

Data Submitted (UTC 11): 2/11/2024 1:42:54 PM

First name: Scott

Last name: Stubbs

Organization:

Title:

Comments:

To whom it may concern,

This letter is in objection to your draft decision on the Flat Canyon Allotment.

In your EA, there were three alternatives developed

Alternative 1: current management -winter sheep 2687hm

Alternative 2: conversion to cattle, move season of use to summer. 334hm

Alternative 3: no grazing

your EA finds in acres suitable for grazing: Sheep high 454, moderate 3,755 moderate-low 2,634, and low 12,634. Cattle high 812, moderate 20, moderate-low 382, and low 17,797. the annalist seems to indicate that the landscape is better suited for sheep. Just using the first two categories, it has five times the suitable acres for sheep over cattle. 4209 acres sheep to 832 acres cattle. Alternative 2 would result in a 38% reduction in AUMs. This goes against both the State and County Management Plans.

Since 1923 this has moved from summer cattle country to sheep. in 1987 it was moved to a winter allotment. All the previous NEPA done on this allotment supported sheep was a better use. so, the tradition, cultural, and historical, use has been sheep. you state in your document that this allotment lacks water. to my knowledge many if not all producers haul water. To change from winter sheep to summer cows would be difference in amount. You refer to the last rancher saying it was unsuitable for sheep. Many ranchers that had it before, say it was a great range. There were several that tried to purchase the allotment from him. According to history in your EA, permittee waived without preference the allotment to Forest because it was worthless. this is only partially true, because the rancher who held the permit to Flat Canyon Allotment was paid from two wildlife-related NGOs, the Utah Wild Sheep Foundation and the Sportsmen for Fish and Wildlife to purchase the allotment presumably. However, unlike a typical purchase of a grazing allotment wherein the purchaser is required to also purchase the base property and/or the permitted livestock to remain eligible for a new term permit, and where the seller waives the permit to the USFS in favor of the buyer as the applicant, here, Annabella Land and Livestock waived the permit back to the Forest Service without a preferred applicant after accepting payment. when the permit was waved there where at least four producers contacted Forest to apply for permit. This proves there was interest in the allotment.

The in Forest repeatedly states that there is no interest in the sheep permittees. In draft decision it states the permit was waived with no preference in October 2019 but a letter from UWSF claims they have preference. This transaction raises a question - if SFW and UWSF were willing to expend money to purchase the Flat Canyon Allotment, but with no intention of purchasing the base property or the permitted livestock, then why did they expend the monies they did? The answer to this question seems to lie in the comment letters submitted by SFW and UWSF (available to the public online). Specifically, on August 2, 2023, the Wild Sheep Foundation submitted a comment letter on the Flat Canyon Allotment.

Comment from UWSF:

"First, the UWSF Comment, states that: "...in April of 2019 Utah Wild Sheep Foundation and Sportsmen for Fish and Wildlife, collectively the ("Purchaser's") purchased from Annabella Land and Livestock (the "Seller") the Elsinore-Flat Canyon" Allotment... "Upon consummation of the purchase, the Seller agreed to transfer to the Purchaser's the Allotment. The Purchaser's intent was to either convert the allotment to cattle or apply for no-action. It is the belief of the Purchaser's that they should have been given preference when Annabella Land and Livestock surrendered the Permit to the Forest Service"

This comment indicates that money did indeed exchange hands between UWSF/SFW and Annabella Land and Livestock. However, UWSF apparently is unfamiliar with the USFS Regulations regarding the transferability of grazing allotments/permits. It appears that the entire intent of the purchase was to eliminate sheep from the allotment.

Second, in the SFW Comment it states that:

"as our organization, along with others have already invested more than \$200,000.00 to find a land use conflict between Wild Sheep, and Domestic Sheep, we prefer Alternative 2, Cattle Grazing in the spring/summer or Alternative 3, NO Grazing. Both Alternative 2 and 3 are acceptable Alternative 1, Domestic Sheep grazing is absolutely unacceptable to wildlife interests around the state of UT, the counties of Sevier, Beaver and Piute, and the USA. In good faith, we completed a win win business solution with the previous permittee, the Annabella Land and Livestock corporation (ALLC)"

This comment also indicates that money exchanged hands between SFW/UWSF and Annabella Land and Livestock. The comment letter mentions the sum of \$200,000.00 but is unclear as to whether that was the money paid for the Flat Canyon Allotment, or simply for other efforts to "find a land use conflict between wild sheep and domestic sheep" but it does seem to allude to the notion that the money was spent so that wild sheep could be introduced to the Flat Canyon area. At any rate, the "win win business solution" mentioned seems to indicate that the previous permittee was paid to waive the permit, with the intent of replacing domestic sheep with wild sheep. Third, the WSF Letter states that WSF supports Alternatives 2 and 3 because "without risk of disease transmission from domestic sheep grazing on this allotment, an opportunity would be created to re-establish bighorn sheep where they once existed." No mention is made of a payment or purchase, but again, the fact is alluded to that without sheep, the door is opened for the introduction of wild bighorn sheep.

With these comment letters in mind, this transaction again raises a question - if SFW and UWSF were willing to expend money to (presumably) purchase the Flat Canyon Allotment, but with no intention of purchasing the base property or the permitted livestock, then why did they expend the monies they did? The fact that the money did not go to purchase either the base property or the permitted livestock (the eligibility criteria for the grazing preference for the new permit), is found in the EA itself. The EA asserts that as part of the USFS's justification for implementing Alternative 2, instead of Alternative 1, is that the Flat Canyon Allotment is more suitable for cattle than for sheep. One of the assertions in this regard is that:

"The adjacent private land (base property for the permit holder) had been used when sheep needed to be moved off/on the allotment (with changing snow conditions) at different times throughout the authorized grazing season. This neighboring private property would no longer be available for trailing livestock to and from as was the case with the former permit holder. Sheep would have to be hauled, incurring additional infrastructure, trailing, and expenses"

If it was converted to cattle, would there not be any need for infrastructure?

Clearly, the base property for the previous permit holder did not transfer to the buyers in 2019 and is no longer available for use in connection with the Flat Canyon Allotment. As such, it appears that SFW and UWSF didn't purchase any of the existing base property in 2019. They also didn't purchase the permitted livestock, or continue to run them on the allotment, as the EA makes it clear that it has gone unused since that time, and the permit was waived back to the USFS without a preferred applicant. Further, no grazing permit was ever issued by the USFS to either SFW or UWSF at any time since that time. As such, UWSF cannot claim a preference (as they have in their comment) because they did not purchase either the base property or the permitted livestock, and it was waived without a preferred applicant. The same goes for SFW.

Thus, an important question is raised - if the wildlife organizations didn't buy the base property, and they didn't buy the permitted livestock, and no new grazing permit was ever issued to the wildlife organizations, then what exactly did they pay Annabella Land and Livestock for?

In this regard, the County is extremely concerned that what the purchase price was for, was indeed (as alluded to in the comment letters) to waive the permit to the Forest Service with an understanding that domestic sheep would no longer be grazed there, opening the door to the introduction of bighorn sheep.

In the Utah Watershed Restoration (WRI) this project was presented.

"Red Canyon Habitat Restoration Project Phase II" located in the Pahvant Mountains of Sevier County, Utah just north of the Flat Canyon Grazing Allotment. According to the WRI Project website, the Project Manager is Kendall Bagley with the Utah Division of Wildlife Resources, and this particular project was proposed on January 12, 2024. Turning to the comments section of the project proposal, available online on the WRI website, is found the following interaction dated January 31, 2024 between a member of the public (Jacob Benson) and the project manager, Kendall Bagley.

First, Jacob asked:

"...on the species portion your claiming Bighorn Sheep. Is there Big Horns on project location? Thanks"

To which Kendall responded:

"Jake, the UDWR, FS, and Sportsman Groups are working towards a Management Plan to introduce Big Horn Sheep on the Pahvant Mtn. This was one area they had recommend for release."

While this particular interaction is specific to the Red Canyon Habitat Restoration Project, located north of the Flat Canyon Grazing Allotment, it's very telling that the UDWR representative indicates that "the UDWR, FS, and Sportsman Groups are working towards a plan to introduce Big Horn Sheep on the Pahvant Mountain" and the project area is just "one area they had recommend for release." Thus, while the online interaction between Mr. Benson and Mr. Bagley was specific to the project area, the response by Mr. Bagley indicated that three parties, namely the UDWR, the Forest Service and "Sportsman Groups" were working towards introduction of bighorn sheep on the Pahvant Mountain in general. This goes against the assertion found in the EA which states that "...there are no current plans for the re-establishment of this species on the Pahvant Range."

It may be possible that the Forest Service could claim ignorance on this matter. The Forest Service could claim that it was unaware of any efforts to introduce bighorn sheep on the Pahvant Mountain, as the UDWR's Mr. Bagley has indicated. However, this assertion of ignorance would surely be overcome by the following facts. On the WRI website for the Red Canyon Habitat Restoration Project Phase II it lists not only details on the project, but it also lists other names of people who are labeled as "contributors". Again, according to the same webpage, the list of people named as "contributors" are three U.S. Forest Service employees, including "Lannce Sudweeks". As the Objection Reviewing Officer is well aware, Mr. Lannce Sudweeks is a Rangeland Management Specialist with the Fillmore Ranger District, and in fact, is THE Rangeland Management Specialist over the Flat Canyon Grazing Allotment.

Where Mr. Sudweeks has "Project Manager level" access to the Red Canyon Habitat Restoration Project Phase II, and where he is also the rangeland management specialist involved in the current Flat Canyon EA, it seems extremely disingenuous for the Forest Service to assert that there are no plans to establish bighorn sheep on the Pahvant Range, while simultaneously materially participating in a WRI project that explicitly names the Forest Service as a participant in the plan to introduce bighorn sheep on the Pahvant Mountain.

Again, the EA states that there is currently no intention of introducing Bighorn Sheep in coordination with the Utah DWR. However, as shown by the mounting evidence provided above, I'm concerned that this is indeed the case, that the Forest Service has reduced available HMs and eliminated any potential disease conflict by implementing Alternative 2, all with an eye towards reallocating the reduced HMs in favor of bighorn sheep.

I object to allowing NGO to purchase allotments to fit a different use than historically they have been set up for.