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Working to protect and restore
Western Watersheds and Wildlife

September 26, 2024

Forest Service Chief Randy Moore
1400 Independence Ave., SW
Washington, D.C. 20250-0003

Letter submitted via CARA:
https://cara.fs2c.usda.gov/Public//CommentInput?Project=51887

Re: Objection to the Regional Forester's List of Species of Conservation Concern

Dear Chief Forester Moore,

The following Objection to the Regional Forester's List of Species of Conservation Concern (SCC) for the Gila National Forest is submitted on behalf of the members of Western Watersheds Project (WWP) and WildEarth Guardians (Guardians), whose members, supporters, staff and board are concerned with the management of our public lands. WWP and Guardians previously submitted comments for this project on April 27, 2018, May 29, 2018 and April 16, 2020. The legal notice for this decision was published on July 30, 2024 and this objection, filed September 26, 2024, is therefore timely.

This Objection is filed pursuant to, and in compliance with, 36 C.F.R. Part 219, Subparts A and B. All parties to this objection have filed timely, specific and substantive written comments in accordance with 36 C.F.R. 219.

As required by 36 C.F.R. § 219, Objectors provide the following information:

1. The name and contact information for the Objectors is listed below.
2. This Objection was written on behalf of Objectors by Cyndi Tuell whose signature and contact information are below.
3. Western Watersheds Project and WildEarth Guardians are the Objectors. Cyndi Tuell is the Lead Objector for purposes of communication regarding the Objection.

   Cyndi Tuell
   Western Watersheds Project

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4. The project that is subject to this Objection is "Regional Forester's List of Species of Conservation Concern. The Responsible Official is Michiko Martin, Regional Forester.
5. Objector submitted timely, specific, and substantive comments during the Public Comment Periods on April 27, 2018, May 29, 2018 and April 16, 2020. All points and issues raised in this objection refer to issues raised in those comment letters or new information.
6. In the following Statement of Reasons, Objector provides the specific reasons why the decision is being appealed and the specific changes or suggested remedies that he seeks, along with the related evidence and rationale on why the decision violates applicable laws and regulations.

NOTICE OF OBJECTION

Pursuant to 36 C.F.R. § 218, Western Watersheds Project and WildEarth Guardians are filing an Objection regarding the Regional Forester's List of Species of Conservation Concern.

INTRODUCTION

WWP is a nonprofit organization dedicated to protecting and restoring western watersheds and wildlife through education, public policy initiatives, and legal advocacy. With over 5,000 members and supporters throughout the United States, WWP actively works to protect and improve upland and riparian areas, water quality, fisheries, wildlife, and other natural resources and ecological values. WWP's staff and members are concerned with the management of national forests and public lands throughout New Mexico, including the Gila National Forest. We work throughout the West, advocating for watersheds, wildlife, and ecological integrity. The ongoing plan revision process affects our interest in the health and integrity of the terrestrial and riparian environments found in the Gila National Forest. Our staff and members regularly visit the Gila National Forest and enjoy the outstanding wildlife, wilderness, and recreational values the Forest provides.

WildEarth Guardians is a nonprofit conservation organization whose mission is to protect and restore wildlife, wild places, wild rivers, and the health of the American West. Guardians has offices throughout the western United States, including New Mexico and Arizona, and has more than 206,000 members and supporters across the United States and the world. As an organization, Guardians seeks to ensure the Forest Service complies with all environmental laws during the Forest Plan revision process. It also has a demonstrated history of advocating for an ecologically and economically sustainable transportation system on the Gila National Forest, and protecting at-risk species.

We have addressed some of the concerns below in our Objection to the Forest Plan and include them here to provide the full context of our concerns for the Forest Service's failure to include bighorn sheep on the list of the Species of Conservation Concern. Our objection to the Species of Conservation Concern list is at part II of this objection.

WWP and Guardians object to the Regional Forester's List of Species of Conservation Concern for the following reasons:

STATEMENT OF REASONS

I. Impacts to bighorn sheep must be further addressed in the Forest Plan

As an initial matter, because the adoption of recommended wilderness areas included in Alternative 5 would benefit bighorn sheep, which inhabit the Lower San Francisco, Park Mountain, and Mogollon Box/Tadpole Ridge Wilderness Study Areas, we support the addition of these Wilderness Study Areas to existing Wilderness and encourage the Forest Service to include them and we object to the failure to include them.

Raised in our prior comments: 4.16.2020 Coalition comments at 110; WWP 4.16.20 at 15-18.

A. We object to failure to include a guideline for protection of lambing season from prescribed fires

As we noted in our prior comments, the Forest Service must coordinate with the land and natural resource management planning processes of the state and local governments. Relative to bighorn sheep, the New Mexico State Wildlife Plan has recommendations related to scheduling controlled or prescribed burns to avoid impact to bighorn sheep during lambing season.

To advance the prioritized conservation actions of the New Mexico Comprehensive Wildlife Conservation Strategy, we object to the failure to include a guideline, and suggest such a guideline be added, to the Cliffs and Rocky Features section of the plan that avoids controlled burning in bighorn sheep habitat during bighorn sheep lambing season between mid-December and mid-February. While the likelihood of controlled burns being proposed specifically on cliffs or rocky features may below, prescribed fires could be proposed around such features that are habitat for bighorn sheep.

B. We object to the failure to include a limitation on where special use permits for pack animals can be authorized

We appreciate that vegetation management (targeted grazing) by sheep or goats is now prohibited (Non-native Invasive Species Standard 6). While the Forest Plan does not ban pack goats, or associated special use permits, there are significant requirements that now have to be met to get a permit, including requiring the user to demonstrate goats have tested negative for pneumonia, and are up to date on vaccinations. Pack goat use can only occur outside of bighorn sheep occupied range with such an approved special use permit (Sustainable Recreation Standard 5).

However, an occupied range proscription is not sufficient to protect bighorn sheep, so the Forest Plan must further limit where such special uses can be authorized.

We recommend a prohibition on issuing pack permits within a 10-mile boundary of known bighorn sheep habitat and foray areas. The Forest Plan should include a special management area for bighorn sheep that would essentially incorporate a 10-mile buffer area around sheep habitat and foray areas to create a no pack animal (goat and sheep) zone.

C. The Forest Plan is unclear as to the status of bighorn sheep[1]

Global conservation status ranks are assigned by NatureServe scientists or by a designated lead office in the NatureServe Network. NatureServe conservation status ranks are based on a scale of one to five, ranging from critically imperiled (1) to demonstrably secure (5). Status is also assessed and documented at three distinct geographic scales– global (G), national (N), and state/province (S). The conservation status of a species or ecosystem is designated by a number from 1 to 5, preceded by a letter reflecting the appropriate geographic scale of the assessment. (https://explorer.natureserve.org/AboutTheData/DataTypes/ConservationStatusCategories).

NatureServe identifies Bighorn Sheep (*Ovis canadensis*) as having a Global Conservation Status rank of G4 or "Apparently Secure", while it gives a State of New Mexico Subnational Conservation Status Rank of S1, or "Critically Imperiled". Lastly, intraspecific taxon or subspecies status are defined by NatureServe using a T designation. NatureServe identifies Rocky Mountain Bighorn Sheep (*Ovis canadensis canadensis*) as T4 (Apparently Secure) in New Mexico, while further identifying Mexicana Bighorn Sheep (*Ovis canadensis mexicana*) as T3 (Vulnerable) in New Mexico. (NatureServe, 2024; Accessed 9/23/24).

There is confusion when comparing taxa between Nature Serve and New Mexico Game and Fish (NMGF) and its BISON-M platform, as NMGF calls the *Mexicana* sub-species by the common name "Desert Bighorn sheep". The Nature Serve Platform uses "Desert Bighorn Sheep" for the sub-species *Ovis canadensis nelsoni*, which is not found in the state of New Mexico, with the exception of some possible range in the far northwest portion of the state, and not in the Gila National Forest. (New Mexico Game and Fish BISON-M, Accessed 9/18/24).

There is further confusion as the Gila Forest Plan Final Assessment Report (hereafter referred to as Assessment) notes Bighorn Sheep (*Ovis canadensis*) as G4/S1, but does not articulate the status of either sub-species as NatureServe does; in this case *O.c. canadensis* as T4, nor *O.c. mexicana* as T3. Rather the Assessment lumps both subspecies together. While the S1 subnational rank designation likely results from considering the T3 status of the *mexicana* subspecies, the Gila Forest Plan Final Assessment makes no distinction between the "Apparently Secure" (T4) *O.c. canadensis* subspecies and the "Vulnerable" (T3) *mexicana* sub-species, instead simply evaluating them as *Ovis canadensis*.

The NatureServe designation was used as Rationale for Consideration to determine whethera species should be designated a Species of Conservation Concern (SCC) (Assessment; p. 367-368). Results of the analysis led to Bighorn Sheep (*Ovis canadensis*) being evaluated for SCC status.

However, bighorn sheep were subsequently removed from SCC consideration due to the fact that "Population trends for Rocky Mountain bighorn sheep within the Gila National Forest were decreasing from 2004-2012, but have been on the increase since 2013 with a large jump in the San Francisco

[1] We are also submitting a separate objection for Species of Conservation Concern for bighorn sheep.

population in 2014.[2] This species is managed as a game species,[3] and as such are secure enough to be hunted." (Assessment; p. 383).

While both sub-species *O.c. canadensis* and *O.c. mexicana* are considered game species by NMGF, it is important to note that there are no NMGF management units for hunting of Desert Bighorn sheep *(O.c. mexicana)* in the Gila National Forest. While there are units for Rocky Mountain Bighorn sheep, the fact you cannot hunt Desert Bighorn sheep (*mexicana sub-species*) within the Gila National Forest points to their limited population within the Gila National Forest boundary.

For this reason, along with the issue of confusion over sub-species status between Nature Serve and NMGF, we object to Bighorn sheep not being designated a Species of Conservation Concern at this time and ask that a separate Species of Conservation Concern analysis be conducted for each of the two sub-species of Bighorn sheep *O.c. canadensis* and *O.c. mexicana*. Because *O.c. mexicana* is considered T3, has a small population within the Gila, cannot be hunted in the Gila, and is a key contributing factor for the S1 (Critically Endangered) status by Nature Serve, we ask that this subspecies be considered a Species of Conservation Concern.

Additionally, recreationists can alter the landscape use patterns and foraging efficiency of bighorn sheep populations, disturbing and displacing animals from optimal habitat areas. Neither the Species of Conservation Concern assessment or the EIS analyze the impacts to bighorn sheep by recreational users, including hikers, motorized users, and river rafters. How are existing trails impacting bighorn sheep lambing areas? Are popular river landings displacing wildlife in areas with limited water? Is increased motorized use likely to disturb bighorn sheep? Are additional standards necessary to prevent conflicts with recreational users? These questions were neither asked, nor answered in the EIS for the Forest Plan, a violation of NEPA that has resulted in a failure to adequately consider the impacts of the Forest Plan on bighorn sheep.

Relief Requested: Bighorn sheep should be added to the Species of Conservation Concern list.

II. Objection to removing bighorn sheep as a SCC due to arbitrary criteria[4]

The analysis resulting in the omission of bighorn sheep from the Gila National Forest's Species of Conservation Concern list is based on misleading, outdated, or unsupported information. Bighorn sheep remain at substantial risk of extirpation on the Gila, and species viability in the plan area is directly affected by Forest Service management actions.

In addition to further needing to evaluate the SCC status for two different sub-species, the Forest Service also must further explain how the criteria for determining which species can be removed from the potential SCC list were established, and more importantly explain why these criteria are valid for

[2] NMDGF (New Mexico Department of Game and Fish). 2016b. State Wildlife Action Plan (Draft). New Mexico Department of Game and Fish. Santa Fe, New Mexico. 282 pp + appendices. Available online: http://www.wildlife.state.nm.us/conservation/state-wildlife-action-plan/

[3] NMDGF (New Mexico Department of Game and Fish). 2016c. 2016-2017 New Mexico Hunting Rules & Info. 137 pp. Available online: http://www.wildlife.state.nm.us/hunting/

[4] We raised these issues in our April 20, 2018 comments, attached as Exhibit 1 to this objection.

removing a species from the SCC list. In particular, the Assessment identifies the following criteria for "determining which species can be removed from the potential SCC list" (Assessment; p. 379):

> (1) "transient" (e.g. northern harrier) or "vagrant" (e.g. elegant trogon) species (also called "accidental" species) are species that have been documented to use the Gila National Forest only occasionally for foraging;
> (2) species inhabit areas not known to be affected by threats;
> (3) there is insufficient information to evaluate whether or not the species is at risk for persistence within the plan area;
> (4) species has a stable to upward population or habitat trend on the Gila National Forest; or
> (5) is a "game" species according to NMDGF meaning that the population is secure enough to withstand harvest, and as such its population is secure.

As detailed in Table 176 of Assessment (page 383), the Forest Service identifies why bighorn sheep were removed from the SCC list stating, "[p]opulation trends for Rocky Mountain bighorn sheep within the Gila National Forest were decreasing from 2004-2012, but have been on the increase since 2013 with a large jump in the San Francisco population in 2014 (NMDGF 2016b). This species is managed as a game species (NMDGF 2016c), and as such are secure enough to be hunted."

The Forest Service, however, has not explained why Criteria (5) is a valid ecological criteria for removing a species from SCC consideration, and why the fact that a species can be hunted in the State of New Mexico thus means the "continued long-term persistence in the plan area is not at risk." Just because a species can be hunted, does not mean the species does not continue to face threats to persistence.

Additionally, population trend is only one factor for evaluating "substantial concern". Significant threats to a species must also be considered, particularly when threats are novel or greater than expected under natural variation. Such is the case for Bighorn sheep and their potential exposure to *Mycoplasma ovipneumoniae* (Movi); which interestingly is not mentioned once in the Assessment. While the Forest Service does consider "[s]ignificant threats, caused by stressors on and off the plan area, to populations or the ecological conditions they depend upon (habitat)" for the determination of species consideration for SCC status (see Species to Consider when Identifying Potential Species of Conservation Concern 3.f.i. Assessment; p. 367-3678), it fails to explain why a "game" species designation by NMDGF means that its population is 'secure," and supersedes existing significant threats to Bighorn sheep.

Also, the Forest Service has identified other factors for considering "substantial concern" when determining SCC, including:

- other changes in demographics or life history characteristics that could influence long-term persistence in the plan area,
- rarity, though only in concert with the conditions described above, as many species are naturally rare.[5]

[5] See Lolo National Forest Plan Revision Species Status Designation document from January of 2023.

The Forest Service must consider the scientific indicators of local conservation concern about the species' capability to persist over the long-term in the Rio Grande planning area. The Forest Service Handbook identifies those indicators as:

> (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.[6]

According to the Forest Service's own indicators, a non-declining trend in population or habitat is not enough to remove a species from consideration as an SCC because a species, though its local population trend is steady or increasing, could be so rare (i.e., it has a low population number or extremely restricted local habitat) that a single stochastic disturbance event could wipe out that entire population. Here, it appears that the Forest Service's own indicators of local conservation concern– excepting population trends–were not among the criteria for SCC consideration, nor contribute to the rationale for why bighorn sheep were removed from the SCC list for the Gila National Forest. Additional explanation and evidence based on the FSH local conservation indicators is required if the agency decides to not designate the relevant bighorn sub-species as SCC .

Furthermore, the rationale for exclusion of bighorn sheep as stated is distinctly based on the fact that "Rocky Mountain bighorn sheep" (*O. candensis canadensis*) has an increasing population in parts of the Gila National Forest, is a game species and can be hunted. There is no reference to desert bighorn sheep (*O. canadensis mexicana*). However, because the Forest Service has lumped these two subspecies together, it has erroneously removed desert bighorn sheep from the SCC, based on an arbitrary criteria that has been misapplied to this subspecies. The Forest Service must evaluate *O. canadensis mexicana* separately and demonstrate why and how it should or should not be included as a SCC species.

Throughout their range, bighorn sheep populations declined by an estimated 98% between the pre-settlement era and the 1950s, with this abrupt crash attributed primarily to respiratory disease caused by livestock pathogens. Remnant herds surviving to the 1950s were small, isolated, and vulnerable to stochastic disturbance and local extirpations. Besser et al. 2013 states:

> *"Bighorn sheep vanished from much of their historic range in North America during westward expansion in the early 20th century (Dice, 1919; Grinnell, 1928; Buechner, 1960). The precipitous decline in numbers, from 1.5–2 million in the 19th century to 15–18,000 in the United States by 1960 (Buechner, 1960) was not a unique phenomenon, as many other wildlife species' populations were similarly devastated during this era. However, the complete extirpation of bighorn sheep from much of their range, the slow rate of recovery despite intensive management efforts, and the recent listing of several U.S. populations as federally endangered (USFWS,*

[6] FSH 1909.12.52d(3)(f).

> *1998, 2000) sets them apart from most other North American ungulates. As with other species of wildlife, market hunting and competition with livestock for forage contributed to the decline of bighorn sheep (Spencer, 1943; Buechner, 1960). However, an unusual correlation between the introduction of domestic sheep (Ovis aries) and the rapid disappearance of bighorn sheep was noted by early investigators (Grinnell, 1928; Schillenger, 1937; Marsh, 1938). Pneumonia was recognized as an important cause of the decline by the turn of the 20th century, and remains the most significant disease impeding recovery (Rush, 1927; Buechner, 1960; Gross et al., 2000; Cassirer and Sinclair, 2007).”*

Beginning in the 1950s, bighorn sheep herds were artificially reestablished in historic habitat through more than 1300 translocation operations. Thousands of hours and millions of dollars were expended to bring bighorn sheep numbers to the current total of 73,000, just 4.8% of the pre-settlement population (WAFWA, 2015). Bighorn population growth since the 1960s reflects these extensive restoration efforts, as well as the continued contraction of the domestic sheep industry due to plummeting consumer demand. Herd re-establishment and augmentation has slowed in recent years, however, as research into the causes of pneumonia in bighorn sheep have advanced. State wildlife agencies have become increasingly reluctant to reintroduce bighorn sheep in areas adjacent to those grazed by domestic sheep or to bighorn herds known to carry *Mycoplasma* or *Pasteurella* bacteria, due to the risk of disease related die-offs or conflicts with domestic sheep producers. Wildlife managers are therefore unable to find areas of suitable habitat for further establishment of new herds. Even secure populations are limited from expansion due to fears of increasing the rate of contact with domestic sheep, with ewe culls utilized to limit birth rates in a population and with foraying rams shot for undertaking exploratory movements characteristic of the species. Healthy populations of bighorn sheep are managed well below the carrying capacity of the landscape, with herds approaching this number almost nowhere in their range.

Pneumonia-related die-offs continue to occur due to the prevalence of domestic sheep and goats in wild sheep habitat, and bighorn population growth has stagnated throughout the west.

Rocky Mountain bighorn sheep were extirpated from New Mexico by the early 1900s as a result of disease, overhunting, and livestock competition for forage. Bighorn sheep reintroductions began in the mid 20th century, with mixed results. Several reintroduced populations died off once again, due to development pressure, poaching, and the continued presence of pathogen-carrying livestock on the landscape.

Reintroduced bighorn populations on the Gila National Forest have fluctuated since 1986, with each undergoing disease-related declines followed by years of stagnant population growth. The 1986 Gila National Forest Plan describes a total of 254 bighorn sheep occurring on the forest. In 2003 there were 120-140 bighorn sheep in the Gila populations, and in 2012 there were 35-60. By 2014, the two Gila populations totalled 95-115 bighorn sheep, fewer than half the 1986 population. The assessment report relies on a 4 year growth trend, while omitting all other data from the previous two decades. The information presented by the Gila National Forest is misleading.

Despite several augmentations, the Turkey Creek herd remained below 100 animals for more than a decade, and is unlikely to persist without significant management intervention or additional augmentations. The San Francisco River population has been decimated by disease events in recent years, falling to approximately 25 animals in 2012, down from a high of 125 just 7 years before. Both herds are known to carry pathogens originating in domestic livestock which can induce a die-off years after interspecies contact occurs.

A short-term growth trend reveals nothing about the long term security of bighorn sheep from the threat of population-limiting disease. The trend in both Gila National Forest populations is a signature of recurring pathogen exposure: suppressed populations which stood below 100 animals in 2003 grew slowly before crashing to approximately 30 animals each in 2011-2012. They grew again after 2014.

Despite the low populations, disease-induced die-offs, and pathogen persistence in the Turkey Creek and San Francisco River herds of bighorn sheep, the Gila National Forest somehow concludes that, because the plan revision happens to be occurring during an upswing in the population, the risks have abated and bighorn sheep are secure. This is erroneous.

The Gila National Forest includes the species's status as a game animal, along with a short-term growth trend, as rationale for omitting bighorn sheep from the Species of Conservation Concern list.

However, population expansion and hunting have nothing to do with the security of bighorn sheep from devastating disease outbreaks. Each may, in fact, be an indicator of threats of a die-off. Across the West, ewe hunts are utilized by state wildlife management agencies to limit population growth and density in bighorn sheep herds, in an effort to reduce the risk of contact with nearby domestic sheep allotments or private lands livestock operations. In the Rio Grande Gorge, near Taos, more than four dozen bighorn ewes, most of them pregnant, were shot by hunters in March of 2018 in an effort to limit bighorn contact with domestic sheep: the herd's growth rate and population size created risks, and the decision to hunt these sheep was based on those risks, demonstrating the absurdity of The Gila National Forest's assertion that short term population growth and the availability of hunting tags in a bighorn herd, or in the state where bighorns are located, indicates that they are secure.

Dozens of examples of bighorn herds which supported ample hunting opportunities prior to a die-off may be found in scientific and wildlife management agency publications. In the Lower Owyhees population of Oregon, the herd consisted of 300 animals, had a 35:100 lamb ewe ratio, and supported 9 hunting tags in 2015. In 2016-2017, 80% of the population died of pneumonia. The lamb ewe ratio was 13:100 in 2016, and zero tags are now available.

Montana's Tendoy herd likewise supported several annual tags until a 1993 die-off decimated the population. Following almost 20 years of a small, struggling population of pathogen-carrying animals hanging on in the range without showing signs of recovery, Montana Fish Wildlife and Parks decided to enlist hunters to depopulate the Tendoy herd. No bighorn sheep remain in Montana's Tendoy Mountains.

Nevada's Montana Mountains herd was once thriving to such a degree that it was used as source stock for transplants to other areas. Nevada's 2014-2015 Big Game Status Book states:

> *"This population continues to have good lamb recruitment which has helped this population show a steadily increasing trend.* ***All ram age classes are well represented in the population, providing ample hunting opportunities for the next several years.*** *This population is well distributed throughout the unit with more expansion starting to occur east of the rims in the Montana's and Double H's.* ***With the continued increase of sheep using this area it has provided a source stock population for four different augmentations in other areas in recent years.*** *The overall herd continues to do well and may be showing signs of a positive density dependent response to bighorn removals through past capture for transplant operations. The population estimate for this year is similar to the previous year."* (NDOW, 2001) (emphasis added)

But by December of 2015, the herd had developed signs of pneumonia:

> "*Partee first noticed the Montana mountain herd was sick last December. Responsible for monitoring the disease's spread, he began working sixty hours a week and surviving on Clif bars, coffee and the occasional gas station burrito. "Every few days you'd have another one missing," he said.* ***Within a few weeks of the outbreak, more than two-thirds of the Montana mountain herd was dead, and the rest were ticking time bombs.***
>
> *Deep snows had essentially quarantined the sick herd for most of the winter. But as spring approached, the snow began melting and the risk of transmission to other, healthier herds, became too great. Partee showed me a photo of a young ram he found a month prior to the eradication. The animal's head was cocked upwards towards to the sky, as though it was looking for a bird, its nose jammed with snot, legs stiff and eyes glazed white. "It actually died just like that," he said.*
>
> *Using a helicopter and a shotgun, they shot and killed 24 bighorn. Afterwards, Partee and his supervisor, Mike Scott, found and eliminated three more. It wasn't enjoyable work.*
>
> *With nearly 100 bighorn sheep living less than a mile away in the Double H mountains, Partee and his colleagues at the Nevada Department of Wildlife made the decision to depopulate the Montana mountain herd. They contracted U.S Wildlife Services sharpshooters to carry out the job. Using a helicopter and a shotgun, they shot and killed 24 bighorn. Afterwards, Partee and his supervisor, Mike Scott, found and eliminated three more. It wasn't enjoyable work*." (Hegyi, 2016) (emphasis added)

There are now no bighorn sheep in Nevada's Montana Mountains.

The use of hunting as a rationale for omitting bighorn sheep from the Species of Conservation Concern list is not supported by regulations governing forest planning. The Grand Mesa Uncompahgre National Forest Species-At-Risk Assessment clarifies this point:

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. This is the result of different agencies making different determinations, based on different criteria.

Both bighorn sheep populations occurring on the Gila National Forest are known carriers of pathogens originating in domestic livestock which have the capacity to induce a fatal pneumonia outbreak years after livestock contact has occurred. During periods of environmental stress, such as during drought or a harsh winter, latent pathogens may become an active infection, causing morbidity, adult mortality, and the loss of lambs. Bighorn sheep on the Gila Unit demonstrate interchange with populations on the Apache-Sitgreaves National Forest, which have also been exposed to livestock pathogens. Even without further contact with domestic sheep or goats, bighorn sheep from herds on the Gila National Forest may undergo a disease event which results in the loss of more than half of a population. The presence of these pathogens, and the established connectivity between the Gila and Apache-Sitgreaves National Forest Herds, warrants listing as a Species of Conservation Concern.

Domestic sheep and goats occurring in hobby or commercial flocks on private lands may pose a risk to bighorn sheep. The 2012 Planning Rule directs wildlife managers to consider threats on and off the forest, and to develop specific measures to ensure the viability of native species for which there is substantial concern for their ability to persist in the long term. The 2012 Census of Agriculture found that there are 15 farms with sheep and lambs, 25 farms with milk goats, and 13 farms with meat goats in Grant County, indicating that private lands operations are of concern for wildlife managers and others invested in maintaining bighorn sheep populations on the Gila National Forest.

Where domestic sheep do occur adjacent to the forest, habitat management projects, such as retaining brush and canopy cover to limit the habitat suitability and landscape permeability between the species, constructing artificial water developments in interior areas to draw sheep away from forest boundaries, or allowing natural fires to occur in areas which are removed from the public-private interface to expand bighorn habitat within the boundaries of the public land, may be utilized to reduce the risk of contact with livestock and the likelihood of a consequent die-off. These measures are unlikely to be considered during site-specific activities, demonstrating the necessity of including unambiguous standards designed to protect bighorn sheep in the Forest Plan.

Cattle are authorized on almost all areas of the Gila National Forest occupied by bighorn sheep. Cattle also occur on areas of BLM-managed land adjacent to the National Forest. Cattle grazing has the capacity to negatively impact bighorn populations, yet standards addressing cattle grazing in bighorn

sheep occupied habitat are omitted. Cattle are known to carry pathogens such as RSV which can be transmitted to bighorn sheep. Cattle have also been implicated in pneumonia-related die-offs of bighorn sheep, as well as in fatal outbreaks of Bovine Viral Diarrhea impacting wild sheep. Cattle displace bighorns, restricting access to limited forage and water and increasing the energetic costs to wildlife when native species are foraging, migrating, or otherwise utilizing landscapes occupied by cattle. Cattle spread invasive and noxious weeds which degrade bighorn habitat, and contribute to soil disturbance which causes erosion and promotes the establishment of invasive species.

Without further rationale, the designation of bighorn sheep as not a Species of Conservation Concern is arbitrary and capricious, as is the use of the criteria to remove a species from SCC status consideration. While the Regional Forester has the authority to determine the criteria and evaluation process for SCC (36 CFR § 219.7 c3), it is also incumbent to explain why the criteria are valid and how they were determined, as any such rationale is currently lacking.

***Relief Requested**:* The Forest Service must withdraw the Regional Forester's List of Species of Conservation Concern, issue a new list that includes bighorn sheep as a Species of Conservation Concern, and provide the other such relief as requested above.

Thank you for your consideration of this Objection. If you have any questions, or wish to discuss the issues raised in this objection letter in greater detail, please do not hesitate to contact me.

Sincerely,

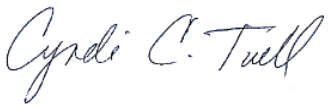

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Exhibit 1

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Working to protect and restore Western Watersheds and Wildlife

Gila National Forest
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Submitted electronically on 4/20/2018

RE: Gila National Forest Potential Species of Conservation Concern

Dear Forest Officers,

Please consider the following comments on Gila National Forest Potential Species of Conservation Concern list, submitted on behalf of Western Watersheds Project. Western Watersheds Project works to protect and conserve the public lands, wilderness, wildlife, and natural and cultural resources of the American West through education, scientific study, public policy initiatives, and litigation. Western Watersheds Project's staff and members use and enjoy the public lands, including those of the Gila National Forest, and their wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes. Western Watersheds Project has about 1,500 members nationwide, including many in New Mexico.

The analysis resulting in the omission of bighorn sheep from the Gila National Forest's Species of Conservation Concern list is based on misleading, outdated, or unsupported information. Bighorn sheep remain at substantial risk of extirpation on the Gila, and species viability in the plan area is directly affected by Forest Service management actions. Western Watersheds Project asks that the Species of Conservation Concern list be amended to include bighorn sheep.

Throughout their range, bighorn sheep populations declined by an estimated 98% between the pre-settlement era and the 1950s, with this abrupt crash attributed primarily to respiratory disease caused by livestock pathogens. Remnant herds surviving to the 1950s were small, isolated, and vulnerable to stochastic disturbance and local extirpations. Besser *et al.* 2013 states:

> *"Bighorn sheep vanished from much of their historic range in North America during westward expansion in the early 20th century (Dice, 1919; Grinnell, 1928; Buechner, 1960). The precipitous decline in numbers, from 1.5–2 million in the 19th century to 15–18,000 in the United States by 1960 (Buechner, 1960) was not a unique phenomenon, as many other wildlife species' populations were similarly devastated during this era. However, the complete extirpation of bighorn sheep from much of their range, the slow rate of recovery despite intensive management*

efforts, and the recent listing of several U.S. populations as federally endangered (USFWS, 1998, 2000) sets them apart from most other North American ungulates.

As with other species of wildlife, market hunting and competition with livestock for forage contributed to the decline of bighorn sheep (Spencer, 1943; Buechner, 1960). However, an unusual correlation between the introduction of domestic sheep (Ovis aries) and the rapid disappearance of bighorn sheep was noted by early investigators (Grinnell, 1928; Schillenger, 1937; Marsh, 1938). Pneumonia was recognized as an important cause of the decline by the turn of the 20th century, and remains the most significant disease impeding recovery (Rush, 1927; Buechner, 1960; Gross et al., 2000; Cassirer and Sinclair, 2007)."

Beginning in the 1950s, bighorn sheep herds were artificially reestablished in historic habitat through more than 1300 translocation operations. Thousands of hours and millions of dollars were expended to bring bighorn sheep numbers to the current total of 73,000, just 4.8% of the pre-settlement population (WAFWA, 2015). Bighorn population growth since the 1960s reflects these extensive restoration efforts, as well as the continued contraction of the domestic sheep industry due to plummeting consumer demand. Herd re-establishment and augmentation has slowed in recent years, however, as research into the causes of pneumonia in bighorn sheep have advanced. State wildlife agencies have become increasingly reluctant to reintroduce bighorn sheep in areas adjacent to those grazed by domestic sheep or to bighorn herds known to carry Mycoplasma or Pasteurella bacteria, due to the risk of disease related die-offs or conflicts with domestic sheep producers. Wildlife managers are therefore unable to find areas of suitable habitat for further establishment of new herds. Even secure populations are limited from expansion due to fears of increasing the rate of contact with domestic sheep, with ewe culls utilized to limit birth rates in a population and with foraying rams shot for undertaking exploratory movements characteristic of the species. Healthy populations of bighorn sheep are managed well below the carrying capacity of the landscape, with herds approaching this number almost nowhere in their range. Pneumonia-related die-offs continue to occur due to the prevalence of domestic sheep and goats in wild sheep habitat, and bighorn population growth has stagnated throughout the west.

Rocky Mountain bighorn sheep were extirpated from New Mexico by the early 1900s as a result of disease, overhunting, and livestock competition for forage. Bighorn sheep reintroductions began in the mid 20th century, with mixed results. Several reintroduced populations died off once again, due to development pressure, poaching, and the continued presence of pathogen-carrying livestock on the landscape.

Reintroduced bighorn populations on the Gila National Forest have fluctuated since 1986, with each undergoing disease-related declines followed by years of stagnant population growth. The 1986 Gila National Forest Plan describes a total of 254 bighorn sheep occurring on the forest. In 2003 there were 120-140 bighorn sheep in the Gila populations, and in 2012 there were 35-60. By 2014, the two Gila populations totalled 95-115 bighorn sheep, fewer than half the 1986 population. The assessment report relies on a 4 year growth trend, while omitting all other data from the previous two decades. The information presented by the Gila National Forest is misleading.

Despite several augmentations, the Turkey Creek herd remained below 100 animals for more than a decade, and is unlikely to persist without significant management intervention or additional augmentations. The San Francisco River population has been decimated by disease events in recent years, falling to approximately 25 animals in 2012, down from a high of 125 just 7 years before. Both herds are known to carry pathogens originating in domestic livestock which can induce a die-off years after interspecies contact occurs.

A short-term growth trend reveals nothing about the long term security of bighorn sheep from the threat of population-limiting disease. The trend in both Gila National Forest populations is a signature of recurring pathogen exposure: suppressed populations which stood below 100 animals in 2003 grew slowly before crashing to approximately 30 animals each in 2011-2012. They grew again after 2014. Despite the low populations, disease-induced die-offs, and pathogen persistence in the Turkey Creek and San Francisco River herds of bighorn sheep, the Gila National Forest somehow concludes that, because the plan revision happens to be occurring during an upswing in the population, the risks have abated and bighorn sheep are secure. This is erroneous.

The Gila National Forest includes the species's status as a game animal, along with a short-term growth trend, as rationale for omitting bighorn sheep from the Species of Conservation Concern list. However, population expansion and hunting have nothing to do with the security of bighorn sheep from devastating disease outbreaks. Each may, in fact, be an indicator of threats of a die-off. Across the West, ewe hunts are utilized by state wildlife management agencies to limit population growth and density in bighorn sheep herds, in an effort to reduce the risk of contact with nearby domestic sheep allotments or private lands livestock operations. In the Rio Grande Gorge, near Taos, more than four dozen bighorn ewes, most of them pregnant, were shot by hunters in March of 2018 in an effort to limit bighorn contact with domestic sheep: the herd's growth rate and population size created risks, and the decision to hunt these sheep was based on those risks, demonstrating the absurdity of The Gila National Forest's assertion that short term population growth and the availability of hunting tags in a bighorn herd, or in the state where bighorns are located, indicates that they are secure.

Dozens of examples of bighorn herds which supported ample hunting opportunities prior to a die-off may be found in scientific and wildlife management agency publications. In the Lower Owyhees population of Oregon, the herd consisted of 300 animals, had a 35:100 lamb ewe ratio, and supported 9 hunting tags in 2015. In 2016-2017, 80% of the population died of pneumonia. The lamb ewe ratio was 13:100 in 2016, and zero tags are now available.

Montana's Tendoy herd likewise supported several annual tags until a 1993 die-off decimated the population. Following almost 20 years of a small, struggling population of pathogen-carrying animals hanging on in the range without showing signs of recovery, Montana Fish Wildlife and Parks decided to enlist hunters to depopulate the Tendoy herd. No bighorn sheep remain in Montana's Tendoy Mountains.

Nevada's Montana Mountains herd was once thriving to such a degree that it was used as source stock for transplants to other areas. Nevada's 2014-2015 Big Game Status Book states:

> *"This population continues to have good lamb recruitment which has helped this population show a steadily increasing trend.* ***All ram age classes are well represented in the population, providing ample hunting opportunities for the next several years.*** *This population is well distributed throughout the unit with more expansion starting to occur east of the rims in the Montana's and Double H's.* ***With the continued increase of sheep using this area it has provided a source stock population for four different augmentations in other areas in recent years.*** *The overall herd continues to do well and may be showing signs of a positive density dependent response to bighorn removals through past capture for transplant operations. The population estimate for this year is similar to the previous year."* (NDOW, 2001) (emphasis added)

But by December of 2015, the herd had developed signs of pneumonia:

> "*Partee first noticed the Montana mountain herd was sick last December. Responsible for monitoring the disease's spread, he began working sixty hours a week and surviving on Clif bars, coffee and the occasional gas station burrito. "Every few days you'd have another one missing," he said.* ***Within a few weeks of the outbreak, more than two-thirds of the Montana mountain herd was dead, and the rest were ticking time bombs.***
>
> *Deep snows had essentially quarantined the sick herd for most of the winter. But as spring approached, the snow began melting and the risk of transmission to other, healthier herds, became too great. Partee showed me a photo of a young ram he found a month prior to the eradication. The animal's head was cocked upwards towards to the sky, as though it was looking for a bird, its nose jammed with snot, legs stiff and eyes glazed white. "It actually died just like that," he said.*
>
> *Using a helicopter and a shotgun, they shot and killed 24 bighorn. Afterwards, Partee and his supervisor, Mike Scott, found and eliminated three more. It wasn't enjoyable work.*
>
> *With nearly 100 bighorn sheep living less than a mile away in the Double H mountains, Partee and his colleagues at the Nevada Department of Wildlife made the decision to depopulate the Montana mountain herd. They contracted U.S Wildlife Services sharpshooters to carry out the job. Using a helicopter and a shotgun, they shot and killed 24 bighorn. Afterwards, Partee and his supervisor, Mike Scott, found and eliminated three more. It wasn't enjoyable work*." (Hegyi, 2016) (emphasis added)

There are now no bighorn sheep in Nevada's Montana Mountains.

The use of hunting as a rationale for omitting bighorn sheep from the Species of Conservation Concern list is not supported by regulations governing forest planning. The Grand Mesa Uncompahgre National Forest Species-At-Risk Assessment clarifies this point:

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. This is the result of different agencies making different determinations, based on different criteria.

Both bighorn sheep populations occurring on the Gila National Forest are known carriers of pathogens originating in domestic livestock which have the capacity to induce a fatal pneumonia outbreak years after livestock contact has occurred. During periods of environmental stress, such as during drought or a harsh winter, latent pathogens may become an active infection, causing morbidity, adult mortality, and the loss of lambs. Bighorn sheep on the Gila Unit demonstrate interchange with populations on the Apache-Sitgreaves National Forest, which have also been exposed to livestock pathogens. Even without further contact with domestic sheep or goats, bighorn sheep from herds on the Gila National Forest may undergo a disease event which results in the loss of more than half of a population. The presence of these pathogens, and the established connectivity between the Gila and Apache-Sitgreaves National Forest Herds, warrants listing as a Species of Conservation Concern.

Domestic sheep and goats occurring in hobby or commercial flocks on private lands may pose a risk to bighorn sheep. The 2012 Planning Rule directs wildlife managers to consider threats on and off the forest, and to develop specific measures to ensure the viability of native species for which there is substantial concern for their ability to persist in the long term. The 2012 Census of Agriculture found that there are 15 farms with sheep and lambs, 25 farms with milk goats, and 13 farms with meat goats in Grant County, indicating that private lands operations are of concern for wildlife managers and others invested in maintaining bighorn sheep populations on the Gila National Forest.

Where domestic sheep do occur adjacent to the forest, habitat management projects, such as retaining brush and canopy cover to limit the habitat suitability and landscape permeability between the species, constructing artificial water developments in interior areas to draw sheep away from forest boundaries, or allowing natural fires to occur in areas which are removed from the public-private interface to expand bighorn habitat within the boundaries of the public land, may be utilized to reduce the risk of contact with livestock and the likelihood of a consequent die-off. These measures are unlikely to be considered during site-specific activities, demonstrating the necessity of including unambiguous standards designed to protect bighorn sheep in the Forest Plan.

Cattle are authorized on almost all areas of the Gila National Forest occupied by bighorn sheep. Cattle also occur on areas of BLM-managed land adjacent to the National Forest. Cattle grazing has the capacity to negatively impact bighorn populations, yet standards addressing cattle grazing in bighorn sheep occupied habitat are omitted. Cattle are known to carry pathogens such as RSV which can be transmitted to bighorn sheep. Cattle have also been implicated in pneumonia-related die-offs of bighorn

sheep, as well as in fatal outbreaks of Bovine Viral Diarrhea impacting wild sheep. Cattle displace bighorns, restricting access to limited forage and water and increasing the energetic costs to wildlife when native species are foraging, migrating, or otherwise utilizing landscapes occupied by cattle. Cattle spread invasive and noxious weeds which degrade bighorn habitat, and contribute to soil disturbance which causes erosion and promotes the establishment of invasive species.

Standards addressing cattle grazing in bighorn sheep occupied and potential habitat must be included in the plan:

- Cattle shall not be grazed in sensitive and critical habitats, including those used as lambing range.
- Cattle shall not be grazed in areas with limited water sources, to prevent the displacement of wildlife and the transmission of livestock pathogens to bighorn sheep.
- Fences shall be constructed and repaired using only wildlife-friendly materials, methods, and designs, and fences shall be immediately removed from pastures and allotments where they are in disrepair or are no longer needed.

The permanent voluntary retirement of livestock grazing permits is a valuable tool for addressing wildlife conflicts and resource damage on public lands. Permit retirement provides an equitable solution to livestock producers facing rising costs, labor shortages, increasingly uncertain climatic conditions, growing recreational use of public lands, and changing public attitudes regarding wildlife and public lands. Permit retirements allow land managers to designate landscape areas based on modern priorities rather than on historical uses. They relieve the taxpayer burden of supporting the commercial interests of a few, and instead expands access and availability of forest resources to the broader public, including areas with known cultural significance, high recreational value, critical ecosystem services, sensitive native species, or other qualities of interest. The retirement of grazing permits without further preference must be allowed and encouraged within the Forest Plan.

Proposed plan standards fail to acknowledge that bighorn sheep do not show absolute fidelity to their home range. They likewise fail to acknowledge that domestic sheep and goats have the capacity to wander great distances when separated from a band or herd. Guidelines are irrelevant; they are neither followed nor enforceable. Guidelines addressing bighorn sheep should be elevated to standards, and standards should be modified to reflect bighorn sheep biology and behavior. Standards and guidelines should be individually numbered for reference purposes, rather than grouped.

Guideline "10) Where bighorn sheep occur, special use permits should not be issued, and management of vegetation with the use of domestic sheep and goats, should not be authorized to minimize transfer of disease to bighorn sheep," must be elevated to a standard and modified to read: "Special use permits **will** not be issued **within 10 miles of occupied or historic bighorn sheep habitat**, and management of vegetation with the use of domestic sheep and goats **will** not be authorized."

Standard "5) Domestic goats and sheep will not be used to control invasive plants in bighorn sheep occupied range," must be modified to read: "5) Domestic goats and sheep will not be used to control invasive plants **within 10 miles of occupied or historic bighorn sheep habitat.**"

Standard “4) Permit conversions to domestic sheep or goats will not be allowed to minimize the risk of disease transfer to bighorn sheep,” must be expanded to include a prohibition on the creation of new sheep and goat allotments, and to prevent the use of existing allotments as temporary forage reserves by domestic sheep or goats.

Standard “5) Authorized commercial use of domestic sheep or goats (for example, outfitter/guide and filming) in bighorn sheep ranges is prohibited,” must be modified to read “5) Authorized commercial use of domestic sheep or goats (for example, outfitter/guide and filming) **within 10 miles of occupied or historic bighorn sheep habitat** is prohibited.”

Additional plan standards, in addition to those detailed above regarding cattle grazing, fences, and the private lands interface, must be included to ensure the long term persistence of bighorn sheep on the Gila National Forest.

- Allotments made vacant for the protection of wildlife or riparian systems, soil or water resources, cultural and historic artifacts or other public values will be permanently closed to livestock grazing.
- The use of pack goats within 10 miles of occupied or historic bighorn sheep habitat is prohibited.
- The use of rented or leased pack goats is not permitted on the Gila National Forest.
- The development of roads, recreational facilities, and trails shall occur with consideration of bighorn sheep habitat needs. Roads and trails will not be sited in bighorn sheep lambing areas, and existing developments in these areas shall be prioritized for removal.
- Bighorn sheep water resources shall be mapped. Cattle use in areas of limited water availability will be prohibited to prevent the displacement of wildlife.
- Areas of established invasive vegetation will be mapped. Those occurring in areas of critical bighorn sheep habitat shall be prioritized for removal.
- Surface disturbing activities in critical bighorn sheep habitat shall be prohibited.
- Full NEPA analysis will be conducted on all grazing allotments during permit renewals, or at least once every 10 years.

Thank you for the opportunity to comment on the Gila National Forest Plan revision.

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