



**Colorado Wool Growers Association**

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Matt Janowiak, District Ranger  
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April 1, 2016

**RE: Draft Environmental Impact Statement (DEIS)  
Weminuche Landscape Grazing Analysis**

Dear Mr. Janowiak:

The Colorado Wool Growers Association supports Alternative 4 *with the inclusion of forage reserves and increased flexibility for restocking and expansion when supported by adequate forage and vegetative conditions.*

The Colorado Wool Growers Association represents the majority of lamb and wool producers in the state. Colorado is one of the top states in the nation for lamb and wool production. We are an important contributor to our State's economy, providing both forward and backward-linked economic benefits to local communities, as well as providing open space and critical wildlife habitat. Properly managed sheep grazing benefits the environment and should be recognized and utilized by the USFS as an important forage management tool.

Unfortunately, the DEIS doesn't acknowledge the benefits of livestock grazing, and uses the presence of bighorn sheep as leverage to further reduce and eventually totally eliminate sheep grazing in the Analysis area.

The DEIS for the Weminuche Landscape Grazing Analysis acknowledges that the landscape is in generally good condition. Therefore, it is disturbing to note that the USFS (a land management agency) is discarding forage management resources (properly monitored and managed domestic sheep grazing) in favor of usurping the authority of the CPW and ignoring a stakeholder MOU. This is a deliberate effort to end domestic sheep grazing in favor of bighorn sheep; knowing full well that the overall viability of bighorn sheep (a hunted species in our state) is not threatened by minor areas of jointly utilized habitat.

In 2009 (renewed in 2014), the USFS and BLM, along with the Colorado Parks & Wildlife, Colorado Wool Growers Association, and Colorado Department of Agriculture agreed to and signed the *Memorandum of Understanding for Management of Domestic Sheep and Bighorn Sheep*. The MOU states, "*The aforementioned parties have a mutual desire to prevent or minimize to the extent feasible*

*direct contact between domestic sheep and bighorn sheep by developing and implementing mutually agreeable guidelines.”* The MOU further states, “*All parties will act to familiarize the public with potential risks regarding disease transmission between bighorn sheep and domestic sheep.”* “*The goal is to minimize contact by decreasing the opportunities for domestic/bighorn sheep interactions; while still recognizing that some vacant sheep allotments are important to the domestic sheep industry as forage reserves or for other economic or management reasons.”*

Additionally, the USFS is not mandated to manage for “zero risk,” so why does the DEIS over-emphasize the absolute need to prevent any contact?

Furthermore, the USFS and this DEIS continues to fail in its role to provide accurate information to the public in regards to the degree of risk of potential disease transmission under open range conditions. The lack of effort by the USFS only adds “fuel to the fire” of this very contentious issue. The domestic sheep industry struggles to remain viable in the face of overwhelming opposition from anti-grazing groups and wildlife advocacy groups that are pushing a no-grazing agenda based on bighorn/domestic sheep information ranging from inaccurate to completely false.

The DEIS fails to provide an unbiased and comprehensive analysis of the potential risk of disease transmission, which is imperative to an objective outcome, since this factor is being used to curtail and eliminate domestic sheep grazing in the Analysis area. **The degree of risk of potential disease transmission from domestic sheep to bighorn sheep under open range grazing conditions is unknown; and it's only poorly understood in confined pen studies that are not indicative of open range grazing conditions. Furthermore, contact between the two species in open range conditions does not automatically equate to disease transmission. Respiratory disease in bighorn sheep is polymicrobial and multi-factorial.** Bighorn sheep carry a variety of pneumonia-causing bacteria even when domestic sheep are not anywhere in the vicinity; and are known to have die-offs without any contact from domestic sheep. Pneumonia-causing bacteria are endemic in the environment, and carried by a variety of other wildlife species, such as deer, elk, and rabbits. Stress factors such as weather, nutrition, predation, capture myopathy, parasites, other diseases; lack of familiarity with habitat (for transplants), and disturbance from recreationalists, are all ignored by the USFS. Typically the only information the public receives is an unsubstantiated notion that pneumonia-causing bacteria in bighorns is a “legacy” disease caused by domestic sheep (past and present). This, despite the fact that it is an assumption and lacks any scientifically validated information from field studies; while deliberately ignoring the many other contributors to this multi-factorial disease. Both of these issues are in clear violation of the spirit and intent of the MOU; and unjustly target domestic sheep grazing as the sole cause for bighorn die-offs, and low lamb recruitment.

The area of potential habitat overlap between domestic and bighorn sheep in the Analysis area is relatively small. Potential habitat overlap does not automatically equal contact between the species; and direct contact does not automatically equal disease transmission.

There are no confirmed bighorn die offs in any of the native bighorn herds on the San Juan National Forest. In fact, the only information that mentions an outbreak in a translocated herd is a single, unconfirmed die-off discussed in the Risk Assessment. The information is labeled “strong circumstantial evidence” based on an observed (yet uncalculated) proximity and “assumed” contact. Based on this assumption alone the USFS concludes that complete mortality of these translocated bighorns occurred. Which strain of pneumonia-causing bacteria or other bacteria/virus/causes was the agent causing death remains unknown; instead it was again “assumed” based on the typical pattern of the disease and lack of documented knowledge of other causes of mortality. Notably, native bighorn

species in the same area were not determined to be affected based on steady lamb recruitments following the death of the translocated bighorns. These factors all indicate that the degree of risk of potential disease transmission from domestics to bighorns in the Analysis area is very low; yet the DEIS is drafted assuming the degree of risk is high.

During the Environmental Impact Statement (EIS) process, NEPA requires the USFS must “obtain the comments of any federal agency which has special expertise with respect to any environmental impact involved.” Therefore, when the USFS is making decisions regarding the management of bighorn and domestic sheep, USFS must consult with the USDA Agricultural Research Service (ARS) because of its special expertise in bighorn disease research.” The clear intent of this language is for the USFS to seek out the best available science from ARS, and then incorporate that information into the EIS. A cursory phone call to ARS, does not meet the intent of consultation and utilizing the disease research expertise at ARS. It simply demonstrates minimal effort to “check off a box” so the USFS can continue down its path of using the presence of bighorn sheep to reduce and eliminate domestic sheep grazing, while claiming to use best available science. What is the point of an Analysis, if it is biased, and orchestrated to arrive at a predetermined outcome? It’s our opinion that the DEIS fails to meet NEPA requirements; Council on Environmental Quality regulations (CEQ); the Data Quality Act; doesn’t rely on best available science or clearly identify the limitations of the science relied upon; and uses a flawed Risk of Contact model.

USDA ARS is heavily involved in research to identify the causes of bighorn diseases and transmission vectors. The sheep industry strongly supports this research, with contributions exceeding \$100,000. Yet, research conducted by USDA’s intramural science agency, the Agricultural Research Service, is specifically being *ignored* by USFS, in abject contravention to congressional direction.

There are many restrictive, and sometimes impractical requirements (such as burying dead livestock; although moving dead livestock from near a trail or water source would be appropriate) listed in the DEIS. The Colorado Wool Growers Association incorporates the final permittee (the Brown family) comments by reference; and supports their efforts to work with the USFS and manage the allotments (Brown family draft comments attached).

### **The EIS Violates NEPA**

NEPA requires informed decisions – not environmentally “ideal” decisions.<sup>1</sup> Council on Environmental Quality (“CEQ”) regulations require a purpose and need statement to describe the proposed action, the purpose of the proposed action, and the underlying need to which the agency is responding.<sup>2</sup> A fundamental tenet of NEPA is that it is only a procedural statute. NEPA does not mandate any particular outcome or require an agency to select an alternative that has the fewest environmental consequences or even the lowest green house gas emissions. NEPA simply requires that an agency give a “hard look” to the environmental consequences of any major federal action it is undertaking.<sup>3</sup> Once the procedural elements of NEPA have been satisfied and the environmental consequences given the required hard look, an agency may issue its decision relying on the factors and considerations specified in the statute under which it is acting.”

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<sup>1</sup> See Nicholas C. Yost, *NEPA Deskbook*, 3<sup>rd</sup> Ed., at 6, Environmental Law Institute (2003).

<sup>2</sup> 40 CFR § 1502.13.

<sup>3</sup> See *Methow Valley*, 490 U.S. at 350-51; *Kleppe*, 427 U.S. at 410, n.21 (Agency is to take a “hard look” at the environmental consequences).

Under NEPA, the USFS must analyze the impacts of a proposed federal action. The process requires agencies to address their differing missions, laws and policies early in the NEPA process. The process should not move forward until differences are addressed in an agreed-upon methodology.<sup>4</sup> Here, the USFS seems to have improperly created its own NEPA standard in reviewing effects on the “human and biological environment” and managing for amorphous “desired conditions.” The proper standard under NEPA is to analyze how action affects the human environment.<sup>5</sup> Fundamentally, NEPA must “achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities.”<sup>6</sup>

While NEPA requires federal agencies to consider the environmental consequences of federal actions, it does not mandate particular results. Agencies are not constrained by NEPA from deciding that other values outweigh environmental costs.<sup>7</sup> The purpose of NEPA “is not to create paperwork—even excellent paperwork—but to foster excellent action.”<sup>8</sup>

Under NEPA, the agency’s “environmental impact statement must study reasonable alternatives in detail.”<sup>9</sup> An agency “may eliminate alternatives that are ‘too remote, speculative, impractical, or ineffective,’ or that do not meet the purposes and needs of the project.”<sup>10</sup> For all of the reasons below, the USFS proposed action should be rejected as impractical, ineffective and contrary to the agencies’ statutory multiple-use mandates.

During the EIS process, the USFS must “obtain the comments of any federal agency which has special expertise with respect to any environmental impact involved.” Therefore, when the USFS is making decisions regarding the management of bighorn and domestic sheep, USFS must consult with the USDA Agricultural Research Service (ARS) because of its special expertise in bighorn disease research.

#### **A. Purpose and Need**

We question whether scoping sufficiently addresses statutory multiple use mandates. In fact, the USFS fails to even mention compliance with its authorizing statutes in the Purpose and Need.

#### **B. Proposed Action**

Again, the USFS fails to hardly mention multiple-use mandates under Federal Land Policy and Management Act of 1976 (“FLPMA”) and National Forest Management Act (“NFMA”) respectively.<sup>11</sup>

Neither NEPA nor the ESA amends or alters the agencies’ statutory missions. Nor can the EIS impact valid existing rights. Among others, this process must not conflict with the USFS duties and authorities

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<sup>4</sup> THE NEPA TASK FORCE: Report to the Council on Environmental Quality. Modernizing NEPA Implementation. September, 2003.

<sup>5</sup> 42 U.S.C. § 4332(2)(C); see also *San Luis & Delta-Mendota Water Auth. v. Jewell*, 747 F.3d 581 (9th Cir. Cal. 2014).

<sup>6</sup> 42 U.S.C. §4331(b)(5).

<sup>7</sup> *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

<sup>8</sup> 40 C.F.R. § 1500.1(c) (2005).

<sup>9</sup> *Biodiversity Conservation Alliance v. Bureau of Land Mgmt.*, 608 F.3d 709, 714 (10th Cir. 2010).

<sup>10</sup> *Id.* at 715 (quoting *New Mexico ex rel. Richardson*, 565 F.3d 638, 708-09 and n.30 (10th Cir. 2009)).

<sup>11</sup> EA at 18; 43 U.S. Code § 1732; 16 U.S. Code § 1604.

under the National Forest Management Act (“NFMA”)<sup>12</sup> and the Multiple-Use Sustained-Yield Act of 1960.<sup>13</sup> The USFS also omits reference to the MUSYA in its discussion of the affected environment.<sup>14</sup>

Federal grazing allotments are inextricably linked to the privately owned ranches that, out of necessity, graze livestock on USFS permits. Management decisions made by the USFS and private ranches, both impact communities, habit, and wildlife. Managing for viable livestock operations and healthy bighorn herds are not mutually exclusive. The CWGA supports increased research, and science-based decisions regarding the concern of potential disease transmission from domestic sheep to bighorns in open range conditions.

The Colorado Wool Growers Association supports Alternative 4 *with the inclusion of forage reserves and increased flexibility for restocking and expansion when supported by adequate forage and vegetative conditions.*

Sincerely,

**Colorado Wool Growers Association**  
**American Sheep Industry Association**  
**Public Lands Council**  
**Colorado Cattlemen’s Association**  
**Colorado Public Lands Council**  
**Douglas Creek Conservation District**  
**J.Paul & Debbie Brown**  
**Luke Brown**  
**Etchart Livestock, Inc.**  
**Consolidated Wool Growers Association**  
**Mesa County Wool Growers Association**  
**Rio Blanco Wool Growers Association**  
**Routt-Moffat Wool Growers Association**  
**San Juan Wool Growers Association**  
**Western Slope Wool Growers Association**  
**White River Conservation District**

Attachment: *Comments on Draft EIS and on Recommendations by WAFWA (J.Paul, Debbie, Luke Brown)*

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<sup>12</sup> 16 U.S.C. § 1600 et seq.

<sup>13</sup> 16 U.S.C. §§ 528-531.

<sup>14</sup> EA at 101.

To: Jared Whitmer (Ranger in Columbine Ranger District, San Juan National Forest – USFS)

From: Luke Brown, J. Paul Brown, and Debbie Brown

Re: Comments/concerns with Draft Environmental Impact Statement (EIS) presented 11/13/15 at home of J. Paul and Debbie Brown AND comments/concerns with the Recommendations for Domestic Sheep and Goat Management in Wild Sheep Habitat

Date: 12/9/15

Jared,

Below are a list of comments and/or concerns we have come up with. There is an enormous amount of information to digest in this EIS and the Recommendations document from 2012. However, we attempted to focus on big picture issues/concerns that we should immediately address. Lack of addressing any issue in either document does not mean we agree or disagree. We simply inadvertently did not address it.

### EIS

- With stocking numbers, we would like to see a clause that allows for an increase in stocking numbers of sheep given we can demonstrate that increase does not negatively affect the forage/environment.
  - Given that there were originally an estimated 268,000 sheep in the San Juan Mountains, it does not appear unreasonable to allow for an increase from the mere 2,250 ewes currently on these 3 allotments. We understand that not all 268,000 sheep were in this area alone, but it is very apparent that the current allotted number of sheep is minimal compared to what the land is capable of sustaining and thriving on.
  - For example, if Virginia Gulch is currently allotted for 850 ewes, we would like the option of increasing that number by a certain percentage, say 15%, up to 1500 ewes.
  - This is our way of life, and we need to expand our numbers in order to remain profitable. Therefore, we are encouraging an allowed expansion clause.
  - Also, we would like to put into place an AMU-style stocking of the permits such as is done by BLM. For example, if we could put 850 ewes from June 15 – Oct 15, but we only used from June 30 – Sept 30, we would effectively be able to place more ewes on during that time. This is another option in addition to the suggested allowed increases in stocking numbers.
- We feel there should be a clear reference to the fact there are sheep on private land in the Animas Valley and elsewhere, which especially during the winter could be in contact with big horn sheep. This statement/reference would allow for openness of thought to possible disease origination, should that ever occur.
- Pg. 7 (second to last paragraph)
  - We are concerned with the phrase “This existing condition is undesirable...” We don’t agree that there is a statistically-significant increase in risk of “disease transmission” between domestic sheep and big horn sheep.

- Pg. 14-18 (Table 1-2) – Monitoring Points. We are concerned with the following data points as “At Risk” and/or “downward trending” for the following reasons.
  - CC-RHM4 (North end of Canyon Creek) Trend: *downward*. This area has not been used by sheep in at least 5 years. It is concerning that data would be used in this analysis stating a downward trend when sheep have not been involved. Cattle may be involved, but it should be noted that sheep presence is non-existent and should not be assumed as causal for downward trend.
  - CC-RHM5 (Holding pasture near range cabin) At Risk and Trending *downward*. Same as above explanation. This has not been used by sheep in a least 5 years.
  - EM-PFC2 (Trail crossing on Endlich Mesa Trail) “functional at risk”. Not sure where this describes, but could indicate cow presence.
    - It is suggested to not use trail crossing for moving sheep and keeping sheep 100’ away from the trail. We need to know where this is to address the suggestion, but it may be illogical to require no sheep within 100’.
  - EM-RHM4 (East of Stump Lakes) “at risk”. This area is highly traveled by cows. Cow trails are extensive and damage from cows is apparent beyond a shadow of a doubt. A plan needs to be put in place to ensure cows stop coming into this area or any area on this Endlich Mesa sheep permit.
  - VG-PFC1 (Middle of West Silver Mesa) “functional – at risk”. This area has a high concentration of elk, which had done extensive damage from Virginia Creek all the way past West Silver Mesa to Missouri Gulch. We saw at least 300 elk at once southwest of this area in August of 2015. Elk excrement and tracks are rampant in this area. We would like this document to point out that sheep are not the only travelers and users of this land, and in this case, the elk have used this area extensively prior to our getting there. There is still plenty of forage, but reduction or removal of elk herd should be considered as a viable option to maintaining health of this area, should there come a time when it is at risk and downward trending.
    - Suggestions are to keep sheep 100’ away from the stream and to not use trail crossing here. If you are suggesting the sheep stay away from the main Virginia Gulch stream, that is ridiculous. If you are suggesting another stream and trail, we would have to know exactly where this is to appropriately respond, but generally, this would not be a viable option.
  - VG-RHM5 (Middle of West Silver Mesa) “at risk”. Again, the presence of elk must be acknowledged as the major force of forage reduction in this area, and a plan to manage the elk should be implemented.
- Pg. 20 – bottom paragraph (pg. 21 top paragraph)
  - Are there recorded incidents of recreational users stating negative experiences with sheep, such as for reasons of noise and smell? We reject the notion there has ever been an encounter with unruly guard dogs on our ranges. If so, please provide proof. If not, this language needs to be removed, as it is not true.
- Pg. 21 (4) Wildlife
  - We reject the notion there is substantial evidential proof that domestic sheep could transmit disease to bighorn sheep in the wild. No studies to date support this idea in conclusive evidence – most studies in the wild are correlational at best, which should

not be used as “data” nor “evidence” nor as a basis for domestic sheep and wild sheep management. This position of ours is applicable to all statements, claims, adjustments, changes, plans, etc. to this EIS.

- Pg. 21 (5) Socio-Economics
  - It should be noted that domestic sheep existence through permitted grazing on public lands provides a socio-economic benefit to hikers and users of the forest as well. People love seeing the sheep, and many go there to do just that, or they go with the expectation of seeing these domestic sheep in the mountains. Another point that should be added here is that we, the permittees, consistently clean the main trails the public use. We spend 2 days cleaning trails in the early summer and clean trails when necessary throughout the summer. This benefits the public with easy access as well as benefits the Forest Service, whose cost to clean these trails undoubtedly is reduced by our efforts.
- Pg. 23 (Guidelines, bullet 1)
  - States that if privileges are relinquished or cancelled, “privileges should not be re-allocated.” This statement is unclear. Re-allocated how, where, why, what? We disagree a permittee should not be able to re-allocate or be re-instated should the issue be taken care of.
- Pg. 45 (Alternative 4)
  - We disagree with the idea of closing all sheep allotments to the east of Endlich Mesa, and especially closing them to ANY livestock grazing. At a minimum, we would like to keep them open to cattle grazing allotment possibilities. We also would prefer to maintain them open and vacant, which would provide for future opportunities to expand and use these permits for sheep and/or cattle grazing. Closing them permanently is not an option that should be considered. At very worst, closing them to sheep grazing allotments currently, keeping open to cattle grazing, and maintaining that with appropriate scientific data/research they could be opened back up to sheep grazing. We would prefer a clause in the EIS that allows for further research to allow for opening to sheep grazing in the future on all vacant sheep and cattle permits.
  - Therefore, we reject the idea of closing permanently Cave Basin, Fall Creek, Flint Creek, Johnson Creek, Leviathan, Pine River, and Rock Creek sheep/cattle allotments.
- Pg. 49 Burnt Timber
  - We disagree with no bedding of sheep within ¼ mile of Burnt Timber Trail.
- Pg. 50 Tank Creek
  - If proposed western boundaries of Tank Creek and Canyon Creek have accessible topography and usable forage for sheep, we disagree with closure of those areas.
- Pg. 57 Livestock Bedding
  - 2-days use of open livestock bed ground is not reasonable due to sheep nature and habitual sleeping patterns. Sheep will bed relatively close to camp, which camp is moved every ~6-10 days. Bed grounds will be used about a full week, typically. Bed grounds used for this amount of time come back to produce high amounts of green forage exceeding what was there originally within 4 weeks of bedding due to high manure content, i.e. Nitrogen/fertilizer. Also, bedding sheep relatively close to camp allows a herder to not only protect the sheep from predators, but he is able to keep

close watch on their movements, take notice when sheep begin to move (as in a full-moon night) and better eliminate and/or manage any possible interaction with a stray big horn or “wild sheep”, should that possibility ever occur.

- Pg. 57 Livestock Bedding (Paragraph 3)
  - What is the Uncompahgre Fritillary Butterfly and why would sheep cause a problem for them? Will this pose another issue in the future that could remove the sheep off of the allotments? We are concerned with this verbiage.
- Pg. 61 Watershed Resources
  - How exactly are “wetlands” and “fens” defined? Sheep thrive in high-willow areas, which also helps manage the forage and keeps willows from overtaking other forage.
- Pg. 63 Herding
  - We don’t like the verbiage that trailing of the sheep will occur during the middle of the day. Sheep travel best when cool and many times will “shade up” and rest during the middle of the day.
- Pg. 64 Salting
  - Requiring salt at ¼ mile from any water source is not feasible in some cases. If sheep are limited to bedding no closer than 300 feet from water, salt placement should be at this distance as well. Sheep typically bed where the salt is placed, which is relatively close to camp, which is relatively close to water. This provides a practical and necessary protection for sheep from predators at night and allows for herders to count the “marker” blacks in the morning to ensure all sheep are accounted for.
- Pg. 64 Planned domestic sheep estrus cycle
  - We don’t agree to limiting estrus to any time outside grazing on federal land. This restriction could, some day, be harmful to our business, should we need to breed during that time.
- Pg. 64 Trailing
  - We disagree with the premise that trucking is preferable to trailing. Sheep kept in a “tight group” should be stricken from language. Being kept in a “tight group” is not healthy for the sheep, doesn’t allow them to be comfortable and eat forage as they travel, and creates a high concentration of hoofing (walking) in a smaller area, effectively increasing risk of damage to forage and trails. We will trail sheep according to what is best for their needs, which typically is spreading out and grazing as they go. This provides the best situation and least amount of stress to the sheep.
- Pg. 69 Possible Management Actions
  - Resting livestock for one or more seasons would be absolutely detrimental to our business, effectively putting us out of business in one season. We also want the action of “Do not re-issue permit when it is waived back to the FS” to be stricken. We believe permittees should have the possibility of returning, thus restoring the ability of people to utilize the permits for agricultural production and an income and way of life, and ultimately food for this country and the world. Any action that would limit our ability as a nation to provide food for ourselves and for our country should be carefully assessed and most of the time rejected. No priority should be higher than maintaining our ability as individuals, businesses, counties, states and a country to produce food.

- Pg. 71 Forage Reserve Sheep Allotments
  - We believe that a minimum of forage reserve sheep allotments should be in place and that a “two months written notice” prior to use is not feasible. Consider a wild fire that required immediate evacuation. A permittee would need the forage reserve allotment immediately.
- Pg. 72 Monitoring
  - Who determines where these monitoring points are? The assessment of these points should be carried out by a 3<sup>rd</sup>-party assessor who has no interest in big horns nor domestic sheep on the allotment. They should be someone with unbiased measurements to determine health of the riparian and upland vegetative resources.
- Pg. 74 Table 2-7 Comparison of Alternatives Based on Key Issues
  - We disagree with Alternative 1 that “no grazing” eliminates impacts from grazing because we feel this statement insinuates that these “impacts” are negative. Appropriate grazing is necessary and helpful to a healthy forest. Non-grazing is harmful to the forest, leaving high amounts of forage to dry out and become kindling for wild fires and well as restrict new, fresh forage growth.
  - Vegetative Impacts
    - We are concerned that your proposed closures of forest sheep grazing land reduces the number of acres from 165,084 to 45,601. This is a 72.4% reduction in grazing land capacity, which we strongly advise against such closer of land for grazing.
  - Socio-economic Impacts: \$-122,711.
    - Where does this number come from and what does it mean? How do you come to this amount?
- Pg. 75 Table 2-8. Comparison of Allotment Acreage and Status for Alternatives
  - 121,027 acres closed under Alternative 4 – Preferred. This is an exorbitant number of acres and percentage of total acres currently available. This number is troubling.

#### **Recommendations for Domestic Sheep and Goat Management in Wild Sheep Habitat**

- One major concern regarding these recommendations is that financial assistance for the creation of this document was provided by organizations whose main focus/intention/reason for existing is to protect big horns, thin horns, and other wild sheep. This creates an absolute bias that makes these recommendations unfit to be utilized in creating standards of operation for domestic sheep and goats. The “funder” of a project will only fund when it serves their interest. This is a basic fundamental guide for appropriateness and validity of any study and/or recommendations. With that being said, we have specific comments regarding some of the language in these recommendations. They are brief and should not be interpreted to mean anything we don’t comment on we agree on. We disagree vehemently that domestic sheep cause die-offs in big horn sheep populations in the wild and would state emphatically that there are simply too many factors to consider and there is no valid evidence that would state otherwise. Therefore, most suggestions in this document labeled Recommendations for Domestic Sheep and Goat Management in Wild Sheep Habitat, we do not agree with. Given the lack of substantial evidence and the biased nature of these recommendations, based on funding

(which also is nearly-equivalent to influence), we reject the premise that domestic sheep must be kept as most or all costs from contacting big horn and other “wild sheep”.

- Pg. 2 WAFWA agencies should: (5) W
  - We disagree that WAFWA agencies have a right to influence private land owners regarding the private land owners’ ability to raise domestic sheep or goats. This becomes a private land-rights issue, which boundary should not be overstepped by WAFWA agencies.
- Pg. 2 Land management agencies should
  - There should be a clause that directs these agencies to remove wild sheep from domestic sheep permits as well.
- Pg. 2 Wild sheep conservation organizations should: (3)
  - Wild sheep advocates providing funding for studies concerning disease and risk associated with domestic sheep and goats in proximity to wild sheep is a major conflict of interest and should be addressed.
- Pg. 6 Effective Separation
  - It is stated that “mandatory non-use of grazing allotments where effective separation would not be assured” has been used in Idaho. This is currently being challenged by multiple organizations. Even if it is proven ultimately without a shadow of a doubt that “effective separation” is necessary, it should be policy to create that separation without the risk of permittees having “mandatory non-use” of their allotments. This effectively puts them out of business. Why would the ultimate answer be to kick sheep and goat permittees off the permits, thus creating policy and practice that has feeding and national security implications? Either wild sheep should be extracted from the area, or every means possible should be used to effectively separate the animals, or other biological/immunological/vaccine options should be used to assist in immunization of the wild sheep or domestic sheep, whichever is affected in each case.
  - If we should consider this mandatory non-use ruling as a premise, all sheep and goat grazing in the West is in danger. Are we willing to shut down all sheep and goat grazing based on correlational evidence and biased studies and recommendations funded by organizations whose goal it is to make all usable habitat for big horns effectively big horn habitat, which would eliminate sheep and goat grazing altogether? At what cost are agencies willing to protect the big horn and other wild sheep? Even if there ultimately were irrefutable evidence that domestics posed a risk of disease transmission big horn populations, are we willing to eliminate this massive food production, the economic staple for so many businesses, families and individuals, weed management, and healthy forest creation by grazing industry? What about protecting the domestic sheep and goat industry and that large economic participant in this nation? Again, making the unproven assumption the big horns were negatively directly affected by domestic sheep and goats, why not work to strategize a way to immunize the big horns or to maintain effective methods of separation to limit contact? These should be the first line of defense, with creating non-use of permits as absolute-last resort, if at all, depending on economic impacts of such an action, should all other methods be unsuccessful.

- Pg. 7 (last paragraph)
  - We reject the statement that “results of contact between domestic sheep or goats and wild sheep have been severe enough to endanger entire populations of the latter.” There is no irrefutable proof that contact between domestics and wild sheep created the results that endangered the population. It is strictly correlational and should not be stated as causal.
- Pg. 9 RECOMMENDATIONS TO WAFWA AGENCIES
  - We agree that avoiding translocations of wild sheep into areas with no reasonable likelihood of effective separation from domestic sheep and goats should be an absolute rule, and that any agency or individual doing so must be responsible for the removal of those wild sheep. Domestic sheep and goat producers should always be held harmless in this case, and all current sheep and goat allotments, whether used or vacant, should be held harmless for the introduction of any wild sheep population within the time frame from allotment creation and time of use or non-use (vacant).
- Pg. 10 (second bullet point top left)
  - Budgets should be established for the effective separation of wild sheep and domestic sheep and goats as well, not just for translocation projects.
- Pg. 12 (first full paragraph left side)
  - We disagree that domestic sheep and goats should not be allowed for use as pack animals. They will always be tied and in close proximity to their owners and would not pose a risk of contact with wild sheep.
- Pg. 12 (first full paragraph right side)
  - We are concerned with the words “outside wild sheep range”. What determines “wild sheep range”? What happens when wild sheep venture outside previously-determined range boundaries? What is to keep agencies from continuing to expand “wild sheep ranges” until no domestic sheep are allowed anywhere? We are gravely concerned this is the direction these recommendations are headed.
- Pg. 13 (4<sup>th</sup> full paragraph on left)
  - If trucking is “required”, will the wild sheep organizations be willing to foot 100% of the bill? Trucking will get very, very expensive compared to traditional trailing.
  - If trailing is established as the means these sheep or goats get to the allotment, trailing should be allowed as grandfathered in.
- Pg. 13 (last paragraph)
  - We disagree that “wild sheep habitat” not currently occupied by wild sheep cannot be converted from cattle to sheep and/or goat allotments or for trailing. If wild sheep are not there, agencies should have the right to place sheep or goats there and establish it as a grazing allotment for sheep and/or goats.
- Pg. 14 (first paragraph)
  - A NEPA analysis could take months, if not years. This should not be requisite under emergency conditions for a permittee to use a vacant allotment. An emergency could require immediate translocation of the domestic herd. Every vacant allotment should be established as feasible for entry in emergency situations, and permittees should not be forced to await a drawn-out NEPA analysis.

- Pg. 14 (first paragraph on right)
  - We agree that buffer zones may not be effective or practical. For one, a buffer zone of 9 miles would shut down many allotments immediately. For two, as described above, a “wild sheep range” is vague terminology that could change with movement of herds, effectively dramatically changing buffer zones as well and shutting down more sheep and goat allotments.
- Pg. 15 (first paragraph)
  - “regular counts” is vague terminology and opens possibility of demands by agencies that are not reasonable nor practical.
  - “confinement of domestic sheep or goats at night” is not feasible on most ranges, is poor utilization of the land, and is unhealthy for the animals, which could lead to herd disease and death.
- Pg. 17 (4<sup>th</sup> bullet point on right)
  - This is unnecessary and overreaching and oppressive language. We trail our sheep as much as we feel is necessary depending on location, time of the year, forage, roads, etc. We reject the notion someone is going to tell us how many miles we should trail our sheep per day. That is ridiculous.
- Pg. 18 (first paragraph)
  - Again, we reject being dictated to about aspects of our business. Do not tell me how many guard dogs I should have. I will determined whether to have guard dogs in my herd and how many I will have.
- Pg. 18 (last paragraph)
  - Sheep and goats are an effective weed management tool that should not be regulated on private land. If a private land owner wants to weed his land by natural means of sheep or goat grazing, he/she should have the right to do so. Wild sheep organizations must protect their sheep as necessary, but we reject doing so by limiting the private land rights of a private land owner.