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October 30, 2023

USFS Chief Randy Moore, Reviewing Officer
Attn: Objections
1400 Independence Ave, SW
Washington D.C. 20250-0003

Re: Objection letter for the Regional Forester's list of Species of Conservation Concern for the GMUG National Forests Revised Land Management Plan and Final Environmental Impact Statement #51806.
Regional Forester Frank Beum, Responsible Official.

Name of the Objector
Terry E. Meyers, on behalf of Rocky Mountain Bighorn Society
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The Rocky Mountain Bighorn Society (RMBS) objects to the omission of both Rocky Mountain and desert bighorn sheep from the Species of Conservation Concern (SCC) list for the Grand Mesa, Uncompahgre and Gunnison National Forests Revised Land Management Plan and Final Environmental Impact Statement. The Regional Forester has failed to consider the best available scientific information and has misinterpreted the Agencies SCC selection criteria outlined in the 2012 Planning Rule.

Chapter 10, section 12.52d of the Forest Service Handbook (Handbook) provides guidance on identifying potential SCC. For species native to and known to occur in the planning area, 12.52d.2 indicates two categories of species that must be considered as species of conservation concern: (a) those with status rank of G/T1 or G/T2 on the NatureServe ranking system; and (b) those that were delisted from the federal list of threatened or endangered species within the past five years, or are otherwise still monitored by the U.S. Fish & Wildlife Service.

Section 12.52d.3 of the Handbook identifies six other categories of species that should be considered as potential SCCs as follows (FSH 1909.12.52d.3.a-f):

- a. Species with status ranks of G/T3 or S1 or S2 on the NatureServe ranking system.
- b. Species listed as threatened or endangered by relevant States, federally recognized Tribes, or Alaska Native Corporations.

- c. **Species identified by Federal, State, federally recognized Tribes, or Alaska Native Corporations as a high priority for conservation.**
- d. **Species identified as species of conservation concern in adjoining National Forest System plan areas (including plan areas across regional boundaries).**
- e. Species that have been petitioned for Federal listing and for which a positive “90-day finding” has been made.
- f. Species for which the best available scientific information indicates there is local conservation concern about the species' capability to persist over the long-term in the plan area due to:
 - (1) **Significant threats, caused by stressors on and off the plan area, to populations or the ecological conditions they depend upon (habitat). These threats include climate change.**
 - (2) **Declining trends in populations or habitat in the plan area.**
 - (3) **Restricted ranges (with corresponding narrow endemics, disjunct populations, or species at the edge of their range).**
 - (4) **Low population numbers or restricted ecological conditions (habitat) within the plan area.**

Appendix 3 of the Final Environmental Impact Statement (FEIS) misapplies Handbook guidance related to determining “substantial concern” by relying upon the two “must consider” categories under 12.52d.2.a, or requiring a species to meet all four subcategories under 12.52d.3.f. However, both 12.52d.2 and 12.52d.3.f of these subsections discuss which species to consider, *not* whether the species meet the requirement for substantial concern. Furthermore, there is nothing in the Handbook to indicate that all of the factors, either in 3.f or 12.52d, must be satisfied for a species to be considered an SCC.

The GMUG contends that BHS do not meet criteria (3) under 12.52d.3.f, (restricted ranges), which includes “disjunct populations.” However, the Terrestrial Species Overviews prepared for this RLMP (March 2018) state:

“In pre-settlement times, it is likely that most of Colorado’s bighorn populations existed as large metapopulations that interacted over large areas and maintained high genetic diversity. Currently, large-scale movements and herd interactions have been greatly restricted because most extant populations occur as small, isolated herds separated by landscape habitat fragmentation factors such as roads, towns, urban home-sites, and other human developments on private lands in the broader landscape.”

Clearly GMUG staff have already identified the concern about small populations and lack of connectivity on the Forest, so it's not clear how they arrived at the conclusion that BHS do not meet the criteria for restricted range or disjunct populations.

Finally, by using this restricted criteria the Forest Service has failed to consider species that may qualify for SCC listing under 12.52d.3.a-e. Bighorn sheep qualify for consideration under 12.52d.3.c (list as a Species of Greatest Conservation Need in the Colorado State Wildlife Action Plan) and under 12.52d.3.d (listed as SCC in the Rio Grande National Forest [RGNF] Revised Land Management Plan approved in 2020). Importantly, the GMUG and RGNF share some populations of bighorn sheep across their administrative boundaries. Failing to list BHS as SCC on the GMUG will relegate these populations to inconsistent Forest Service management across their range. The determination of species to be included as SCC is the only decision elevated to the Regional Forester under the 2012 Planning Rule. The preamble of the Rule states:

“The Department concludes the management emphasis on species of conservation concern is more focused than the viability provisions under the 1982 rule, which included all vertebrate species whether there was concern about their persistence in the plan area or not. Since these species may be wide ranging or may occur on multiple units, the regional forester, in coordination with the responsible official, will identify species of conservation concern. **Requiring that the regional forester identify species of conservation concern will increase consistency across units and build efficiency into the Agency’s collective efforts to maintain the diversity of plant and animal communities.**”

The decision to exclude BHS from the SCC list on the GMUG, when the species face similar challenges as on the neighboring RGNF and are listed as SCC, is clearly inconsistent with the intent of SCC authority being elevated to the Regional Forester in the 2012 Planning Rule.

The Handbook provides guidance for the Regional Forester in considering and selecting SCC species (Chapter 20, Section 21.22a). This guidance indicates that the Regional Forester has the authority and the responsibility to leverage expertise of the public and local, State, Tribal, and other Federal natural resource agencies, for identifying species of conservation concern; and engage the public and invite public input when identifying species of conservation concern, as part of the public participation strategy. Colorado Parks and Wildlife (CPW) has provided the GMUG with multiple letters and a substantial amount of data supporting the need to include BHS on the SCC list, despite the inappropriately restricted criteria used by the GMUG in determining their draft list (see CPW letters dated June 28, 2021 and November 22, 2021). It is difficult to understand how the GMUG has made the apparently arbitrary decision to exclude BHS from the SCC list when CPW, the agency responsible for management and monitoring of BHS herds across the GMUG, have indicated a strong concern about the capability of BHS to persist over the long term due to current and proposed management both on the GMUG and adjacent federal and private lands.

Bighorn sheep were listed as a Sensitive Species in USFS R2 in 2007 following publication of a regional bighorn sheep species conservation assessment in support of the Forest Service Region 2 Species Conservation Project (Beecham et al. 2007). This assessment determined that several

BHS herds on the GMUG and adjacent management units are **at risk of extirpation from disease-related die-offs and/or chronically poor production, small population size, and total or near complete isolation from other bighorn populations.** The most recent update to the R2 Sensitive Species list (December 18, 2018) maintains the listing for both Rocky Mountain and desert bighorn sheep.

Forest Service staff have expressed concern that BHS cannot be listed as SCC because they are hunted, and therefore do not meet the definition of substantial concern. However, the Revised Draft Forest Assessment for identifying at-risk species (March 2018) specifically addresses this issue and concludes:

“Legal hunting is not a risk factor for species on the GMUG, although Species of Interest and some potential SCC species may be legally hunted. Hunting is regulated by Colorado Parks and Wildlife (CPW). One goal of that is to maintain stable populations of game species. As such, legal hunting is unlikely to create risk for continued persistence of these species in the plan area. Hunting permits are issued by CPW, an agency of the Colorado State government, but the final SCC designation is made by the USFS, an agency of the federal government. This makes it possible for some potential SCC species to be legally hunted – the fact that CPW allows hunting of a given species does not disqualify that species for inclusion as SCC.” (Pg. 47)

The purpose of the 2012 Planning Rule, in part, is “...to ensure that plans provide for the sustainability of ecosystems and resources; [and] meet the need for forest restoration and conservation, watershed protection, and species diversity and conservation...” According to the Handbook (1909.12), ecological conditions include habitat and other influences on species and the environment such as human uses, for example, grazing. Stressors are factors that may directly or indirectly degrade or impair ecosystem composition, structure or ecological process in a manner that may impair its ecological integrity. It has been well established in the scientific literature that bacteria transmitted from domestic sheep results in pneumonia-related all age die-offs within bighorn populations, threatening the viability of those populations. Herds affected by these epizootics often remain suppressed for decades following a die-off due to low lamb recruitment. These events are not uncommon. The ongoing presence of domestic sheep on and adjacent to bighorn sheep habitat on the GMUG is a stressor that impairs NFS lands from providing the ecological conditions bighorn sheep require. Coarse filter habitat plan components will not provide sufficient conditions required by the Planning Rule for bighorn sheep persistence. Based on strong scientific evidence, the RMBS believes there is substantial concern for the persistence of bighorn sheep over the long term on the GMUG.

Rocky Mountain Bighorn Society has previously submitted the following formal comment letters on the GMUG Plan Revision process, including substantive comments regarding inclusion of bighorn sheep on the list of Species of Conservation Concern:

- GMUG Assessments comments – January 27, 2018
- Draft EIS and Draft RLMP comments – November 26, 2021

Terry E. Meyers

A handwritten signature in black ink that reads "Terry E. Meyers". The signature is written in a cursive style with a large, stylized initial 'T'.

Executive Director
Rocky Mountain Bighorn Society