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First name: Lynn

Last name: Padgett

Organization: Ouray County, Colorado

Title: Commissioner

Comments: Attached

Notice of Objection pertaining to:

the Regional Forester's Species of Conservation Concern List, Analysis, and Determination for the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests Board of County Commissioners of the County of OURAY, State of Colorado

Notice of Objection pertaining to:

the Regional Forester's Species of Conservation Concern List for the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests

October 30, 2023

Frank Beum

Reviewing Officer for Revised Land Management Plan

Responsible Official for List of Species of Conservation Concern

Regional Forester

USDA Forest Service Rocky Mountain Region

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Chad Stewart

Responsible Official for Record of Decision for Revised Land Management Plan

Forest Supervisor

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Randy Moore

Reviewing Officer for List of Species of Conservation Concern

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Attn: Reviewing Officer

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Submitted electronically via the project webpage:

[http://www.fs.usda.gov/goto/gmug/forestplan\\_objections](http://www.fs.usda.gov/goto/gmug/forestplan_objections)

Notice of Objection pertaining to:

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#### OBJECTOR CONTACT INFORMATION

Pursuant to 36 C.F.R. [sect] 219.54 (c)(3), the Board of County Commissioners of the County of OURAY, State of Colorado ("Gunnison County" or "County") is designated as the objector.

Lead Objector:

Board of County Commissioners of the County of OURAY, State of Colorado

Lynn M. Padgett, Ouray County Commissioner, designated by BOCC

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## NOTICE OF OBJECTION

Ouray County files this objection to the Final Land Management Plan ("LMP") for Grand Mesa, Uncompahgre, and Gunnison National Forests ("GMUG") under the process identified in 36 C.F.R. [sect] 219 Subpart B. Notice of availability of the Record of Decision ("ROD"), Final Environmental Impact Statement ("FEIS"), and the Final Land Management Plan ("LMP", "Forest Plan" or "Plan") was published in a newspaper of record on August 30, 2023. Accordingly, this objection is timely.

## ELIGIBILITY TO OBJECT

Ouray County has participated in the planning process for the FEIS and LMP since their inception. The County submitted comments to the United States Forest Service regarding the draft LMP on December 8, 2017; June 1, 2018; March 9, 2019; May 30, 2019; July 23, 2019; and November 26, 2021. In addition, separate specific

comments regarding the Species of Conservation Concern List were submitted on November 26, 2021 (Ex. A). Further, USFS entered into Memorandum of Understandings in 2018 (19-mu-11020400-005) and 2023 (23- MU- 11020400-085), designating Ouray County as a Cooperating Agency for the planning process. See MOU (Ex. B). The issues raised in this Objection either were raised in the aforementioned comments or were unavailable at the Draft Environmental Impact Statement ("DEIS") stage.

1Final Environmental Impact Statement for the Revised Land Management Plan Volume 2: Appendix 3:

## 1. OBJECTION TO THE SPECIES OF CONSERVATION CONCERN LIST, ANALYSIS, AND DETERMINATIONS.

### SUGGESTED IMPROVEMENTS:

- \* Reconsideration of species excluded for not meeting all four indicators listed in FSH 1909.12.10.12.52..3.F, especially for species that met all indicators except 2 declining population trend within the plan area.
- \* Inclusion of species recommended by expert agency Colorado Parks and Wildlife.
- \* Inclusion of species recommended by expert agency Colorado Native Plant Society.
- \* Leverage the expertise of State natural resources agencies for identifying species of conservation concern.
- \* Inclusion of Rocky Mountain Bighorn Sheep as a Species of Conservation Concern. See pages 5 and 6 of Exhibit A. Dramatic die-offs of significant portions of herds have been documented, including the Tier 1 herd intersecting the Ouray Ranger District and Ouray County.
  
- \* The Rocky Mountain and Desert bighorn subspecies face a variety of threats, chief among them respiratory diseases transmitted from domestic 3 sheep and goats. Respiratory diseases cause not only individual mortality 4 5 but also herd mortality events. They also inhibit population growth, 6 population connectivity, and range expansion. Further, Colorado Parks and Wildlife recognizes a number of additional threats including "unregulated harvest, overgrazing, competition with other livestock, plant community succession and forestation of native ranges, and increasing human development of winter ranges" which have all been identified as 7 presently or historically contributing to bighorn sheep declines. Climate change is poised as its own threat and an additional exacerbating factor in a 8 number of threats already listed. Any one of these threats alone represent a substantial concern about these species' capability to persist over the long-term in the plan area, and combined they demonstrated that the best available science undoubtedly supports the inclusion of Rocky Mountain and Desert bighorn sheep as species of conservation concern in the GMUG Forest Plan. The Forest Service's Handbook does not trump its regulatory mandates.
- \* U.S.F.S. is required to follow the remaining guidance in 1909.12.52(d)(3). The Handbook directs the Forest Service to consider species identified by other Federal agencies and States. 1909.12.52(d)(3)(c). Both the Rocky Mountain and Desert bighorn subspecies are designated as Sensitive 9 Species in Region 2. Both are Colorado Parks and Wildlife Species of 10 Greatest Conservation Need. Colorado Department of Natural Resources has formally requested that the GMUG include both bighorn 11 subspecies as SCC.
- \* We encourage the Responsible Official to recognize that a declining trend can happen rapidly and without warning, and therefore not require a declining population trend to exist at the time the ROD is signed, especially when this species is included as a Species of Conservation Concern in the adjacent Rio Grande National Forest Land Management 12 Plan.
- \* Inclusion of Black Swift (*Cypseloides niger*) as a Species of Conservation Concern, which meets three out of four indicators, has an exceptionally limited and specific habitat (nests behind waterfalls and forages at high elevations), and is vulnerable to climate change.

2 Regional Forester and Responsible Official should not arbitrarily require all four indicators in FSH 1909.12.52d.3.f.(1-4) be met for a species to be considered a species of conservation concern in the GMUG

LRMP and EIS. We request that when there is expertise from Colorado natural resource agencies like CPW and Colorado Natural Heritage Program (CNHP) providing the best

available science that native species are present and have substantial concerns with a scientific basis, that the species be identified as Species of Conservation Concern. Especially if 2 or 3 of the indicators in FSH 1909.12.52d.3.f.(1-4) are met, which is similar to how we understand Rio Grande National Forest's Plan and SCC list was developed. The risk of relying on the absence of indicator FSH 1909.12.52d.3.f(3) while there is evidence of significant threats, declining trends or habitat, low population numbers or viability, and extreme vulnerability at the GMUG project level is severe, especially with climate change and increasing demand for multiple uses on the forest.

3 Cassirer, E. F., Manlove, K. R., Almberg, E. S., Kamath, P. L., Cox, M., Wolff, P., ... & Besser, T. E. (2018). Pneumonia in bighorn sheep: Risk and resilience. *The Journal of Wildlife Management*, 82(1), 32-45.

4 George, J.L., D.J. Martin, P.M. Lukacs, M.W. Miller. 2008. Epidemic pasteurellosis in a bighorn sheep population coinciding with the appearance of a domestic sheep. *Journal of Wildlife Diseases* 44:388-403 .

5 Grigg, J.L. L.L. Wolfe, K.A. Fox, H.J. Killion, J. Jennings-Gaines, M.W. Miller, B. Dreher. 2017. Assessing timing and causes of neonatal lamb losses in a bighorn sheep herd via use of vaginal implant transmitters. *Journal of Wildlife Diseases* 53: 596-601; Manlove, K., E. F. Cassirer, P. C. Cross, R. K. Plowright, and P. J. Hudson. 2016. Disease introduction is associated with a phase transition in bighorn sheep demographics. *Ecology* 97:2593 -2602; Wood, M.E., K.A. Fox, J. Jennings-Gaines, H.J. Killion, S. Amundson, M.W. Miller, W.H. Edwards. 2017. How respiratory pathogens contribute to lamb mortality in a poorly performing bighorn sheep herd. *Journal of Wildlife Diseases* 53: 126\* I 30.

6 Butler, C. J., Edwards, W. H., Paterson, J. T., Proffitt, K. M., Jennings-Gaines, J. E., Killion, H. J., ... & Garrott, R. A. (2018). Respiratory pathogens and their association with population performance in Montana and Wyoming bighorn sheep populations. *PloS one*, 13(11), e0207780.

7 George, J. L., R. Kahn, M. W. Miller, & B. Watkins. (2009). Colorado Bighorn Sheep Management Plan 2009-2019. Colorado Division of Wildlife, Special Report No. 81. February.

2. SUBSTANTIAL RATIONALE FOR THIS OBJECTION AND OUR DESIRED IMPROVEMENT IS DESCRIBED IN DETAIL IN OUR NOVEMBER 26, 2021 SPECIES OF CONSERVATION CONCERN COMMENTS (Ex. A).

3. OURAY COUNTY CONCURS WITH COLORADO PARKS AND WILDLIFE AND COLORADO NATIVE PLANT SOCIETY DRAFT RLMP/DEIS COMMENTS AS EXPERT AGENCIES AND THEIR OBJECTIONS TO THE FINAL RLMP AND FEIS.

4. OURAY COUNTY CONCURS WITH THE FINAL RLMP AND FEIS SPECIES OF CONSERVATION CONCERN OBJECTIONS SUBMITTED ROCKY SMITH ON BEHALF OF THE CONSERVATION COALITION.

8 Creech, T., C.W. Epps, J. Wehausen, R.S. Crowhurst, J.R. Jaeger, K. Longshore, B. Holton, W. B. Sloan, R. Monello. 2020. Genetic and environmental indicators of climate change vulnerability for desert bighorn sheep. *Frontiers in Ecology and Evolution* 26: <https://doi.org/10.3389/fevo.2020.0027>; Epps, C.W., D.R. Mucullough, J.D. Wehausen, V.C. Bleich, J.L. Reche. 2004. Effects of climate change on population persistence of desert dwelling

mountain sheep in California. Conservation Biology 18: 102-113.

9 Rocky Mountain Region Forest Service Manual, FSM 2600, Chapter 2670. December 18, 2018.

10 Colorado Parks and Wildlife. 2015. State Wildlife Action Plan.

11 Colorado Department of Natural Resources. 2018. Letter: Grand Mesa, Uncompahgre, and Gunnison National Forests - Preliminary Draft Revised Land Management Plan. May 22.

12 <https://cpw.state.co.us/Documents/Hunting/BigGame/DAU/BighornSheep/RBS22ManagementPlanFinal.pdf>

SIGNED:

LYNN PADGETT, COMMISSIONER

ON BEHALF OF

Board of County Commissioners of the County of OURAY, State of Colorado

Upon Ratification