April 4, 2016

Matt Janowiak
District Ranger
Columbine Ranger District
San Juan National Forest
P.O. Box 439
367 South Pearl Street
Bayfield, CO 81122

Dear Matt:

On behalf of the 6,300+ members of the Wild Sheep Foundation (WSF), including ~300 from Colorado, please accept this comment letter on the Weminuche LGA DEIS. Consistent with our July 21, 2014 comment letter on the Weminuche LGA EA, WSF continues to have grave concerns over the long-term persistence of the three bighorn sheep herds analyzed in the DEIS and accompanying Risk of Contact (RoC) assessment.

Given USFS Region 2's designation of BHS as a Sensitive Species, CPW's classification of the interconnected Weminuche BHS herd as a high priority Tier 1 population, documented movement of BHS between S-71 and S-28 through active DS allotments (Virginia Gulch, Tank Creek), modeled risk-of-contact and disease transmission probability, importance of this DS/BHS interaction issue west-wide, USFS Washington Office direction on this issue addressed in 2011 and 2012 letters, non-use of the currently vacant DS allotments over the past 25-45 years, our understanding that the DS permittee was offered replacement AUMs/alternate allotments but declined that option, court findings in similar situations in western states, and numerous other factors, WSF views continued DS grazing on 5 allotments as too risky to be permitted, even under proposed Alternative 4.

Page 7 of the DEIS, 1.3 Existing Conditions for Bighorn states and clearly acknowledges:

"There are currently about 46,053 acres of potential mapped overlap in the Weminuche landscape, with 2,357 acres in active allotments and 43,596 acres in vacant allotments. <u>This existing condition is undesirable</u> due to potential for contact between domestic sheep and bighorn sheep, leading to the possibility of disease transmission between the two species."

Page 11 of the DEIS, 1.4 Desired Conditions for Bighorn Sheep clearly states:

"Prevent physical contact between bighorn sheep and domestic sheep. <u>Manage domestic sheep to achieve effective separation from bighorn sheep.</u>"

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Page 25 of the DEIS Standards states:

- ***"During project level planning on domestic sheep allotments, <u>management options must be developed to prevent physical contact between domestic sheep and bighorn sheep</u>. Actions may include but are not limited to boundary modifications, livestock type conversion, or allotment closures. 2.3.39***
- ***<u>Grazing permit administration in occupied bighorn sheep habitat must utilize measures to prevent physical contact between domestic sheep and bighorn sheep</u>. Permit administration actions may include, but are not limited to use of guard dogs, grazing rotation adjustments, or relocation of salting and bed grounds. 2.3.40 & 2.7.11***
- ***<u>Management of domestic sheep must utilize measures to prevent physical contact with bighorn sheep.</u> 2.7.12"***

In our opinion, Forest Plan Standards are not optional or discretionary; these standards must be met and adhered to. "Must" is quite clear to us, and "prevent physical contact" is clearly a higher standard than "reduce" risk of contact.

WSF would like to commend the San Juan NF staff for their detailed, comprehensive, high-quality Risk Assessment. WSF has reviewed and been involved in many of these RoC analyses; the Weminuche RoC Assessment is the most comprehensive we've reviewed in recent years. WSF firmly believes that the USFS/BLM RoC utilizes and represents the best available science for estimating probability of foraying bighorn sheep contacting domestic sheep allotments.

Alternative 4 (Preferred Alternative; Proposed Action), as proposed, will still pose a very high risk of contact between DS and BHS. Page 142 of the Risk Assessment states:

"Because the Weminuche Population represents nearly three quarters (73%) of the bighorn population and geographic distribution across the planning area, viability across the planning area is closely related to the status and function of the Weminuche Population. A disease event involving the population that represents 73% of the bighorn population on the planning area and roughly half of the geographic distribution across the planning area has potential for being a significant event for viability of bighorn sheep Forest-wide."

and

"…the importance of the Weminuche Population to viability of bighorn sheep across the planning area is high."

Table 34 (page 110) in the Risk Assessment portrays three allotments (Endlich Mesa, Tank Creek, Virginia Gulch) as High Risk, with one (Burnt Timber) Moderate Risk and one (Spring Gulch) Low Risk; these risk categories are based on the identified Design Criteria and mitigation measures, and they still indicate three out of five allotments as High Risk. Table 35 (page 111) identifies Alternative 4 as the "second-lowest" risk alternative; Alternative 1 (No Grazing) represents the "greatest prevention of contact" action alternative. The page 123 narrative clearly states ***"Selecting Alternative 4 would be less beneficial for bighorn sheep than selecting Alternative 1…"*** because of these three High Risk allotments.

We cannot understand how the USFS can justify the modeled risk of contact as acceptable, especially in comparison to results and decisions reached on other national forests in the West. The San Juan NF is obviously aware of the 9th Circuit Court of Appeals recent ruling upholding the 2010 Payette NF decision; on the Weminuche LGA, **<u>the modeled risk of contact is 7X higher than on the Payette.</u>**

Page 128 of the Risk Assessment states:

"A total herd contact rate less than about 0.08 was determined by an analysis conducted by the Payette National Forest to be a rate of allotment contact by foraying bighorn sheep thought low enough to be likely to maintain long-term bighorn sheep herd persistence under a moderate (25%) rate of contact resulting in a disease event."

Page 130 of the Risk Assessment states:

"The occurrence of multiple recent long-distance and short forays (four documented in the past four years with two events of very close [1/2 mile] physical proximity) confirms there is a high risk for physical contact within the Endlich Mesa and Virginia Gulch allotments."

Table 40 (page 131) in the Risk Assessment displays Total Herd Contact Rates, even under Alternative 4 (Preferred Alternative; Proposed Action), to be 1 contact every 0.56 years (roughly 2 contacts/year), **7X higher than the threshold used by the Payette NF.**

We cannot understand how the USFS can justify the Weminuche modeled risk of contact, in light of USFS R2's Sensitive Species status for bighorn sheep, along with CPW's Tier 1 priority designation for this bighorn sheep herd. We specifically request further explanation from the San Juan NF as to how this level of risk of contact can be deemed acceptable.

Page 30 of the DEIS (Figure 1-8, Suitable Cattle Grazing Land) shows that land identified as suitable for domestic sheep grazing (Figure 1-7, Suitable Sheep Grazing Areas) is also suitable for cattle grazing. In our opinion, conversion of the active domestic sheep grazing allotments to cattle grazing was not sufficiently analyzed as a management option to prevent physical contact between domestic and bighorn sheep.

Suitability of Burnt Timber, Canyon Creek, Endlich Mesa, Spring Gulch, and Tank Creek allotments for cattle grazing is further confirmed in Table 2-2 on pages 47-48 of the DEIS, where Recommendations for these 5 active allotments clearly specify "available for sheep or cattle grazing"; Virginia Gulch is listed as an exception to this strategy, showing "available for sheep grazing" only. Figure 2-7, Alternative 4 – Preferred Alternative Cattle Status (page 53) clearly reflects how and where cattle could be grazed. If range improvements are necessary to facilitate a conversion to cattle grazing, perhaps external, partnership funding could be obtained from NGOs interested in wild sheep conservation and management, like WSF.

Page 33 of the DEIS 2.1 Alternatives Considered But Eliminated From Detailed Analysis states:

- ***We considered the possibility of moving domestic sheep bands from currently active allotments where the risk of contact with bighorn sheep is high to other currently vacant allotments where the risk of contact with bighorns is low. However, the only vacant allotments on the Columbine Ranger District at this time are more suitable for cattle grazing than sheep grazing. The sheep permittee was offered the choice of converting to cattle and/or moving to some vacant allotments on the district. These options were unacceptable to the permittee due to additional trailing distance, different trailing routes, and increased costs. Additionally, the permittee's winter range and base property would not support change of livestock class to cattle."***

In our opinion, simply saying the permittee declined the offer of alternate allotments because of additional trailing distances and increased costs is not sufficient justification for eliminating this alternative strategy from further detailed analysis. We recommend the USFS take a closer, harder look at this option, including analyzing whether other cattle permittees might be interested in these allotments, if the current permittee is not interested. Additional justification needs to be provided on why this option wouldn't work.

Furthermore, to prevent physical contact between domestic and bighorn sheep, we recommend evaluating restocking portions of currently-vacant allotments that are suitable for cattle grazing; cumulatively, cattle grazing on suitable portions of active and vacant allotments may result in increased livestock AUMs in the analysis area.

Consistent with Congressional direction in the FY16 Omnibus spending bill (see below), we further recommend that the USFS identify all suitable domestic sheep allotments (vacant, closed, or active) to identify all possible grazing alternatives for the current Weminuche domestic sheep permittee, in an effort to examine all options for moving domestic sheep from high-risk situations to lower-risk allotments. NEPA analysis would obviously still be required, and could be expedited given the Tier 1 importance of the Weminuche bighorn sheep meta-population. Recognizing the current permittee's disinterest, to date, in considering offered alternate allotments, it seems beneficial for the USFS to look at as many options for relocating the current permittee as possible.

The Service and Bureau of Land Management also are directed to identify and implement actions to resolve issues on allotments with a high risk of disease transmission, including, if agreeable to the directly affected stakeholders, the relocation of domestic sheep to allotments with a low risk, pending any site-specific environmental analysis.

In addition, page 47 of the DEIS Restocking Requirements for Vacant Allotments under Alternative 4 states:

- ***NEPA analyses with accompanying decision must be conducted. The NEPA analysis will include the appropriate level of analysis of risk of contact between bighorn and domestic sheep, and must also consider and mitigate other conflicts, such as with recreation uses and outfitters.***
- ***Stocking can only be done when compliance with plan standards is demonstrated (e.g., preventing physical contact between bighorn and domestic sheep).***
- ***Species viability requirements must be met.***
- ***Pre-stocking aerial surveys will be conducted, with a minimum of two overflights within two weeks prior to stocking.***
- ***The stocking of any vacant allotments (single allotment or any combination of vacant allotments) will not add to the cumulative risk of disease transmission to bighorn sheep.***

Due to the importance and sensitivity of this issue, it is our recommendation that the decision to restock vacant allotments be elevated from the District Ranger level to the Forest Supervisor, especially if restocking can only occur when compliance with forest plan standards can be demonstrated.

Page 151 of the current Risk Assessment states:

"…under Alternative 4, …concern remains for the potential for a disease transmission event in the Weminuche Landscape due to a number of allotment/bighorn herd combinations having predicted total herd contact rates more frequent than the levels thought necessary to maintain herd persistence for the long term."

Page 132 of the Risk Assessment states:

"Alternative 1 is completely consistent with all Forest Plan resource direction for bighorn sheep conservation and management on the planning area. Because Alternative 1 does not authorize domestic sheep grazing on NFS lands in the Weminuche Landscape, it is the only alternative that completely prevents physical contact between bighorn sheep and domestic sheep."

We disagree that selection of Alternative 4 prevents physical contact, as required under Forest Plan Standard 2.3.39. We acknowledge that selection of Alternative 4 reduces likelihood of physical contact, but it certainly does NOT prevent physical contact. As noted on page 147 of the Risk Assessment, ***"…selecting Alternative 1 provides the greatest likelihood of maintaining bighorn sheep viability across the planning area over the long term (next 10+ years)."***

After full consideration, the Wild Sheep Foundation cannot support Alternative 4, as proposed. Unless Alternative 4 is further modified to reduce risk of contact, Alternative 1 remains the only option that protects this high-priority herd.

We look forward to receiving a response from the San Juan NF to our concerns, and we offer willingness to discuss this further from both the Wild Sheep Foundation, and our Colorado affiliate, the Rocky Mountain Bighorn Society.

Thank you for the opportunity to comment.

Sincerely,

Gray N. Thornton
President & CEO

Kevin Hurley
Conservation Director

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