022 Site-Specific MOU, but those actions agreed to by the Utah Division of Wildlife Resources (UDWR), the Utah Department of Agriculture and Food (UDAF), and the permittees. *Id.* This is important because it puts into context the Forest Service agreeing under the MOU to develop, with the permittees' participation, Allotment Management Plans (AMP) that would incorporate strategies to mitigate comingling interactions between bighorn sheep and domestic sheep, and such strategies potentially being incorporated into Annual Operating Instructions (AOI) as needed. *Id.* at 32, 178. The only way any strategies should be included in the AOIs, and why permittees agreed to this language in the MOUs, is if it was due to the continued collaboration between all parties to the MOU and on the permittees' *voluntary* commitment to implement those strategies. *See id.* at 179 ("The UDWR shall support actions that promote the long-term conservation of BHS that *do not involuntarily* restrict, reduce, limit, or convert permitted domestic sheep grazing." (quoting the 2022 Site-Specific MOU)). The site-specific management strategies must remain *voluntary* best management practices and cannot become mandatory management actions under the AOIs. If these *voluntary* best management practices become mandatory due to incorporation with an AOI, then it could result in suspension or cancellation of a permittee's permit if not followed. *See* 36 C.F.R. § 222.4(a)(4). This was never the intent under the MOU nor what the permittees would have agreed to allowing to occur. For avoidance of doubt, JRB should not have to agree to such an interpretation today, and would be extremely hard pressed, if not impossible to do so.

JRB also generally supports the proposed project-specific Forest Plan amendment that would exempt this Project from the 2003 Wasatch-Cache Land and Resource Management Plan's sub-goal to maintain biodiversity and viability of sensitive species, which currently includes bighorn sheep. SDEIS at xiii-xv, 10. While JRB supports the amendment based on the conclusion that viability "cannot be met *at the planning area level* given the current distribution of bighorn sheep" across various National Forests, Bureau of Land Management lands, State lands, and private lands, it encourages the Forest Service to continue to recognize that viability of the bighorn sheep population can be met across its entire herd range. *Id.* at 10, 25, 176, 178. The SDEIS recognizes that viability and persistency of this herd population is possible based on UDWR's management of bighorn sheep, coordinated efforts among all parties involved to reduce comingling of bighorn sheep and domestic sheep, and voluntary adoption of reasonable

best management practices by permittees. *Id.* at 176-180, 186-187. As the Forest Service states: “Thus, domestic sheep grazing the 10 allotments and the associated sheep driveway system described in the proposed action may impact individual BHS, but would not cause a trend toward their federal listing or reduce the current viability of the BHS population on the Ashley National Forest or Wasatch-Cache National Forest.” *Id.* at 186. This language should also be included in the Proposed Forest Plan Amendment #17 attached to the notice of the SDEIS availability for commenting.

JRB would further request the Forest Service to reconsider the listing of bighorn sheep as a sensitive species and/or a species of conservation concern. When the UDWR translocated bighorn sheep to an approximate 188,000 acre area near Hoop Lake, just east of active domestic sheep grazing allotments, it was never the intent that this would alter the domestic sheep grazing practices or lead to potential closure of federal grazing allotments. In addition, it was never envisioned that these bighorn sheep populations would later become listed as sensitive species and/or species of conservation concern on the Ashley and Uinta-Wasatch Cache National Forests. The UDWR and Forest Service accepted the risk of potential conflict between bighorn sheep and domestic sheep when it first translocated bighorn sheep to this area, and UDWR has successfully managed the bighorn sheep population for over 30 years. *See* SDEIS at 176 (“These BHS herds have persisted since their introduction to the Uinta mountains concurrent with domestic sheep grazing of the 10 allotments.”), 178 (“As such, past actions by the UDWR and the Forest Service not only introduced BHS back to the Uinta Mountains, but have also helped these BHS herds persist since their reintroduction.”).

In addition, UDWR has the authority and responsibility over the protection, management, and conservation of the state’s wildlife, including bighorn sheep. Utah Code § 24-14-1(2)(a). UDWR can set policies that “seek to maintain wildlife on a sustainable basis,” and recognize the balance between habitat requirements of wildlife with the social and economic activities of man. Utah Code § 24-14-3(2)(a)-(b). As part of its management, the UDWR has used translocation to reestablish and sustain bighorn sheep populations and has entered into site-specific memorandums of understanding with livestock permittees and the Forest Service in an effort to reduce disease transmission and other potential conflict between bighorn sheep and domestic sheep. They also have a Utah Bighorn Sheep Statewide Management Plan that was last updated in 2018. Based on these efforts the State no longer lists bighorn sheep as a species of greatest conservation need in Utah. *See* UDWR, *Utah Species Field Guide - Rocky Mountain Bighorn Sheep*, available at <https://fieldguide.wildlife.utah.gov/?species=ovis%20canadensis%20canadensis>. And although the bighorn sheep herd estimate has fluctuated over time, “the State still considers these herds viable enough to sustain an annual harvest and offered another 5 ram permits in 2021.” SDEIS at 181. This information all factors into and supports a decision to remove bighorn sheep from the sensitive species and/or species of conservation concern list.

Finally, JRB appreciates the additional discussion in the SDEIS recognizing that mountain goats also have the potential to transfer pathogens to bighorn sheep. SDIES at 150, 174. Mountain goats and bighorn sheep are in direct contact in the same habitat 365-days a year, and likely transfer pathogens (possibly nose to nose) in the eastern Uinta Mountains where the Ashley National Forest is located. *See* Utah Mountain Goat Statewide Management Plan at 7. The domestic sheep grazing on the federal allotments share the same ecosystem (not habitat) of the bighorn sheep less than 90 days during the summer. UDWR is still investigating the relationship between mountain goats and bighorn sheep and any possible disease transmission, but, as the Forest Service recognizes, there are documented instances where pneumonia was passed between mountain goats and bighorn sheep. SDEIS at 150. As the SDEIS clearly points out, the removal of domestic sheep grazing on federal lands alone would not solve or remove the risk to disease transmission to bighorn sheep. *Id.* at 150, 174.

JRB supports the continuation of domestic sheep grazing on the Ashley and Uinta-Wasatch-Cache National Forest. In addition, JRB remains committed to working cooperatively with the UDWR, UAF, and Forest Service through respective site-specific MOUs to address the potential conflicts between bighorn sheep and domestic sheep. The loss of any one of these federal grazing allotments would have a negative impact on us as a permittee and would completely devastate our ranching operations if the Forest Service decided to close all of the allotments under Alternative 1. Further, it would have substantial negative socioeconomic impacts to the rural communities where we and other permittees live and/or operate.

Thank you for the opportunity to comment on this SDEIS and for the updated information the Forest Service did provide in its analysis. We look forward to continually working with the Forest Service to ensure that responsible domestic livestock grazing continues on public lands.

Sincerely,

JRB, LLC

/s/ Vance S. Broadbent

by: Vance S. Broadbent, Manager