

Reviewing Officer:

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

RE: Objection to the Regional Forester’s Species of Conservation Concern List in the Grand Mesa, Uncompahgre, and Gunnison National Forests (GMUG) Revised Land Management Plan (RLMP), Pre-Objections Version and Final Environmental Impact Statement (EIS) #51806.

Responsible Official:

Regional Forester Frank Beum
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Name of Objector:

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To whom it may concern:

I submit these comments on behalf of the Theodore Roosevelt Conservation Partnership (TRCP), a national non-profit conservation organization working to guarantee all Americans quality places to hunt and fish. The TRCP works with 62 diverse partner organizations and represents over 120,000 individual members nationally, including over 6,000 individuals who call Colorado home. Our members and partners, as well as communities and businesses that rely on wildlife-related income, benefit greatly when the US Forest Service (USFS) utilizes the best available science to design and implement best management practices to conserve, connect, restore, and properly manage important wildlife habitats while supporting sustainable, responsible recreation.

Hunting, fishing, and watchable wildlife contribute \$5 billion in economic output each year in Colorado and support 40,000 jobs across the state.¹ Hunting, fishing, and wildlife viewing are also a core component of Colorado’s culture, pride, and appeal to residents and tourists alike. Reduction, fragmentation, disruption, overuse, and development of important wildlife habitats on public lands however can result in local wildlife population declines and ecosystem degradation. Not only does this impact hunters and anglers, it also adversely affects other Forest users’ quality of experiences, and local businesses that benefit from wildlife-related visitation.

¹ Colorado Parks and Wildlife. The 2019 Statewide Comprehensive Outdoor Recreation Plan. 120pp. Accessed Aug. 2022 from: <https://cpw.state.co.us/Documents/Trails/SCORP/Final-Plan/2019-SCORP-Report.pdf> (pg 120 attached with comments)

It's critical that the Grand Mesa, Uncompahgre, and Gunnison National Forests (GMUG) carefully manage wildlife habitat to minimize impacts from vegetation management, commercial timber, wildfires, authorized and unauthorized recreational trails and camping areas, roads, and other year-round recreational and industrial activities. The TRCP has provided the comment letters below to the GMUG in support of the aforementioned priorities, and identified opportunities for plan improvements on:

- November 23, 2021, on the Draft RLMP: *GMUG DRLMP Sporting Group Recommendations_112321*
- June 2, 2021, on the Working Draft RLMP: *GMUG Working Draft Sporting Group Comments_06022021 final*

Statement of the issues in the GMUG LMP and EIS to which the objection applies:

1. The Regional Forester's application of the Forest Service 2012 Planning Rule (Planning Rule) and Forest Service Handbook (FSH) provisions related to the identification of Species of Conservation Concern (SCC) on the GMUG is in error and inconsistent with adjacent planning units with respect to bighorn sheep.

We request that the Forest Service revise its application of the criteria for identifying Species of Conservation Concern on the GMUG as they pertain to both Rocky Mountain and desert bighorn sheep. As outlined in our November 23, 2021 comments on the GMUG Draft Revised LMP (DRLMP), the Forest Service applied the six reasons/criteria found in FSH 1909.12, Chapter 10, Sec. 12.52d.3., Subpart a-f.² as explicit requirements that must all be met (rather than considered) for an individual species to be incorporated on the SCC list. This is inconsistent with plain reading of this section of the FSH, which states that these criteria "should be considered" and implies that a species may warrant listing as a SCC if any or some combination of criteria a. through f. are met sufficient to warrant a substantial concern for the capability of the species to persist over the long term in the planning area consistent with the SCC definition found in 36 CFR § 219.9 (c).³ The Forest Service 2012 Planning Rule 36 CFR § 219.9 (c) defines Species of Conservation Concern (SCC) as simply:

"a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area."⁴

The Forest Service Handbook (FSH) 1909.12, Chapter 10, Sec. 12.52d.3.c. states that the Forest Service should consider for the SCC list "species identified by Federal, State, federally recognized Tribes, or

² FSH 1909.12, Chapter 10, Sec. 12.52d.3.

³ This more flexible reading of Sec. 12.52d.3. is supported by FSH 1902.12, Chapter – Zero Code, Sec. 05.1 – Exhibit 01, which interprets the term "Should consider" in the FSH as "Thinking about a list of considerations is mandatory unless a justifiable reason exists for not taking action." In other words, it is mandatory for the decisionmaker to *think* about the list of considerations – nothing suggests that the considerations themselves should be mandatory in each instance.

⁴ 36 C.F.R. § 219.9 (c) – PLANNING, Subpart A – National Forest System Land Management Planning, *Diversity of plant and animal communities* (2012)

Alaska Native Corporations as a high priority for conservation.”⁵ The Rocky Mountain bighorn sheep is Colorado’s officially designated state animal, and is listed by Colorado Parks and Wildlife (CPW) as a “Tier 2 Species of Greatest Conservation Need” in the State Wildlife Action Plan (2015)⁶– outlining the threats to this species and demonstrating its high priority for conservation to the state of Colorado.

FSH 1909.12, Chapter 20, Sec. 21.22a.1.d. states that “the Regional Forester has the authority and responsibility to: . . . Leverage expertise of the public and local, State, Tribal, and other Federal natural resource agencies, for identifying species of conservation concern.” On June 28, 2021, CPW communicated to the Forest Service it’s substantial concern about the capability of both Rocky Mountain bighorn sheep and desert bighorn sheep to persist over the long term in the GMUG planning area due to a combination of significant threats, including:

- 1) disease transmission through contact with domestic sheep on and off the GMUG,
- 2) persistent drought and climate change that is impacting general habitat conditions and access to water sources,
- 3) increasingly widespread motorized and non-motorized recreation that further restricts bighorn range by inhibiting recolonization of vacant but otherwise suitable habitats, and
- 4) predation (primarily for desert sheep).⁷

In the letter, CPW also documented that although the recent (20+ year) translocation-induced population trend shows a slow rebound, the long-term population trend of bighorn sheep on the GMUG is still negative. For desert bighorn sheep the extremely small population size of approximately 165 individuals on the GMUG leaves them particularly susceptible to disease-related die-offs and predation. Finally, CPW highlighted in its letter the status of geographically isolated sub-populations, the limiting factors associated with these sub-populations, and the restricted range of both species on the GMUG due to adverse habitat conditions (including fire), the juxtaposition of domestic sheep allotments, and expanding recreational and urban development (including highways and increasing traffic volumes).

Despite CPW, the agency with authority over the science and management of the species, demonstrating their substantial concern for the capability of both Rocky Mountain bighorn sheep and desert bighorn sheep to persist long-term in the GMUG planning area, the Forest Service has elected not to include either of these species as SCC in the GMUG RLMP, Pre-Objections Version. We think this is in error, and contrary to the plain reading and intent of 36 CFR § 219.9 (c) as well as FSH 1909.12, Chapter 10, Sec. 12.52d.3.c., and FSH 1909.12, Chapter 20, Sec. 21.22a.1.d.

The Forest Service bases its negative SCC decision for bighorn sheep on FSH 1909.12, Chapter 10, Sec. 12.52d.3.,⁸ which lists 6 reasons/criteria a. through f. that “should be considered” when developing the SCC list. In fact, both Rocky Mountain bighorn sheep and desert bighorn sheep meet multiple criteria listed in Sec. 12.52d.3.a. - f., including:

⁵ FSH 1909, Chapter 10, Section 12.52d.3.c.

⁶ Colorado Parks and Wildlife. State Wildlife Action Plan. 2015. 27pp. Accessed from: https://cpw.state.co.us/Documents/WildlifeSpecies/SWAP/CO_SWAP_FULLVERSION.pdf (pg 27 attached with comments)

⁷ Colorado Parks and Wildlife. Comments- Lists of Species of Conservation Concern for the Grand Mesa, Uncompahgre, and Gunnison National Forests. June 28, 2021. 13pp.

⁸ FSH 1909.12, Chapter 10, Sec. 12.52d.3.

- 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).
- 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.

The Forest Service contends that neither Rocky Mountain bighorn sheep or desert bighorn sheep meet criteria f.(4) above regarding low population numbers or restricted ecological conditions within the planning area. CPW's June 18, 2021, letter outlines the best available science with respect to population status and restricted ecological conditions within the plan area. CPW's letter demonstrates without question that Rocky Mountain bighorn sheep populations on the GMUG have long-experienced restricted ecological conditions, and that desert bighorn sheep are suffering from both low population numbers and restricted ecological conditions. With this in mind, Rocky Mountain bighorn sheep clearly meet criteria c.,d. and f., and desert bighorn sheep meet criteria c. and f. We also note that, as stated in 12.52d.3.d. above, one of the reasons for the SCC designation is to provide consistency across planning units, and in particular those that are connected such as the Rio Grande National Forest – which lists Rocky Mountain bighorn sheep as a SCC⁹ – highlighting the inconsistent application of the 2012 Planning Rule and FSH between these two adjacent planning units.

To resolve our objection, the Forest Service should revise the SCC analysis to be consistent with 36 CFR § 219.9 (c), FSH 1909.12, Chapter 10, Sec. 12.52d.3.c., and FSH 1909.12, Chapter 20, Sec. 21.22a.1.d. Both Rocky Mountain and desert bighorn sheep warrant inclusion as SCC for the reasons stated above.

2. The Revised GMUG LMP does not contain plan components that clearly provide the ecological conditions necessary to ensure that viable populations of Rocky Mountain and desert bighorn sheep are maintained for the long term.¹⁰

As outlined in our November 23, 2021 comments on the DRLMP, the GMUG RLMP, Pre-Objection Version does not clearly provide the ecological conditions necessary to ensure that viable populations of Rocky Mountain and desert bighorn sheep are maintained for the long term.¹¹ To resolve our objection, the Forest Service should incorporate the additional plan components suggested for these species in our November 23, 2021 comments and highlighted below. We also request that the Forest Service

⁹ Rio Grande National Forest Land Management Plan, pg. 175-176, accessed from: <https://usfs-public.app.box.com/s/7rtaf318iwc17v5fhis15v4vztyy21tb> (pg. 175-176 attached with comments)

¹⁰ 36 C.F.R. § 219.9 (b) – PLANNING, Subpart A – National Forest System Land Management Planning, *Additional specie-specific plan components* (2012)

¹¹ 36 C.F.R. § 219.9 (b) – PLANNING, Subpart A – National Forest System Land Management Planning, *Additional specie-specific plan components* (2012)

incorporate a monitoring program for specific indicators of the ecological conditions required to maintain viable populations of both Rocky Mountain and desert bighorn sheep in the Plan area.¹²

- **Incorporate a forestwide Standard to maintain habitat connectivity in CPW-mapped high priority big game habitats – including Rocky Mountain and desert bighorn sheep migration corridors, production areas, and winter range.** To maintain consistent landscape-level management prescriptions across public and private administrative boundaries, and fully maintain habitat connectivity and the function of CPW-mapped high priority big game habitats located outside of WMAs consistent with state efforts, incorporate a forestwide Standard consistent with CPW’s published recommendations with respect to limiting route density to 1 linear mile per square mile in mapped migration corridors and the highest priority big game habitats mapped by CPW – including Rocky Mountain and desert bighorn sheep migration corridors, production areas, and winter range.¹³
- **Incorporate a forestwide Guideline for maintaining Primitive or Semi-Primitive ROS in the highest priority big game habitats identified by CPW – including Rocky Mountain and desert bighorn sheep migration corridors, production areas, and winter range.** To maintain the function of CPW-mapped high priority big game habitats consistent with state efforts across the landscape and public/private administrative boundaries, please incorporate a Standard requiring that the ROS for the highest priority big game habitats be maintained as “Primitive” or “Semi-Primitive” with route density limits of 1 linear mile per square mile.
- **Incorporate a forestwide Guideline to utilize seasonal area and route closures within high priority big game habitats - including Rocky Mountain and desert bighorn sheep migration corridors, production areas, and winter range - to mitigate seasonal impacts where necessary to maintain habitat function.** In addition to site-specific timing limitations on new activities (FW-GDL-SPEC-15), area closures are sometimes needed to maintain habitat function where dispersed activities are widespread or travel management has not been completed. Seasonal area and route closures may need to be applied to all summer and winter motorized and mechanized use but may include other uses as determined by site specific conditions.
- **Delete forestwide Management Approach FW-MA-SPEC-16.d.:** Given that many of the bighorn herds on the GMUG have not been categorized as Tier 1 or Tier 2 by CPW due to the lack of approved herd management plans, and that CPW has documented the potential for interaction between all herd classifications on the GMUG, prioritizing Tier 1 herds will not ensure population viability of bighorn on the GMUG when disease transmission between all herd classifications is a known threat to viability.
- **Incorporate a Desired Condition regarding the frequency of disease outbreaks in bighorn sheep herds on the GMUG.** In order to maintain population viability and achieve CPW herd management objectives, we recommend adding a Desired Condition that disease outbreaks associated with contact with domestic sheep occur in bighorn herds at intervals of less than 1 in 50 years.

¹² 36 C.F.R. § 219.12(a)(4)(iv) – PLANNING, Subpart A – National Forest System Land Management Planning, Diversity of plant and animal communities (2012)

¹³ Colorado Parks and Wildlife. Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado. 2023. Accessed from: https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf (attached with comments)

- **Change forestwide Guideline FW-GDL-SPEC-15 to be consistent with CPW recommendations for habitat and timing restrictions for bighorn sheep.** CPW recommendations to limit impacts to bighorn sheep include timing restrictions for all bighorn winter range, not just winter concentration areas and sever winter range.¹⁴ The guideline should be changed to be consistent with CPW recommendations.

In conclusion, we assert there is ample information in the record to warrant managing Rocky Mountain and desert bighorn sheep as SCC on the GMUG, as well as an expressed need by the GMUG for cross-boundary cooperation in management,¹⁵ therefore we interpret the decision to omit both bighorn sheep subspecies residing in the GMUG from the SCC list to be in error and in need of revision. Therefore, the TRCP requests that the Regional Forester revise its application of the criteria for identifying SCC on the GMUG and expand the SCC list to include both Rocky Mountain and desert bighorn sheep, for which the “best available scientific information indicates substantial concern about the species’ capability to persist over the long-term in the plan area.” In addition, we ask that the Forest Supervisor revisit and strengthen GMUG RLMP components for bighorn sheep before a Record of Decision is signed. These requests are consistent with the TRCP and partners’ requests submitted during 2021 public comment periods.

Thank you for considering our comments. We look forward to participating in resolution discussions.

Sincerely,



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¹⁴ Colorado Parks and Wildlife. Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado. 2023. Accessed from: https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf (attached with comments)

¹⁵ USFS 2023 EIS for the GMUG Forests LMP, Volume 1, Chapter 3, pg 306.