

Appendix A

Public Involvement

Table of Contents

Public Involvement on the DSEIS and the Update to the DSEIS.....	2
Content Analysis for the DSEIS and the Update to the DSEIS	11
Response to Public Comments on the DSEIS and Update to the DSEIS	21
100 Legal and Administrative Framework (violations, lack of disclosure, decision making, laws, regulations, policy)	21
102–108 Issues Pertaining to the Alternatives.....	37
110 Standards, Guidelines, Goals, and Objectives.....	65
130 Adequacy of Analysis and Data (content, use of information/data, conclusion not supported by data, need for additional analysis).....	74
160 Cumulative Effects Analysis	101
170 Desired Future Conditions (DFC).....	109
175 Historical Range of Variability (HRV)	110
200 Monitoring.....	110
250 Public Involvement	116
270 Social and Economic.....	118
280 Management Indicator Species (MIS).....	136
340 Funding and Budget Constraints	137
380 Soils.....	137
520 Vegetation Management) Diversity, Inventory, Restoration, Habitat, Botanical).....	138
540 Noxious Weeds (Non-native Plants).....	138
570 Wildlife Habitat.....	139
640 Rangeland Management (Livestock Grazing).....	197
700 Recreation Management.....	212
800 Tribal Interests (Treaties, trust obligation, fishing rights)	213
990 Outside the Scope of Forest Plan and Miscellaneous	223
Agency, Elected Officials, and Tribal Comment Letters.....	224
Agency, Elected Officials and Tribal Letters on the DSEIS	224
Agency, Elected Officials and Tribal Letters on the Update to the DSEIS	225
Literature Cited.....	227

Introduction

In 2008, the Payette National Forest published a Draft Supplemental Environmental Impact Statement (DSEIS) (USDA Forest Service 2008) to the 2003 *Southwest Idaho Ecogroup Land and Resource Management Plans Final Environmental Impact Statement* (FEIS) (USDA Forest Service 2003) and Record of Decision (ROD). The DSEIS responded to the appeal instructions received from the Chief of the Forest Service on March 9, 2005, pertaining to the issue of bighorn sheep viability. The assessment contained several alternatives to the selected Alternative 7 in the FEIS. These alternatives were developed to analyze effects to bighorn sheep viability, rangeland resources, tribal rights and interests, and socio-economics.

The DSEIS was released for public review and comment in October 2008; its release was followed by public meetings. Over 14,000 comments were received on the document and its analysis. The Forest Service completed a content analysis on the comments received. In response to the comments on the DSEIS, the Payette National Forest updated some analysis methods and models to better address the concerns that were raised and released an *Update to the Draft Environmental Impact Statement* (USDA Forest Service 2010) in March 2010 for a 45-day comment period. The Updated to the DSEIS included 1) a core herd home range analysis; 2) habitat models; 3) sensitive species listing by Region 4 Regional Forester; 4) disease spread models; 5) quantitative content analysis; 6) a community and regional socio-economic analysis; 7) an environmental justice analysis and; 8) new alternatives. The Forest Service completed a content analysis on the 11,867 comments that were received on the Update to the DSEIS.

Many methods were used to involve and inform the public, such as newsletters, website updates, public meetings, and presentations to groups upon request. Coordination, interaction, and consultation occurred with other federal, state, county, and tribal government officials, and with special interest groups, interested individuals, and the general public. In addition, cooperating status was requested and granted beginning in August 2007 to the States of Idaho, Oregon, and Washington; and the Tribal governments of the Nez Perce, Shoshone-Bannock, Shoshone-Paiute, and the Confederated Tribes of the Umatilla Indian Reservation. Many public meetings, briefings, conference calls, intergovernmental working meetings, and one-on-one information exchanges were held in and around the Payette National Forest.

Following is a summarization of the activities that occurred from the release of the DSEIS through release of the Final Supplemental EIS and Plan Amendment. A summary of the comments received on the DSEIS and the Update to the DSEIS, and the Forest Service response to those comments is also included in this appendix, followed by Agency, elected officials and tribal comment letters.

Public Involvement on the DSEIS and the Update to the DSEIS

Public involvement and participation was important throughout the process for the DSEIS and the Update to the DSEIS, and the communication strategy was adjusted as timeframes and issues evolved. The following list conveys the key opportunities presented for information sharing, participation, and involvement:

- Personal contacts were made with key individuals, organizations, other agencies, Tribal governments, and elected officials to explain the process and receive input;
- News releases and paid advertisements let the public know about the public meetings and the public participation opportunities;
- Newsletters were mailed to the mailing list and also posted on the Payette NF website. The newsletters helped inform people of the project timeline, public participation opportunities, alternative formulation, and changes to the documents;
- Public meetings were held to inform the public about the information in the documents and receive comments. They were designed for a presentation by Forest Service personnel and for the public to visit one-on-one with Forest Service specialists conducting the analysis, provide displays of the new analysis and maps, and to provide information to the line officer for decision making;
- Information meetings were held with specific groups, tribes, and organizations;
- Information meetings were held at project milestones for County Commissioners and Idaho Congressional delegation to provide project updates;
- Information was made available on the Payette National Forest's website. All public released information was posted on the website, including the opportunity to download documents, view alternatives and maps, and provide comment;
- Employee briefings provided employees with information on the status of the project and what changes were being made based on public comment.

Numerous meetings were held with various groups, interested parties, organizations, agencies, Tribes, counties, congressional representatives, and the general public to share information about the DSEIS and the Update to the DSEIS; and update them about the process and timeline.

Following is a list of these meetings/briefings that were conducted beginning with the release of the DSEIS through the release of the Update to the DSEIS:

Development of the DSEIS and the Update to the DSEIS		
Date	Location	Meeting With
Cooperator Meetings		
8/14/2007	McCall, ID	Cooperators
9/25/2007	McCall, ID	Cooperators
10/15/2007	McCall, ID	Cooperators
10/29/2007	McCall, ID	Cooperators
1/31/2008	Boise, ID	Cooperators
2/28–2/29/2008	McCall, ID	Cooperators
4/1–4/2/2008	McCall, ID	Cooperators
6/25/2008	Video Teleconference	Cooperators
4/30/2009	Video Teleconference	Cooperators

Development of the DSEIS and the Update to the DSEIS		
Date	Location	Meeting With
5/12–5/14/2009	McCall, ID	Cooperators
5/21–5/22/2009	McCall, ID	Cooperators
5/28/2009	Video Teleconference	Cooperators
6/24–6/25/2009	McCall, ID	Cooperators
8/19/2009	Video Teleconference	Cooperators
10/19–10/20/2009	McCall, ID	Cooperators
12/14/2009	Conference Call	Cooperators
1/4/2010	McCall, ID	Cooperators
Congressional and Elected Official Meetings		
6/15/2006	Conference Call	Lane Jolliffe, Governor Otter's Staff
9/21/2006	McCall, ID	Lane Jolliffe, Governor Otter's Staff
1/7/2008	Boise, ID	Governor's Office, State Department of Agriculture, Governor's BHS / DS Working Group
7/27/2006	Boise, ID	Congressional Briefing
12/11/2006	Boise, ID	Dustin Miller, Senator Craig's Staff, Lane Jolliffe, Governor Otter's Staff, Wool Growers Association, Soulen Family
6/12/2007	Conference Call	Jack Troyer—Regional Forester, Mike Freese—Senator Craig's Staff
6/22/2007	Boise, ID	Congressional Briefing
8/8/2007	McCall, ID	Dustin Miller, Senator Craig's Staff, Vince Moreno, Congressman Sali's Staff
1/3/2008	Weiser, ID	Congressman Bill Sali, Ron Shirts, Frank Shirts
4/22/2008	Conference Call	Dustin Miller & Jeff Sayre, Senator Craig's Staff
6/23/2008	McCall, ID	Congressional Briefing
9/11/2008	Boise, ID	Bonnie Butler, Governor's Office
9/23/2008	Boise, ID	Governor's BHS / DS Working Group
9/23/2008	Boise, ID	Governor's BHS / DS Working Group
2/26/2009	Boise, ID	Governor's BHS / DS Working Group
3/16/2009	Boise, ID	State Senate Natural Resource Committee
9/9/2009	Boise, ID	Congressional Briefing
1/29/2010	Boise, ID	Congressional Briefing
2/12/2010	Boise, ID	Idaho State Natural Resources Sub-committee
4/20/2010	Washington DC	Congressional Briefing
4/21/2010	Washington DC	Congressional Briefing
5/8/2009	Boise, ID	John Chatburn, Governor's Office
6/5/2009	Conference Call	Brian Ricker, Senator Crapo's Staff
8/18/2009	Conference Call	Governor's Office
1/25/2010	Slate Creek RD	Senator Crapo's Staff, Senator Risch's Staff, Nez Perce NF Staff
Tribal Meetings		
8/22/2006	McCall, ID	Nez Perce Tribe, Informal Consultation
12/5/2006	Lapwai, ID	Nez Perce Tribe—Tribal Council, Formal Consultation
1/9/2007	Lapwai, ID	Nez Perce Tribe, Informal Consultation
12/12/2007	Boise, ID	Nez Perce Tribe—Tribal Council, Formal Consultation
3/27/2008	Lapwai, ID	Nez Perce Tribe—Tribal Council, Formal Consultation
4/3/2008	Fort Hall, ID	Shoshone-Bannock Tribes—Tribal Council, Formal Consultation

Development of the DSEIS and the Update to the DSEIS		
Date	Location	Meeting With
8/14/2008	Boise, ID	Shoshone-Paiute Tribes, Wings & Roots, Formal Consultation
8/20/2008	McCall, ID	Nez Perce Tribe, Informal Consultation
1/14/2009	Fort Hall, ID	Shoshone-Bannock Tribes—Tribal Council, Formal Consultation
3/26/2009	Lewiston, ID	Six Forest Meeting with Nez Perce Tribe
4/28/2009	Lapwai, ID	Nez Perce Tribe—Tribal Council, Formal Consultation
6/11/2009	Boise, ID	Shoshone-Paiute Tribes, Wings & Roots, Formal Consultation
8/25/2009	Lapwai, ID	Nez Perce Tribe—Tribal Council, Formal Consultation
9/10/2009	Boise, ID	Shoshone-Paiute Tribes, Wings & Roots, Formal Consultation
1/28/2010	Fort Hall, ID	Shoshone-Bannock Tribes—Tribal Council, Formal Consultation
2/11/2010	Boise, ID	Shoshone-Paiute Tribes, Wings & Roots, Formal Consultation
2/23/2010	Lapwai, ID	Nez Perce Tribe—Tribal Council, Formal Consultation
4/8/2010	Boise, ID	Shoshone-Paiute Tribes, Wings & Roots, Formal Consultation
6/4/2010	McCall, ID	Nez Perce Tribe, Informal Consultation
7/8/2010	Boise, ID	Shoshone-Paiute Tribes, Wings & Roots, Formal Consultation
7/13/2010	Lapwai, ID	Nez Perce Tribe—Tribal Council, Formal Consultation
7/15/2010	Fort Hall, ID	Shoshone-Bannock Tribes—Tribal Council, Formal Consultation
Federal, State and Other Agency Meetings		
6/30/2006	McCall, ID	Jeff Rohlman, Idaho Dept. of Fish & Game
10/5/2006	Boise, ID	Steve Huffaker, Idaho Dept. of Fish & Game
10/13/2006	Hells Canyon, ID	IDT Field Review
12/14/2006	Ogden, UT	Regional Forester & R4 Directors
1/26/2007	Conference Call	Ken Paur - OCG, Frank Roth - RO, Pattie Soucek - PNF
1/30/2007	Conference Call	Regional Forester
3/1/2007	Ogden, UT	Regional Forester & R4 Directors
4/30/2007	McCall, ID	Interdisciplinary Team (IDT) Meeting
5/3/2007	Boise, ID	Hearing with Judge Winmill
5/4/2007	Conference Call	Ken Paur - OGC, R4 Directors
5/21/2007	Weiser, ID	Washington County Commissioners
6/13/2007	Conference Call	Hearing with Judge Winmill
6/15/2007	Ogden, UT	Regional Forester
6/11/2007	Conference Call	Ken Paur - OGC
6/23/2007	Conference Call	Regional Forester & WO Directors
8/30/2007	McCall, ID	IDT Meeting
12/3/2007	Ogden, UT	Regional Forester & R4 Directors
2/12/2008	Conference Call	Idaho Dept. of Fish & Game
2/27/2008	Conference Call	Bill LeVere—R4 Natural Resources Director, Brent Larson -
5/16/2008	McCall, ID	Payette NF District Rangers & Staff

Development of the DSEIS and the Update to the DSEIS		
Date	Location	Meeting With
5/23/2008	Conference Call	Regional Office Staff
6/9/2008	Ogden, UT	Regional Forester
6/18/2008	Conference Call	Regional Forester
6/23/2008	Video Teleconference	Brent Larsen—RO, WO Staff
7/16/2008	Boise, ID	State of Oregon
7/16/2008	Boise, ID	State of Idaho, Idaho Dept. of Fish & Game
7/17/2008	Conference Call	WO Deputy Chiefs
7/28/2008	Conference Call	Deputy Regional Forester
9/11/2008	Boise, ID	John Foster & Tom Rinkes, Bureau of Land Management
9/12/2008	Conference Call	Jeff Foss, US Fish & Wildlife Service
11/24/2008	Council, ID	Adams County Natural Resource Committee
12/8/2008	McCall, ID	IDT Meeting
2/18/2009	Ogden, UT	Regional Forester, Deputy Regional Forester, & R4 Directors
5/8/2009	Boise, ID	Cal Groen, Idaho Dept. of Fish & Game
5/27/2009	McCall, ID	IDT Meeting
6/18/2009	McCall, ID	IDT Meeting
7/13–7/15/2009	McCall, ID	Deputy Regional Forester
7/17/2009	McCall, ID	IDT Meeting
7/30/2009	McCall, ID	IDT Meeting
8/4/2009	McCall, ID	IDT Meeting
8/12/2009	McCall, ID	IDT Meeting
8/12/2009	Video Teleconference	Harv Forsgren, Regional Forester
8/28/2009	McCall, ID	WO Specialists
9/1/2009	Video Teleconference	WO & RO Staff
9/2/2009	McCall, ID	Payette NF District Rangers
9/22/2009	McCall, ID	IDT Meeting
9/28–9/29/2009	McCall, ID	IDT Meeting
10/8/2009	McCall, ID	IDT Meeting
11/3/2009	McCall, ID	IDT Meeting
11/13/2009	Conference Call	Regional Forester
11/19/2009	Conference Call	Forest Service Chief, Regional Forester
11/20/2009	Boise, ID	Bureau of Land Management
12/1/2009	Conference Call	NRE
12/3/2009	McCall, ID	IDT Meeting
12/10/2009	McCall, ID	IDT Meeting
12/15/2009	McCall, ID	Payette NF Leadership Team
1/11/2009	Conference Call	Regional Forester, Gloria Manning, Associate Deputy Chief NFS, Meryl Harrell, NRE
1/27/2009	Boise, ID	State of Idaho, Dept. of Fish & Game, Dept. of Agriculture, Governor's Staff
3/3/2010	Boise, ID	IDT Meeting
3/12/2010	Salem, OR	Oregon Governor's Office, Oregon Dept. of Fish & Wildlife, and Fish & Game Commission
4/13/2010	Video Teleconference	WO—Gordon Blum, Ralph Giffen, Gene DeGayner
4/15/2009	Conference Call	IDT Meeting
4/19/2010	Washington DC	Forest Service Chief Tom Tidwell
4/19/2010	Washington DC	WO - Doug Crandall, Joel Holtrop, Gloria Manning, Janette Kaiser, Anne Zimmerman, Kevin Lawrence
6/14/2010	McCall, ID	IDT Meeting

Development of the DSEIS and the Update to the DSEIS		
Date	Location	Meeting With
6/17/2010	Conference Call	RO Directors
7/7/2010	Boise, ID	Jeff Foss - BLM
7/8/2010	Boise, ID	Boise / Sawtooth / Salmon-Challis National Forests
7/12/2010	McCall, ID	Wallowa-Whitman National Forest
7/13/2010	Grangeville, ID	Nez Perce National Forest
Special Interest Groups and Other Meetings		
6/26/2006	Boise, ID	Idaho Conservation League, The Wilderness Society
6/28/2006	McCall, ID	Craig Gehrke, The Wilderness Society
1/10/2007	Lewiston, ID	Jeff Sayer, Senator Craig's Staff, Nez Perce Tribe, Pattie Soucek, Boyd Hartwig, Larry Jacobs, Forest Plan Appellants
2/1/2007	Weiser, ID	Sheep Grazing Permittees, Pete Grinde - PNF
3/9/2007	Nampa, ID	Affected Parties
4/7/2007	Boise, ID	FNAWS, Bighorn Sheep Meeting
3/7-3/8/2008	Boise, ID	2008 Sheep Research Symposium, Idaho Wool Growers
9/19/2008	Weiser, ID	Sheep permittees, Idaho Wool Growers Association
9/22/2008	Boise, ID	Forest Plan Appellants
9/22/2008	Boise, ID	Idaho Media
12/6/2008	Boise, ID	Idaho Sporting Caucus
12/22/2008	McCall, ID	Debra Ellers, Western Watershed Project
2/23/2009	McCall, ID	Margaret Soulen
4/7/2010	McCall, ID	McCall Rotary Club
DSEIS Public Meetings		
09/29/2008	McCall, ID	Public meeting
10/06/2008	Boise, ID	Public meeting
11/24/2008	Boise, ID	Public meeting
Update to the DSEIS Public Meetings		
2/11/2010	Boise, ID	Public meeting on the Update to the DSEIS
2/16/2010	McCall, ID	Public meeting on the Update to the DSEIS
2/18/2010	Wieser, ID	Public meeting on the Update to the DSEIS
2/24/2010	Lewiston, ID	Public meeting on the Update to the DSEIS

Copies of the DSEIS and UDSEIS were mailed to the following organizations and individuals:

A

A.L. Cattle Inc., Brailsford, Aggie
 Adams County Commissioners
 Advocates for the West, Inc., Rule,
 Laurie
 Alaska Dept. of Fish & Game,
 Schwanke, Rebecca
 Alexander, Dave
 Alliance for the Wild Rockies
 Alliance for the Wild Rockies,
 Ecosystems Defense

American Lands Alliance
 Andrus, Kermit
 Assoc. Logging Contractors Inc.

B

Backcountry Recreation Club,
 Johnstone, Becky
 Bailey, Donald & Marlene
 Baird, Dan
 Barr, Quinton
 BLM Cottonwood, Connolly, Steph
 BLM Idaho State Office, Rinkes, Tom

BLM Coeur D'Alene District
 BLM Four Rivers Field Office
 BLM Idaho State Office, Martin, John
 Bliss, Steve
 Bloxham, Roy
 Blue Ribbon Coalition
 Boise Cascade Corp
 Boise National Forest, Nutt, Lisa
 Boise Parks & Recreation, Weston, C.H.
 Boise River Adjudication Team,
 Collette, Michael
 Boise State University
 Borel, Michael
 Bott, Edward
 Branch, Ric
 Branstetter, Alice
 Branstetter, Stan
 Bright, W.A.
 Brown's Industries, Inc.
 Brundage Mountain Resort, Deboer,
 Judd
 Brundage Realty, Bayse, Michelle
 Buhl Public Library
 Burkhardt, Wayne

C

Camp, James
 Cantlon, John
 Caribou-Targhee NF, Mickelsen, Robb
 Caribou-Targhee NN, Redman, Robbin
 Carlson Livestock, Carson, Mick & Gail
 Carlson, Richard
 Cavner, Betty & Leland
 Center for Biological Diversity
 Cole, Kelly
 Confederated Tribes of the Umatilla,
 Sheeler, Carl
 Council Valley Library
 County Commissioners Washington
 Crist, Roger
 Critfc, Rhodes, Lou

D

Dept. of Environmental Quality
 Dixon, Gail
 Doyle, Phil

Duck Valley Indian Reservation,
 Perugini, Carol
 Dumas, Shelley

E

Eberle, Don
 Edmunson, John
 EMSI, Crapuchettes, Andrew
 EPA
 EPA Office of Federal Activities
 EPA Region 10

F

Ford Ranch
 Foruria, David
 FSEEE Policy Advocate

G

Gallant, Fred
 Geddie, John
 Gooding Public Library
 Goolsby, Larry
 Grangeville Cent. Library
 Grannan, Shirley Ann
 Gray, Kevin
 Greater Weiser Area Chamber of
 Commerce
 Green, Wendy
 Greer, Jerry

H

Hardy, Gene & Pat
 Harrington, Everett
 Harshfield, Steven
 HCPC, Dyson, Greg
 Hells Canyon Preservation Council,
 Coordinator, Ecosystem
 Herrington, Ruth
 Hickey, Calvin
 Holland & Hart, Myers Iii, William
 Holmes, Jim
 Holmes, Joseph
 Holsinger Law, LLC, Holsinger, Kent
 Hucks, John
 Hull, Pat

Humboldt-Toiyabe NF, Carson Ranger
District

I

Idaho Aviation, Patrick, Robert
Idaho Cattle Association, Bennett,
George
Idaho County Commissioners
Idaho Dept. of Lands, Wilson, Eric
Idaho Dept. of Agriculture, Kay, Ron
Idaho Dept. of Parks & Recreation,
Cook, Jeff
Idaho Farm Bureau, Butler, Wally
Idaho Farm Bureau, Hendricks, Russ
Idaho Fish & Game, Compton, Brad
Idaho Fish & Game, Cassirer, Frances
Idaho Fish & Game, Owsiak, Anna
Idaho Fish & Game, Rohlman, Jeff
Idaho Fish & Game, Toweill, Dale
Idaho Fish & Game, Ward, Rick
Idaho Fish & Game SW Region, Van
Vooren, Al
Idaho Outfitters & Guides Assoc.
Idaho Power Company, Dumas, Brett
Idaho Rivers United, Lewis, Kevin
Idaho Sporting Congress
Idaho State Historical Society, Davis,
Mary Anne
Idaho Statesman, Barker, Rocky
Idaho Wildlife Federation
Idaho Wool Growers, Boyd, Stan
Intermountain Forest Association
Irwin, John
ISAA, Bonar, Bob

J

Johnson, Craig
Johnson, Laurence
Jordan, Joe & Cindy
Justice, Jim

K

Kaiser, Steve
KBCI TV, Ray, Jeff
Ketz, Pearl
Koskella, Howard

L

Lancaster, James
Lancaster, Jim
Lettin, Dale and Kapus
Little, B.
Lukesh, Betty & Ron

M

Mayor, Council
Mcclintock, Ralph
Mccoy, H.L.
Meachern, J.E.
Mcgee, Mike
Mcperson, Don
Menichetti, Syl
Messenger Index
Meyr, Herb
Miller, Evert
Moldenhauer, Frank
Morris & Wolff, P.A.
Mountain Properties, Audette, Floyd

N

Nachbar, Dick
Nampa Public Library, Taylor,
Stephanie
National Marine Fisheries Service,
Region, Northwest
National Wildlife Federation, Northern
Rockies NRC
Neighbors of Cuddy Mountain, Bilbao,
Cecil
Nez Perce NF, Russell, Scott
Nez Perce Tribe, Ariwite, Rod
Nez Perce Tribe, Baird, Patricia
Nez Perce Tribe, Johnson, Dave
Nez Perce Tribe, Miles, Aaron
Nez Perce Tribe, Penney, Honorable
Samuel
Nez Perce Tribe, Sonneck, Vera
Nez Perce Tribe DFRM, Hendrix,
Amanda
Nichols, Paul
NOAA Fisheries Service

North Umpqua Ranger District, Wildlife
Biologist
NRCS
Nybakken, Gerald

O

Office of Congressman Mike Simpson,
Watts, Nikki
Office of the Governor
Office of the Governor, Butler, Bonnie
Office of the State Controller, Jones,
Donna
Ogden, Shawn & Betsy
Old, Tom
Olsen, Andrea
Olson, Marilyn
Oregon Dept. of Fish & Wildlife,
Keister, George
Oregon Dept. of Fish & Wildlife,
Coggins, Vic

P

Payette Grazing Association, Branch,
Welden
Pearce, Monty
Penland, Munther, Boardman, Goodrum,
Forrest
Phillips, Frank
Phillips, Jake
Powers, Harold A.

Q

Quilliam, L.M.

R

Rainey, Brock
Rocky Mountain Power
Rubelt, Jack
Ruse, Gary
Ryberg, Erik

S

Salmon Air
Sanders, Sig
Sauer, Gregory

Schroeder, Diane
Senator, Crapo, Mike
Senator, Risch, Jim
Shelton, Tim
Shepherd, Paul
Shepp Ranch Outfitters, LLC
Sherer, Alicia & Jerry
Shoshone-Bannock Tribes of Fort Hall,
Coby, Alonzo
Shoshone-Bannock Tribes of Fort Hall,
Tuell, Yvette
Shoshone-Paiute Tribes of Duck Valley,
Egan, Nancy
Shoshone-Paiute Tribes of Duck Valley,
Howard, Ted
Snake River Fish & Wildlife
Spalding, Curt
Spradling, Bj
Stultz, Bill
Sutton, Howard
Sutton, John
Sutton, Tom

T

Tamarack Resort LLC
Taylor Ranch Field Station, Akenson,
Jim & Holly
The Ecology Center, Juel, Jeff
The Ecology Center, Buckley, Lauren
The Star News
The Wilderness Society, Idaho Regional
Office
Thomas, Rachel
Thompson, Johnie
Three Rivers Timber, Hanna, Mike

U

US Fish & Wildlife Service, Turner,
Allison
USDA NRCS, Fink, Frank
USDA Nat. Ag Library, Acquisitions &
Serials Branch

V

Valley City Board of Commerce
Van Denakker, Dick

W

Wagner WA Dept. Of Fish & Game,
Martorello, Donny
Wallowa Whitman NF, Mason, Bob
Wallowa-Whitman NF, Countryman,
Katie
Walters, Jerry
Ward, Victor & Christy
Warren, Stephen
WDFW, Wik, Paul
Weiser Irrigation District, Edwards, Jay
Western Watershed, Fitch, Katie
Western Watersheds Project, Carter,
John
Western Watersheds Project, Marvel,
Jon
White, Ben
Wiles, Wilbur
Wiles, Wilbur
Williams, Jack
Winter, David
Woods, John
Woods, Robert
Woody, Sheryl
Worlund, John
Wright, Jack
WSU, Microbiology & Pathology,
Foreyt, Dr. William

XYZ

Zacharin, Linda
Zena Creek Ranch, Adkins, James
Zettel, Steve

CONTENT ANALYSIS FOR THE DSEIS AND THE UPDATE TO THE DSEIS

Content analysis is a method of eliciting meanings, ideas, and other information from written text, pictures, or audio or video messages. It is a systematic process that analyzes both qualitative and quantitative information and is designed to track all comment letters, identify individual comments by subject in each comment letter, evaluate similar comments from different comment letters, and summarize like-comments into specific PCs. Through this process, analysts strive to identify all relevant issues, not just those represented by the majority of commenters.

The comments that were most helpful were those that were unique, substantially different, and were specifically related to the analysis disclosed in the Update to the DSEIS. In addition to capturing unique and substantially different comments, this report attempts to reflect the emotion and strength of public sentiment in order to represent the public's values and concerns as fairly as possible. When an individual raised multiple concerns within the same letter, each unique comment was numbered and tracked separately and each comment was assigned a unique tracking number and coded by subject or topic. It is important to keep in mind that even though the PCs attempt to capture the full range of public issues and concerns, they should be reviewed with the understanding that there is no limitation on who submits comments. Therefore, the comments received do not necessarily represent the sentiments of the public as a whole. This report attempts to provide fair representation of the wide range of views submitted. Every comment has the same value, whether expressed by many, or by one respondent. Analyzing comments is not a vote-counting process. The Forest Service response to the public comments, which in some cases resulted in changes to the DEIS, was not determined by majority opinion but rather by the substance of the comments. The content analysis process that was used ensured that every comment was read, analyzed, and considered.

All of the comment letters were analyzed using the content analysis process and was completed by a different third-party contractor for each document (for more details, refer to the individual Content Analysis reports on the Payette National Forest website). In addition to the reports produced from the content analysis process, the Forest Supervisor of the Payette National Forest and Interdisciplinary Team (IDT) members read all the comment letters.

- The Draft Supplemental EIS was released on October 3, 2008 with the comment period ending March 16, 2009. Comment letters that were received during the comment period totaled 14,089; which included 509 original comment letters, 5 public meeting comment forms, and 13,575 organized campaign letters (form letters).
- The Update to the DSEIS for Bighorn Sheep Viability Analysis and Plan Amendment was released on February 5, 2010 for a 45-day comment period ending on March 22, 2010. Comment letters that were received during this comment period totaled 11,867; which included 118 original comment letters and 11,749 organized campaign letters (form letters).

- Following the list of commenters below, are the Concern Statements, which are a summary of the comments received on the DSEIS and Update to the DSEIS, along with a response developed by the IDT for each of the Concern Statements.

FEDERAL AGENCIES

US DOI Office of Environmental Policy, Preston Sleeper
US Environmental Protection Agency Region 10, Christine Reichgott
US EPA, NEPA Review Unit, Christine Reichgott

STATE OFFICIALS

House of Representatives, State of Idaho, John Stevenson
House of Representatives, State of Idaho, Ken Andrus
Idaho Governor, Otter, Butch

AMERICAN INDIAN TRIBAL GOVERNMENTS

Boulder-White Clouds Council, Lynne Stone
Kootenai, Shoshone Farm Bureau, Elmer Mundt
Nez Perce Tribe: C. Adams; Patricia Angle; Marguerite Ankney; Ceclia Bawyew;
Pauline Bisbei; Frank Blackeagle; Jessica Blair; Catty Brook; Jackie Carson; Cecil
Charles; Della Cree; John Dis; Carla Domebo; Rachel Edwards; Elaine Ellenwood;
V. Endicott; Lori Enick; Patricia Ferple; Greg France; Thomas Full; Tina Fuller;
Gwendolyn Gates; H. Goodteal; Jalon Greene; Larry Greene; Melissa Guzman; Chloe
Halfmoon; Loretta Halfmoon; Mollie Harris; Vena Harrison; Leslie Hendrick; Tony
Henry; Aileen Henry; Sandra Holt; Hope Johnson; Raphael Jol; DanKane; M. King;
Randall King; Ivory Leary; Jackie M.; Joanna Marek; Jane Mcatty; Patti McCormack;
Robert McCormack; Joyce Mcfarland; Casey Mcloenard; Rebecca Miles; Alan Miles;
Gabrielle E. Moses; Marcus Oatman Jr.; Jon Parsons; Barbara Pike; Christine Porter;
Crystal Ralgo; Rich Ramsey; Mildred Rummy; Sydel Sawk; Debbie Seideman; Steven
Sobotta; Angel Sobotta; C. Sobotta; Alice Spauldy; Wilhemina Stevens; Verna
Taylor; Kathy Taylor; Robert Terry; Franklin Types; Kay V.; Jonathon Van Wouke;
Peggy Vanwoerkom; Sonia Vanwoerkom; Bess Wah; Christine Walker; Roy
Wallace; Victoria Wallace; Frank Weasks; Caroline Weaskus; Janice White; Patricia
Wicks; Roxanne Wilson; Benita Witters; Samuel Penney;
Shoshone Paiute Tribes
Shoshone-Bannock Tribes, Alonzo Coby

STATE AGENCIES

Bureau of Land Management, Idaho State Office, Thomas Dyer
Idaho Dept. of Fish and Game, Jeff Gould
State of Oregon, Michael Carrier
State of Washington, Dept. of Fish and Game, Phil Anderson
WA Dept. of Fish and Wildlife, Philip Anderson
Weiser River Soil Conservation District, Vicki Lukehart

LOCAL GOVERNMENTS

Board of County Commissioners Washington County, ID, Michael Hopkins

Board of County Commissioners Washington County, ID, Rick Michael

Board of County Commissioners Washington County, ID, Roy Mink

INTEREST GROUPS, BUSINESSES, ORGANIZATIONS**A**

Alberta Outfitters Association,
Matthews, Dewy

American Sheep Industry Assn, Myers
III, William

American Sheep Industry Assn, Orwick,
Peter

American Sheep Industry Association,
Hinson, Margaret

American Sheep Industry Association,
Johnson, Burdell

American Sheep Industry Association,
Krebs, Clint

C

C D Ranches, Dredge, Alicia

Colorado Woolgrowers Association,
Brown, Bonnie

Colorado Wool Growers Association,
Theos, Anthony

D

Defenders of Wildlife, Timberlake, Jesse

F

Foundation for North American Wild
Sheep, Houston, George

Foundation for North American Wild
Sheep Oregon Chapter, Houston,
George

Foundation for North American Wild
Sheep Washington Chapter, Landrus,
Glen

G

Gallatin Wildlife Assn., Hockett, Glen

H

Hells Canyon Preservation Council,
Sandrock, Pete

I

Idaho Chapter of the Wild Sheep
Foundation, Batie, Dennis

Idaho Sportsmen's Caucus Advisory
Council, Bell, Mark

Idaho Sportsmen's Caucus Advisory
Council, Henry, P

Idaho Wild Sheep Foundation, Stewart,
Peter

Idaho Wool Growers Assn, Wixom, Ken

Idaho Wool Growers Association, Boyd,
Stanley

M

Middle Snake Group, Sierra Club,
Larson, Scott

Midland/Dunton Sheep Company,
Arambel, Pete

MT Fish Wildlife and Parks Region 3
Citizens Advisory Council, Mealer,
William

N

National Wildlife Federation, Idaho
Wildlife Federation, Feller, Joseph

Nevada Wildlife Federation, Gaudet,
Robert

Nighthawk Ranch, Carlson, James

P

Packer Victory Family Heritage,
Victory, Irene

S

Secesh Wildlands Coalition, Medberry, Mike
Secesh Wildlands Coalition, Medberry, Mike
Shingle Creek Llc, Deveny, Bill
Shirt Brothers Sheep, Shirts, Ronald and Leslie
Sierra Club Middle Snake Group, Rusnak, Richard
Soulen Livestock Company, Soulen, Phil
Sports Afield Magazine, Rupp, Diana
Sustainable Growth Inc., Gore, Ray

T

The Wilderness Society and the Sierra Club,
The Wilderness Society Hells Canyon Preservation Council Idaho
Conservation League, Gehrke, Craig

The Wildlife Society, Penninger, Mark

U

University of Idaho, Hammel, John
University of Idaho Caine Veterinary Teaching Center, Bulgin, Marie
Upper Snake River Tribes Commission, Small, Nathan

W

Western Watersheds Project, Ellers, Debra
Western Watersheds Project, Marvel, John
Wild Sheep Foundation, Thornton, Gray
Wild Sheep Foundation, Thagard, Neil
Wild Sheep Society of British Columbia, Glaicar, James
Wilderness Watch, Serra, Dawn

INDIVIDUALS

A

Adams, Kirk
Adamson, Grant
Alderson, George and Frances
Allen, Edwina
Anspacher-Meyer, Karen
Arthur, Tom
Ashmore, Andrew

B

Babcock, Isaac
Babcock, Bjornen
Baird, Patrick
Baird, Dennis
Balch, Karen & Olin
Balch, Olin
Baldwin, Lee
Ball, Robert
Barker, Jon

Barker, Rodman
Barker, Elise
Barney, Jeff
Barnowe-Meyer, Kerey
Barstad, Donald
Barto, Diane
Batie, Dennis
Bechdel, Les
Becker, Al
Becker, Albert
Belding, Mel
Bennett, Terry
Bennett, Kay
Benson, David
Berry, Lowell
Blackburn, Del
Blair, Theresa
Bledsoe, Michael & Sarah
Blenden, Mike
Boatright, Isaac

Bohnee, Gabriel
 Boice, Patricia
 Boulafentis, Johna
 Bowler, Anne
 Bowron, Arthur "Win"
 Brackney, Elisabeth
 Braun, Steve
 Brenner, Margaret
 Brigham, William
 Broncheau, Richard
 Brown, Kerry
 Brown, Norma
 Brown, Horace
 Brown-Coon, Lewis
 Brusuen, Paul
 Bry Ph.D., Brenna
 Buchanan, Tracy
 Burica, Davie
 Burke, Rob
 Burton, C
 Busby, Michael

C

Callaway, Todd
 Carlile, Glory
 Carlisle, Steve & Kim Mazik
 Carlson, James
 Carosone, Rick
 Carpellotti, Gina
 Carr, Mike
 Carr, Laraine
 Carufel, Lou
 Casey, Shirley
 Caswell, Joan
 Cauffman, Nick
 Cauffman, Linda & Randall
 Caywood, John
 Caywood, John
 Chambers, Jack
 Chesarek, Scott
 Childers, Gary
 Christie, Christopher
 Ciejka, Larry
 Clancy, Dyan
 Clark, Marvin
 Clarke, Charles and Joyce

Colavito, Dave
 Colby, Janene
 Cole, John
 Crawford, Tanya
 Cremin, Juanette
 Cremin, Janet
 Crupi, Kevin
 Cummings, Dave
 Curry, Joe

D

Davis, Monty
 Dawson, Paul
 Delaney, Claudia
 Demotte, Melissa
 Deren, Matthew
 Devries, John
 Digrazia, Robert
 Digrazia, Robert
 Downs, Wendy
 Dunn, Charles
 Dyke, Bill

E

Eck, Doug
 Edwards, Derek
 Eisenach, Kurt
 Ellison, W. Richard
 Emery, M
 Erickson, Alana
 Etcheverry, Henry

F

Fairchild, Vernon
 Fairchild, Telia
 Farnam, Jim
 Fields, David
 Fisher, W. Eugene & Niki
 Fitch, Rob
 Flanagan, Michael
 Florence, Fred
 Foreyt, William
 Friel, Bob
 Fritts, Terri & Michael
 Fuller, Ellen

G

Garvey, Lydia
Giffin, Del
Ginn, Troy
Glemser, Shirley
Goyden, Kay
Graham, Rick
Grindstaff, Nancy Stover
Grindstaff, Nancy
Grindstaff, Nancy
Gross, Jerry
Grunke, Jim & Judy
Gudgell, Heidi
Gudgell, Gery
Guzman, Alan

H

Hale, William
Hall, Lori
Hamilton, Joy
Hamilton, Ron
Hampton, Michael
Hankla, James
Hanks, Marvin
Hansen, Lowell
Harrington, Dean & Ginger
Harris, James
Harris, Ken
Hart, Tim & Mary
Harwood, Lorance
Hasselblad, Kristin
Hatch, Sharon
Hathhorn, Jason
Hayes, Linda
Hayes, Dave
Helmich, Jade
Hendrickson, Borg
Henry, Vance
Hesse, Jay
Higby, Jo Ann
Hirsch, Harry
Hocevar, Michael
Holyan, Jim
Hooban, Roger
Horton, Harmon & Terry & Brandi

Hovey, Will
Howard, Judd
Hudelson, Eric
Huffman, Ty
Hufnagel, Thomas
Humphries, John

J

Jacobs, Larry
James, Jimmie
Jastremsky, Harriett
Jayne, Jerry
Jeffress, Jim
Jeffress, Matthew
Jenkins, Scot
Jennings, William
Jensen, Mark
Jessup, Sarah
Johnson, Rose Mary
Johnson, Rebecca
Johnson, Chris
Johnson, June
Johnstone, Becky
Jolley, Shane
Jones, Alan
Jones, Jack
Josephsen, Mark

K

Kamps, Bernie
Kane, Julie
Keller, Wesley
Keller, Warren
Kerby, Dave
Key, Michael
King, George
Kinzer, Brooke
Kinzer, Ryan
Kish, Linda
Kovach, Milan & Sharon
Kovalicky, Tom
Kowalski, Beryl
Krenz, Claudia
Kronemann, Loren
Kronenberg, Jeff
Kucera, Paul

L

Lambeth, Larry
Larkin, Carol
Larkin, Mike
Larkin, Hal and Carol
Latham, Zach
Lauer, Bill
Lee, Phoebe
Leusch, Peter
Lever, Brandon
Lewinski, John
Lewinski, John
Lewis, Robert
Light, Ted
Lind, M.
Little, David
Litton, Donald
Lomkin, Meribeth
Loos, Cindy
Louderback, Bill
Loutzenhiser, C.E.
Love, Steven
Lynde, Ann
Lynde, Eddie
Lyons, Barney

M

Maia, Maia
Mansidor, PJ
Mantel, Burk
Marks, Ron
Martell, Wendy
Martin, Greg
Martin, Paul
Martin, Jeremy
Martinez, Carol
Mathews, Mark
Matlock, Marty
Matthews, Jonathon
Mccarthy, John
Mcclintock, Ralph
Mccracken, Mary
Mccully, Shawn
Mcgee, Michael
McLeod, Bruce

McMillian, Kelly
Metcalf, Tim
Metcalf, Kristine
Middleton, Chuck
Mildrexler, David
Miller, Ike
Mills, Dave & Sheila
Minter, Robert
Moffett, Joel
Moore, Bryan
Morton, Mark
Mucklestone, Mary Jane
Mucklestone, Susan
Mueller, Carol
Mumma, John & Myra
Murphy, Mike
Murphy, Jesse
Musselman, Rp
Muta-Lung, Kathleen
Myers, William

N

Nashbar, Richard
Nashbar, Richard
Nipp, Mary Ann

O

Oatman, Mccoy
Oldenburg, Lloyd
Oleary Carey, Cathy
O'Neill, Kelly
Oxarango, Rochelle

P

Padilla, Bill
Panbi, E
Paulson, Steve
Peek, James
Penney, Robert
Peterson, John
Peterson, Oly
Peterson, John
Picard, Lori
Pickett, Don
Poorman, Gayle Buhrer
Popko, Richard

Pressman, Scott & Beverly
Pritchard, Tom

Q

Quigley, Dale
Quilliams, Lori

R

Rabe, Craig
Ramsey, Guy
Reardon, James
Reed, James & Mary
Rees, Carolyn
Reiswig, Barry
Reynolds, Jeanette
Richard, Michael
Rickabaugh, W
Rilling, Gerald
Robinson, James & Liz
Robison, Kenneth
Robison, John
Roland, Daniel
Rose, Allen
Rose, Jan
Ross, Chris
Rossman, Angela
Rostock, Tom
Rupers, Barbara

S

Sandberg, Shantara
Sandrock, Pete
Sayre, Jeff
Sayre, Jeffrey
Scharnhorst, Louie
Schultz, Wendy
Schwartz, Troy
Schwartz, Alicia
Schwartz, Frank
Schwartz, Mary Beth
Schwartz, Jacquelyn
Schwartz, Vince
Schwartz, Vince
Schwenkfelder, Royce
Seekamp, Erin
Sevy, Alice

Seymour, Brad
Shade, Betsy
Shannon, Justin
Shiffman, Cristina
Shirt, Tim
Shirts, Leslie
Shirts, Ron
Shirts, Trish
Shirts, Dave
Shirts, Leslie & Ron & Frank, Jr.
Shirts, Frank
Smith, Dana
Smith, L.B.
Smith, Shauna
Smothers, Melissa
Soulen Hinson, Margaret
Spalding, Curtis
Spates, Georgeanne
Speakes, Leland
Spear, Peter
Srholec, John
Stachowski, Kathleen
Steele, Valdasue & Jack H. Bell
Steitz, Jim
Stephenson, Jim
Stewart, Peter
Stinson, Stan & Becky
Strong, Rob
Sykes, Dan & Nelda

T

Tatschl, Pete
Them, Catherine
Thiele, Barbara
Thomas, Sally Ferguson
Thomas, Kenny
Thompson, Lawrence
Thurman, Todd
Tillemans, Brian
Tlachac, Greg
Tolmie, Connie
Tombleson, Barbara
Torti, Anna
Turnipseed, Jeff

U

Urbigkit, Cat

V

Vasko, Teresa

Veldhuizen, Tony

Vestal, Robert

W

Walbridge, Charlie

Warner, Joe

Warnock, Mike

Weiser, Glen

Welsh, Robert

Welty, Julie and Jared Alexander

Westlake, Russ

Wetzel, David

Wheaton, John

Whitaker, William

Whitman, Ernie

Wiley, Carol

Williams, Roger

Williams, Darryl

Williams, Dewayne

Wilson, Dennis

Winjum, Jim

Wolfe, Marlin

Wolfe, Karl

Wolfe, Jim & Carol

Wood, Douglas

Woody, Wes

Woody, Norma

Woosley, Charles

Woosley, Charles and Gail

Woslum, Edd

Wuerthner, George

XYZ

Young, John

Young Jr, Rulon

Zimowsky, Pete

Zollinger, Linda

Zubizarreta, Joe

Response to Public Comments on the DSEIS and Update to the DSEIS

100 LEGAL AND ADMINISTRATIVE FRAMEWORK (VIOLATIONS, LACK OF DISCLOSURE, DECISION MAKING, LAWS, REGULATIONS, POLICY)

Concern Statement 100.23

The Forest Service should discuss the viability requirement found in the NFMA of 1976 because this requirement is one of the foundations for the SEIS and Forest Plan Amendment.

Response to Concern 100.23

This legal requirement is addressed on pages 1-4 through 1-5 in the DSEIS and viability determinations are discussed on page 2-13 in the Update to the DSEIS. Further discussion is on pages 1–5 through 1–6 in the FSEIS.

Sample Public Comment for 100.23

[Page 3-29] What is the viability requirement expressed in the law and has that law been changed? Must adjacent uncontrollable factors be accounted for? (DSEIS Ltr #11608)

Concern Statement 100.24

The Forest Service should clarify how Executive Order 13443 pertains to the analysis in the SEIS. (PC 1. z).

Response to Concern 100.24

Executive Order 13443 pertains to this analysis as bighorn sheep are a huntable big game species. Therefore, the Payette National Forest must consider it in this analysis as it does several other applicable laws. Also, see the legal section in this document and the legal section in the FEIS for the Forest Plan for numerous other Federal laws that apply to Forest Service management.

Sample Public Comment for 100.24

Executive Order 13443: This order is cited but how it is tied or causes certain actions are not explained in any way. Legal requirements are usually confirmed by interpreting their role in the information and discussion that implements that order or law. (DSEIS Ltr #11608)

Concern Statement 100.25

The Forest Service should withdraw the DSEIS because it does not meet the requirements of NFMA or NEPA. (PC 4. a)

Response to Concern 100.25

The Forest Service believes that the DSEIS responds to the instructions from the Forest Service Chief and meets both the requirements of NFMA and NEPA. This comment did not indicate where the respondent felt the DSEIS was flawed. The Payette National Forest will expand upon the discussion of legal compliance in the FSEIS.

Sample Public Comment for 100.25

The Draft Supplemental Environmental Impact Statement (DSEIS) is inadequate and does not meet the requirements of either the National Forest Management Act (NFMA) or the National Environmental Policy Act (NEPA). This DSEIS should be withdrawn and the Forest Service should manage the National Forest System in accordance with the 2003 FEIS and ROD, or the forest management planning that existed prior to that date. (DSEIS Ltr #12943)

Concern Statement 100.26

The Forest Service should not look at the desires of special interest groups from any side of the issue because doing so does not meet the requirements of NFMA, HCRNAA, and the MUSYA. (PC 5. p; PC 18. a, b; PC 26. z; PC 35. m)

Response to Concern 100.26

The Forest Service must review all submitted comments and respond to those that are found to be substantive. The Forest Service has reviewed and conducted a content analysis of the comments received. This analysis has been conducted in an objective manner, considering and disclosing the effects on bighorn sheep viability, rangeland resources, economics, and Tribal Rights and Interests through rigorous assessment of an adequate range of alternatives. Included in the analysis was a review of peer-reviewed and published science, bighorn sheep telemetry data, and input from the cooperators of the States of Idaho, Oregon, and Washington; the Tribes of the Nez Perce, Shoshone Bannock, and Shoshone Paiute; and the Confederated Tribes of the Umatilla Indian Reservation.

Sample Public Comment for 100.26

Take a breath and start managing the lands for the good of the public, rather than special interest groups. You have the power, to say nothing of the mission. (DSEIS Ltr #13622)

Concern Statement 100.27

The Forest Service should reimburse the domestic sheep permittees for the legal costs of defending themselves against the actions of the Forest Service. (PC 26. t)

Response to Concern 100.27

Legal fees are awarded through the legal system and not included in an environmental analysis.

Sample Public Comment for 100.27

It should be further resolved that not only are the grazers held “harmless” to bighorns but also should be reimbursed for the losses created defending themselves from this adverse decision. (DSEIS Ltr #13081)

Concern Statement 100.28

The Forest Service should consider that management direction that focuses solely on bighorn viability is inconsistent with the MWSA, NFMA, MUSYA, and the HCRNA Act. (PC 26. z; PC 35. b)

Response to Concern 100.28

The FEIS for the 2003 Forest Plan for the Payette National Forest provides direction for all resources. The SFEIS and Forest Plan Amendment focus solely on bighorn sheep viability in response to appeal instructions from the Chief of the Forest Service (DSEIS pages 1-2 through 1-5). In review of the appeal, the Payette National Forest was found to have not adequately responded to a significant issue that was identified in the FEIS for the 2003 Forest Plan that dealt with disease transmission between domestic sheep and bighorn sheep. Viability requirements in NFMA ask for habitat well distributed across the planning unit and available to bighorn sheep. The habitat should also be contiguous to allow for reproducing individuals to come into contact. Tribal governments have requested bighorn populations be available in areas they historically occupied so Treaty Rights can be exercised.

The assumption in the analysis is that habitat is not available to bighorn sheep so long as domestic sheep occupy that habitat. Further discussion of legal compliance can be found in the legal section in the Payette Forest Plan FEIS and in the FSEIS for this analysis.

Sample Public Comments for 100.28

The DSEIS has been constructed with a presumption that bighorn populations must exist and be expanded in all regions of the Payette National Forest, and that domestic sheep grazing must be eliminated in order to accomplish this objective. This goal of population growth and expansion is contrary to the NFMA, HCNRA Act, the Multiple-Use Sustained Yield Act, and the purpose and need for agency action. (DSEIS Ltr #12943)

Comment #4, pg. 1-1: The DSEIS fails to comply with the Multiple-Use Sustained-Yield Act, the National Forest Management Act and the Hells Canyon National Recreation Area Act. The PNF stated that the analysis in the 2008 DSEIS “was to be thorough enough to determine compliance with applicable laws and regulations, specifically the HCNRA Act, 36 C.F.R. § 219.19, and 36 C.F.R. § 292.48.” 2008 DSEIS at 1-4. Specifically, the 2008 DSEIS was to present additional information concerning the following: Compliance with the Hells Canyon National Recreation Area (HCNRA) Act (PL 94-199); Compliance with 36 C.F.R. § 292.48 (domestic livestock grazing activities on Other Lands, Wild and Scenic Rivers, and Wilderness Lands in the HCNRA) Compliance with the National Forest Management Act (NFMA); Compliance with 36 C.F.R. § 219.19 (ecological, social, and economic sustainability) 2008 DSEIS at vii, 1-3 through 1-5. The updated DSEIS does not update this information from the 2008 DSEIS. Besides compliance with the laws and regulations provided in the 2008 DSEIS, the PNF must present information in the updated DSEIS on compliance with the following: Multiple-Use Sustained-Yield Act (MUSYA) (16 U.S.C. §§ 528-531); National Forest Management Act (NFMA) (16 U.S.C. §§ 472A, 476, 500, 513-516, 518, 521b, 528 (note), 576B, 594-2 (note), 1600 (note), 1601 (note), 1600-1602, 1604, 1606, 1608-1614); Hells Canyon National Recreation Area (HCNRA) Act (16 U.S.C. §§ 460gg-460gg-13) The DSEIS does not contain any discussion of compliance with these laws in the “Purpose and Need” section. See DSEIS at 1-1. This section needs to be updated to indicate compliance with these laws. Specifically, the following must be addressed: Multiple-Use Sustained-Yield Act (MUSYA) (16 U.S.C. §§ 528-531) The MUSYA provides that “it is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.” 16 U.S.C. § 528 (emphasis added). In other words, the national forests are to be administered for “multiple use,” which includes management of range resources, along with management of wildlife. See 36 C.F.R. § 219.12 (“National Forest System lands are generally suitable for a variety of multiple uses, such as...range...and wildlife and fish purposes.”); see also 36 C.F.R. § 219.1(b) (National Forest System to be managed for multiple uses). The preferred alternative in the DSEIS does not manage for “multiple use” as it completely eliminates range resources for sheep grazing. Under the MUSYA, the PNF must provide range resources for grazing. National Forest Management Act (NFMA) (16 U.S.C. §§ 472A, 476, 500, 513-516, 518, 521b, 528 (note), 576B, 594-2 (note), 1600 (note), 1601 (note), 1600-1602, 1604, 1606, 1608-1614) The NFMA references the MUSYA, 16 U.S.C. §§ 528-531, and requires that plans developed for units of the National Forest System “provide for multiple use and sustained yield of the products and services obtained there from ... and [must] include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness[.]” 16 U.S.C. § 1604(e)(1). “Thus, the NFMA is explicit that wildlife viability is not the Forest Service’s only consideration when developing site-specific plans for National Forest System lands.” *The Lands Council v. McNair*, 537 F.3d 981, 990 (9th Cir. 2008). Further, nothing in NFMA requires the Forest Service “to improve a species’ habitat to prove that it is maintaining wildlife viability.” *Id.* at 995. The NFMA does not mandate viability of species. The DSEIS is inconsistent with NFMA because the PNF only considers wildlife viability and does not give any consideration to the continuation of domestic sheep grazing on the PNF. Further, the PNF’s proposed alternative and management direction in the DSEIS are targeted at “improving” bighorn sheep habitat, which is not required under NFMA to establish that the PNF is maintaining wildlife viability. Consequently, the PNF’s proposed termination of grazing allotments to improve bighorn sheep habitat is unwarranted and inconsistent with NFMA. Thus, the PNF must revise its preferred alternative and management direction to allow for the

continuation of domestic sheep grazing on the PNF. Hells Canyon National Recreation Area (HCNRA) Act (16 U.S.C. §§ 460gg-460gg-13) The HCNRA Act provides that the Secretary shall promulgate rules and regulations to accomplish the purposes of the Act, and such rules and regulations shall include “standards for such management, utilization, and disposal of natural resources on federally owned lands, including, but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.”

16 U.S.C. § 460gg-7. The HCNRA Act clearly recognizes that grazing and existing uses (such as grazing) which are compatible with the Act are to continue. See *id.*; see also *id.* § 460gg-10. According to 36 C.F.R. § 292.48(b), “[w]here domestic livestock grazing is incompatible with the protection, restoration, or maintenance of fish and wildlife or their habitats ... the livestock use shall be modified as necessary to eliminate or avoid the incompatibility.” (emphasis added). “In the event an incompatibility persists after the modification or modification is not feasible, the livestock use shall be terminated.” 36 C.F.R. § 292.48(b) (emphasis added). Has domestic livestock grazing on the PNF been proven incompatible with the protection, restoration, or maintenance of fish and wildlife or their habitats? If the PNF determines there is such an incompatibility, which the PNF has not proven in the DSEIS, then “livestock use shall be modified as necessary to eliminate or avoid the incompatibility.” 36 C.F.R. § 292.48(b). Under 36 C.F.R. § 292.48(b), the PNF is only first authorized to “modify” livestock use when an incompatibility is identified. The preferred alternative in the DSEIS does not “modify” livestock use, but completely eliminates such use across most of the PNF. Such wholesale elimination of grazing is in violation of 36 C.F.R. § 292.48(b). Rather than eliminating grazing on the PNF, the PNF must “modify” livestock use or minimize and mitigate the impacts of livestock use. Numerous best management practices and mitigation measures are available to “modify” livestock use. Only in the event that an incompatibility persists “after the modification” the livestock use shall be terminated. 36 C.F.R. § 292.48(b). The PNF has not demonstrated that a modification is infeasible, nor does the preferred alternative in the DSEIS employ modifications to livestock use prior to eliminating such use as is required under 36 C.F.R. § 292.48(b). The preferred alternative in the DSEIS thus violates the HCNRA Act and 36 C.F.R. § 292.48(b). Consequently, the PNF must revise the preferred alternative. (Update to DSEIS Ltr# 20070)

Concern Statement 100.29

The Forest Service should meet the requirements of NEPA as they have failed to do so because the analysis focuses on only one wildlife species rather than considering the environment as a whole. (PC 26. z)

Response to Concern 100.29

This analysis tiers to and supplements the FEIS for the 2003 Forest Plan for the Payette National Forest. The Forest Plan FEIS contains an assessment that covers all of the applicable resources and issues thorough disclosure and analysis of the environment as a whole. Also, as a programmatic decision, site specificity is not a requirement, as the direction applies to the Payette National Forest as a whole.

Sample Public Comment for 100.29

Generally, the management direction for rangeland resources should focus on maintaining domestic sheep allotments on the Payette National Forest, rather than terminating them. Management direction that focuses solely on bighorn viability is inconsistent with the MWSA, NFMA and the HCNRA Act. (DSEIS Ltr #13550)

Concern Statement 100.30

The Forest Service should fulfill their obligation to respond to public comments, as directed in 40 CFR 8 1503.4(a), and "discuss at appropriate points in the final EIS any responsible opposing view which was not adequately discussed in the draft EIS and indicate the agency's response to the issues raised." (PC 33. b)

Response to Concern 100.30

The Forest Service conducted an extensive content analysis on all of the comments that were received on the DSEIS and the Update to the DSEIS and the response to all substantive comments can be found in Appendix A in the FSEIS. Opposing viewpoints are also discussed in Chapter 3 of the FSEIS.

Sample Public Comment for 100.30

In addition to its general obligation to respond to public comments under 40 C.F.R. 8 1503.4(a), the PNF must specifically "discuss at appropriate points in the final [EIS] any responsible opposing view which was not adequately discussed in the draft [EIS] and . . . indicate the agency's response to the issues raised." *Ctr. for Biological Diversity v. U.S. Forest Serv.*, 349 F.3d 1157, 1167 (9th Cir. 2003) (quoting 40 C.F.R. 5 1502.9(b)). A failure to do so is itself a NEPA violation. *Id.* at 1168. (DSEIS Ltr #13550)

Concern Statement 100.31

The Forest Service has violated the NFMA by relying on the Forest Service RADT Committee report and the Payette Principles Committee report. (PC 35. a)

Response to Concern 100.31

The RADT specialist report and the statements from the Science Panel (Payette Principles Committee) meeting are not used in either the Update to the DSEIS or in the FSEIS. This analysis adheres to NFMA.

Sample Public Comments for 100.31

The PNF has violated the National Forest Management Act and must set aside the Forest Service's RADT Committee and its Report and the Payette Principles Committee and its Report. These Reports must not be relied on in the Final SEIS. (DSEIS Ltr #13550)

Comment #3, pgs. 1, 2-6, 3-7, 3-12, 3-80, Appendix B pg. 67, general: The findings of the RADT Committee and the Payette Principles Committee and the reports from those committees violate Federal Advisory Committee Act and the National Forest Management Act and should not be relied upon in the DSEIS. On July 1, 2009, U.S. District Court Judge B. Lynn Winmill issued a decision in Idaho Wool Growers Association and Dr. Marie S. Bulgin v. Ed Shaffer, et al., 08-cv-394-S-BLW (D. Idaho). Plaintiffs challenged the Forest Service's establishment and use of two committees and their reports as violations of FACA, NFMA, and the APA. These committees, known as the RADT Committee and the Payette Principles Committee, and their reports are referenced in the DSEIS as USDA Forest Service 2006a and 2006b. See DSEIS, Appendix B at 67. Judge Winmill entered an order granting plaintiffs' motion for summary judgment. In so doing, Judge Winmill wrote "The issue here is whether the Forest Service's Committees violated FACA's and NFMA's procedural requirements and, if so, whether the Committees' reports should be utilized for any future Forest Service Decisions." Idaho Wool Growers Association and Dr. Marie S. Bulgin v. Ed Shaffer, et al., at pages 15-16. The Court ordered that "The Committees' findings and/or conclusions are not to be relied upon by the Forest Service with respect to any future agency decisions." Id. at 23. This includes any future decisions to issue a Final SEIS or revise the Payette LRMP. Despite Judge Winmill's decision, the Forest Service still relies upon the findings and conclusions of the RADT and Payette Principles Committees in the DSEIS. See DSEIS, Appendix B at 67. The findings and conclusions of the RADT and Payette Principles Committees must not be relied upon in the Final SEIS. In the absence of these "findings," the Payette National Forest must provide other reasons to support its final environmental analysis and ultimate record of decision on revision of the LRMP for the Payette National Forest. Additionally, the agency's preferred alternative, Alternative 7G, states that "[t]he GPR was developed utilizing the 2006 Risk Analysis that is no longer in effect for the updated to the DSEIS." DSEIS at 2-6. Any use of the 2006 Risk Analysis is specifically barred by the federal district court's Order. The Forest Service must abandon its management recommendations and the agency's preferred alternative 7G developed in reliance on the illegal findings. Moreover, the Introduction of the DSEIS provides that "[t]he qualitative 2006 Risk Analysis for Disease Transmission between Bighorn Sheep and Domestic Sheep on the Payette National Forest was completely replaced and is no longer utilized in this effort." DSEIS at 1. Not only is the PNF precluded from utilizing this analysis, but it is also precluded from relying on the findings of the Payette Principles Committee and the report from the Payette Principles Committee. Ensure that the findings and report from the Payette Principles Committee were not utilized in the DSEIS and provide a statement indicating the same. Lastly, the analysis of risk of contact between domestic sheep and bighorn sheep on the PNF uses published literature and "expert knowledge." DSEIS at 3-7. Does this "expert knowledge" result from the RADT Committee or the Payette Principles Committee? Similarly, the DSEIS provides that models in the document "updated the previous analyses conducted for the DSEIS." DSEIS at 3-12. Do any of these previous analyses rely on the findings of the RADT Committee or the Payette Principles Committee? (Update to DSEIS Ltr# 20070)

Concern Statement 100.32

The Forest Service should be consistent with the HCNRA Act of 1975 and not allow grazing of domestic sheep. (PC 26 z; PC 35. e)

Response to Concern 100.32

According to the HCNRA Act, grazing is identified as one of several traditional and valid uses of the HCNRA, and the continuation of grazing may occur as it is compatible with the provisions of the HCNRA Act (DSEIS page 1-5). The Payette National Forest is required by the HCNRA Act to manage livestock in the Hells Canyon Management Area in a manner compatible with the protection and maintenance of bighorn sheep or their habitat within the HCNRA. The Forest Service followed this direction when developing and analyzing alternatives in the DSEIS (ibid) and the update to the DSEIS and the FSEIS. The Chief of the Forest Service instructed the Regional Forester and the Payette National Forest to analyze the viability of bighorn sheep in Management Area 1 (Hells Canyon) and to make changes to Forest Plan direction as necessary to ensure their continued protection (DSEIS pages 1-3).

The alternatives and the analysis in the FSEIS consider the effects to the HCNRA and compliance with the HCNRA Act is discussed in Chapter 2. Consistency determinations with the HCNRA Act are the responsibility of the Wallowa-Whitman National Forest, and the Payette National Forest has received such determination.

Sample Public Comment for 100.32

Generally, the management direction for rangeland resources should focus on maintaining domestic sheep allotments on the PNF, rather than terminating them. Management direction that focuses solely on bighorn viability is inconsistent with the MWSA, NFMA and the HCNRA Act. (DSEIS Ltr #13550)

Concern Statement 100.33

The Forest Service should ensure that the proposed amendment is consistent with the MUSYA and Administrative Procedures Act because eliminating domestic sheep grazing is in violation of these two Acts. (PC 37. b)

Response to Concern 100.33

NFS lands are not reserved for the exclusive use of any one use or to emphasize any one resource value to the detriment of other uses or values. It is appropriate for different areas of the National Forest to provide opportunities for different uses and to emphasize different values. Decisions on where uses are to occur are to be made with full involvement of interested governments and publics. The analysis in the DSEIS, the Update to the DSEIS, and the FSEIS; the resulting proposed amendment is a supplement to the FEIS for the 2003 Forest Plan for the Payette National Forest, which considers many different allocations of resources and uses, and additionally the public has been involved since its inception in 1997, which is compliant with the MUSYA. Compliance with legal requirements is discussed in the FSEIS and the Forest Plan FEIS. The Payette

National Forest believes it is consistent with the Administrative Procedures Act as this analysis neither involves rule making nor adjudication.

Sample Public Comment for 100.33

The amendments are inconsistent with multi-use management and arbitrarily and capriciously eliminate grazing from Payette National Forest, in violation of the Administrative Procedure Act. (DSEIS Ltr #13614)

Concern Statement 100.34

The Forest Service should manage public land for multiple use and the benefit of all people, rather than managing public land to benefit a few private sheep ranchers who could reasonably be expected to provide their own land for grazing. (PC 38. a, b, c, d, h, i)

Response to Concern 100.34

This analysis and resulting proposed amendment is a supplement to the FEIS for the 2003 Forest Plan for the Payette National Forest, which considers many different allocations of resources and uses, and additionally, the public has been involved since its inception in 1997 to the present via the SEIS. During the 13-year public involvement effort, the issues have not been resolved or gone away. The issues, however, have been further refined and analyzed to determine the best approach to address them.

Sample Public Comments for 100.34

As a trustee of public lands the U.S. Forest Service has an obligation to manage these lands in the best interest of all the people. (DSEIS Ltr #13298)

The zeal and determination to eliminate domestic sheep grazing in order to prevent comingling of domestic sheep with Bighorn Sheep will undermine the economic viability of Idaho Counties, such as Washington County. The multiple use concepts of federal lands in conjunction with local private partnership of lands within the County served to enhance the viability by allowing the use of federal lands to provide profitable operations that in turn allowed a continued and reasonably predictable tax base for the County, and the State as a whole. The multiple use concepts allow the use of nontaxable federal lands to provide funding by ranching, logging, recreation and mining for the good of all citizens. These facts need to be reiterated and not forgotten- The history before the adoption of the multiple use concepts that allowed productive use of federal lands for the good of all is not a pleasant history. Without the ability to legitimately use federal lands, they become "off limits" and a liability to local governments that have such properties within their boundaries. This fact also cannot be forgotten in the storm of controversies that surround the question of the Bighorn Sheep, and other interactions between human activities and animals. (Update to DSEIS Ltr# 20102)

Concern Statement 100.35

The Forest Service should not view the need to manage for multiple use as an excuse for sanctioning activities that degrade natural resources. (PC 38. j)

Response to Concern 100.35

The Forest Service believes that some degradation of natural resources may occur when managing for multiple use, but the land should not be permanently impaired (e.g., species viability). The balance of uses and acceptable levels of degradation are determined during project analysis through dialogue with Agency specialists, coordination with other Federal, tribal, and State representatives, and involvement of interested and affected publics.

Sample Public Comment for 100.35

It is of utmost importance that the concept of multiple use not be viewed as a surrogate for approving any activity applied for, especially if that activity degrades other activities and natural resources. (DSEIS Ltr #13107)

Concern Statement 100.36

The Forest Service should interpret policy with a greater emphasis on environmental stewardship. (PC 38. k; PC 41. d)

Response to Concern 100.36

The Forest Service believes that guiding policy emphasizes balancing environmental stewardship and competing uses of NFS land in a manner that is environmentally sustainable over the long term.

Sample Public Comment for 100.36

Why does the Forest Service see a compelling need to close the Public Lands to the multiple uses of everyone? This is only one of the many ways that the Forest Service is trying to control our given rights as the public. (DSEIS Ltr #63)

Concern Statement 100.37

The Forest Service should support groups that protect wilderness values for all Americans, rather than groups that manage for profit. (PC 39. c)

Response to Concern 100.37

The Forest Service believes that guiding policy emphasizes balancing environmental stewardship and competing uses of NFS land in a manner that is environmentally sustainable over the long term. This project is not analyzing any changes to Wilderness management.

Sample Public Comment for 100.37

That's why we are endorsing the campaign by groups interested in protecting wilderness values for all Americans, not just those who can profit from it or locals who exploit the land that belongs to all of us. (DSEIS Ltr #1753)

Concern Statement 100.38

The Forest Service should take steps to reinforce trust and credibility into its actions and not interfere with private business. (PC 44. d)

Response to Concern 100.38

Holders of domestic sheep grazing permits are operating under the authority of the Federal Government and as such permits are a privilege. These permits are operated under terms and conditions that the Forest Service deems necessary to prevent other resource degradation. If other resource damage cannot be prevented or continues to occur at unacceptable levels, permits can be adjusted or withdrawn at anytime under emergency closure procedures.

Sample Public Comment for 100.38

The government needs to stay out of independent business owner's business. (DSEIS Ltr #12565)

Concern Statement 100.39

The Forest Service should ensure that it does not attempt to manage the wildlife, but instead wildlife habitat because management of wildlife is the responsibility of the State of Idaho. (PC 45. a, c, d, e)

Response to Concern 100.39

The Payette National Forest is managing bighorn sheep habitat, and in the SEIS analysis process is determining how much habitat is required under NFMA to provide for viable populations (refer to Chapter 2 and 3 of the FSEIS).

Sample Public Comment for 100.39

The Forest Service does not have the authority to make game management decisions for the state of Idaho, though that is exactly what it is attempting to do in this DSEIS. Idaho will manage its own wildlife. (DSEIS Ltr #13766)

Concern Statement 100.40

The Forest Service should choose the alternative that best encourages the health of bighorn sheep by implementing a decision in a timely manner that eliminates the risk of contact between bighorn sheep and domestic sheep because. Delays would only further jeopardize bighorn recovery and increase the risk of severe population losses if contact with domestic sheep continues.

Response to Concern 100.40

Forest Service regulations (36 CFR 219.19) require that habitats be managed to support viable populations of native and desired non-native species. This requirement does not infer that all risk of interspecies contact between domestic sheep and bighorn sheep necessarily be eliminated. Therefore, any alternative that provides habitats that support viable populations is considered an acceptable alternative. The FSEIS does evaluate the effects of several alternatives, including a “no contact” alternative, and evaluates these for the likelihood of interspecies contact and persistence of bighorn sheep populations. Although a no contact decision would provide the greatest likelihood for providing bighorn sheep population persistence, other alternatives provide scenarios that allow population persistence. Alternatives that provide for bighorn sheep population persistence, and are phased in or implemented in a timely manner, are considered acceptable.

Sample Public Comment for 100.40

A decision to eliminate the risk of contact between bighorns and domestic sheep must be implemented in a timely manner, certainly within a year of the decision. Delays would only further jeopardize bighorn recovery and increase the risk of severe population losses if contact with domestics occurs. (Update to DSEIS Ltr# 20088)

Concern Statement 100.41

The Forest Service should ensure that it does not take on projects that are the responsibility of the State of Idaho and include discussion about an adaptive management and separation strategy per the MOU with the State of Idaho in the DSEIS.

Response to Concern 100.41

The amendment of the Payette National Forest 2003 Forest Plan is the full legal responsibility of the Forest Service and not the State of Idaho. Under Cooperating Agency Status, all of the Cooperators, including the State of Idaho, had opportunities to provide information for the Forest Service to consider including adaptive management strategies, Forest Plan direction, monitoring requirements, and separation strategies, in addition to feedback on numerous aspects of the project as it proceeded. Any and all suggestions provided by the State of Idaho are captured in the notes from these Cooperator meetings and considered to their fullest by the Forest Service. However, it must be understood that consideration to the fullest does not necessarily lead to application as each and every suggestion is weighed against numerous criteria. The criteria include legality of the suggestion under Federal law, cost to adopt, effectiveness of the suggestion, proven track record of the suggestion, or whether or not it addresses the issue or meets the purpose and need of the project. The Payette National Forest believes that the Memorandums of Understanding with the Cooperators were followed.

Sample Public Comment for 100.41

Comment #8, general: The DSEIS does not discuss or implement any adaptive management or separation strategies prepared by the State of Idaho. The PNF entered a memorandum of understanding (MOU), “Memorandum of Understanding between the State of Idaho and the United States Department of Agriculture Forest Service, Payette National Forest,” in 2007 that provides a framework for cooperation between the State of Idaho and the PNF in preparation of the DSEIS. See FS Agreement No. 07- MU-11041200-041. The MOU states that the PNF shall provide the opportunity for the State of Idaho to develop adaptive management strategies that will be considered for the LRMP amendment and that information provided by the State will be considered to the maximum extent possible. MOU at 2. Further, the MOU provides that the State shall, among other things, develop adaptive management strategies for occupation of bighorn sheep habitat and develop separation strategies between bighorns and domestic sheep. MOU at 2. The DSEIS does not contain discussion of any adaptive management strategies or separation strategies prepared by the State of Idaho in consultation with affected permittees in 2008. Has the PNF considered these strategies, if any, for the LRMP amendment? The DSEIS must contain a discussion on how the PNF and State of Idaho have met their obligations in the MOU and how the DSEIS complies with the terms of the MOU. (Update to DSEIS Ltr# 20070)

Concern Statement 100.42

The Forest Service should maintain the existing grazing rights and allotments of sheep ranchers on Federal land and address the inconsistencies in management direction between the HCNRA Comprehensive Management Plan (CMP), HCNRA Act, Interior Columbia Basin Strategy, Forest Service Open Space Conservation Strategy, Directive from Mark Rey (USDA Under Secretary), and the DSEIS.

Response to Concern 100.42

The Payette National Forest has been following the current policy direction for amending a Forest Plan and for working on bighorn sheep–domestic sheep issues. The Payette National Forest has worked to promote and protect the integrity of the bighorn sheep populations within the influence area of the Forest. The Payette National Forest has considered potential economic impacts to the grazing industry affected by the various management alternatives, which are disclosed in the Economics Section in Chapter 3 of the FSEIS. The Payette National Forest is unaware of inconsistencies between the efforts mentioned in the comment.

On September 23, 2008, the Chief of the Forest Service received the following letter from the Under Secretary of Agriculture:

10/09/2008 16:17 FAX

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United States Department of Agriculture
Office of the Secretary
Washington, D.C. 20250

SEP 23 2008

Abigail R. Kimbell, Chief
USDA Forest Service
201 14th Street, SW
Washington, DC 20024

Dear Ms. Kimbell:

Federal land management agencies are in the process of reviewing and updating their respective management policies where domestic sheep and goats graze in proximity to wild sheep, with the intention of developing a federal policy framework consistent with state wildlife objectives. Due to the presence of federal lands managed by various agencies within wild sheep ranges and the high risk of disease transmission from domestic sheep and goats to wild sheep, a consistent set of management policies for minimizing this risk is desirable. Through these policies, the agencies will seek to promote and protect the ecological integrity of wild sheep, as well as support the economic sustainability of sheep producers where these animals potentially co-mingle.

Until an action plan to address the risk of disease transmission is developed with the relevant state wildlife agencies, I am directing the Forest Service to suspend participation in, or support of efforts to, transplant wild sheep onto National Forest System lands in areas where there is a likelihood that wild sheep might come into contact with domestic sheep or goats.

Sincerely,

A handwritten signature in black ink that reads "Mark Rey". The signature is written in a cursive, slightly slanted style.

MARK REY
Under Secretary
Natural Resources and Environment

NR-08-349 IDT

On September 23, 2008, USDA Under Secretary for Natural Resources and Environment (NRE) Mark Rey directed the Forest Service to suspend participation in or support of efforts to transplant wild sheep onto NFS lands until action plans were developed to address the risk of wild sheep coming into contact with domestic sheep or goats. The direction also encourages cooperation between State and Federal agencies to work together to promote the ecological integrity of wild sheep, as well as support the economic sustainability of sheep producers. A copy of this direction is below.

While working closely with the States, tribes, and the public regarding transplant proposals, I ask that you seek to provide effective separation between domestic sheep and goats and wild sheep to minimize the likelihood of disease transmission to wild sheep. This includes careful review of the Payette Principles

<http://www.mwvcrc.org/bighorn/payetteprinciples.pdf> and the Western Association of Fish and Wildlife Agencies (WAFWA) June 21, 2008, report entitled: Recommendations for Domestic Sheep and Goat Management in Wild Sheep Habitat:
<http://www.mwvcrc.org/bighorn/wafwawildsheepreport.pdf>.

We recognize the rights of States and their jurisdiction over wildlife; this direction does not apply to them. However, review of the Payette Principles and WAFWA report will help guide your participation with the States while implementing NRE direction.

The sheep industry and bighorn sheep advocates generally agree that it is in everyone's best interest to prevent disease transmission. I believe that earnest collaboration with the States is essential to address this issue and I encourage you to promote this collaboration at every opportunity.

The Payette National Forest is not involved in any transplant efforts of bighorn sheep. The Payette National Forest believes that compliance with the instructions is occurring aside from utilization of the Payette Principles.

Sample Public Comment for 100.42

Comment #5, general: The DSEIS fails to comply with the Directive from Mark Rey, Under Secretary, United States Department of Agriculture, to Abigail R. Kimbell, Chief, Forest Service. On September 23, 2008, Mark Rey, Under Secretary, Natural Resources and Environment, United States Department of Agriculture, sent a letter to Abigail R. Kimbell, Chief, Forest Service, United States Department of Agriculture, stating the following: Federal land management agencies are in the process of reviewing and updating their respective management policies where domestic sheep and goats graze in proximity to wild sheep, with the intention of developing a federal policy framework consistent with state wildlife objectives. Due to the presence of federal lands managed by various agencies within wild sheep ranges and the high risk of disease transmission from domestic sheep and goats to wild sheep, a consistent set of management policies for minimizing this risk is desirable. Through these policies, the agencies will seek to promote and protect the ecological integrity of wild sheep, as well as support the economic sustainability of sheep producers where these animals potentially co-mingle. Until an action plan to address the risk of disease transmission is developed with the relevant state wildlife agencies, I am directing the Forest Service to suspend participation in, or support of efforts to, transplant wild sheep onto National Forest System lands in areas where there is likelihood that wild sheep might come into contact with domestic sheep or goats. This directive makes clear that the Forest Service is not currently authorized to develop a plan to address the risk of disease transmission. Rather, an action plan to address the risk of disease transmission is to be developed with the relevant state wildlife agencies. Why is the PNF developing an action plan when it has not been authorized to do so? Further, why is the PNF developing an action plan when, clearly, an action plan is to be developed with the relevant state wildlife agencies? The PNF is not complying with the directive from Mark Rey to Abigail R. Kimbell. The PNF must ensure that the DSEIS complies with this directive, and cease development of an action plan to address the risk of disease transmission on the PNF, until an action plan to address the risk of disease transmission has been developed with the relevant state wildlife agencies. (Update to DSEIS Ltr# 20070)

Concern Statement 100.43

The Forest Service should comply with the NFMA and HCNRA Act by not selecting any of the action alternatives because they violate the HCNRA Act, which is contrary to the Payette National Forest's conclusions in the Update to the DSEIS.

Response to Concern 100.43

The document simply reiterates the consistency determination that was made by the authorizing official from the Wallowa-Whitman National Forest. The Wallowa-Whitman National Forest requested that monitoring continue to occur to in and near the core herd home range and adjust accordingly when bighorn sheep are observed. Monitoring of the area in question is planned for and documented in the monitoring section of the Forest Plan Amendment.

Sample Public Comment for 100.43

Because any of the action alternatives would likely result in the eventual extirpation of the Upper Hells Canyon band, the selection of any of the action alternatives as the final decision would violate the HCNRAA, contrary to the PNF's conclusions on pgs. 2-14-18. The Update's conclusions that the recently developed action alternatives 7M, 7N 7O and 7P comply with the HCNRAA are based on the memorandum from Wallowa-Whitman Forest Supervisor Steven A. Ellis dated January 6, 2010 to Supervisor Rainville. (Appendix G). Supervisor Ellis notes on p. 3 of his memorandum that "In all four alternatives, grazing would continue within 2 miles of the modeled bighorn sheep herd home range. If that grazing continues near herd home range, we recommend some effective monitoring both inside and outside of herd home ranges to help detect bighorn sheep before contact is made." (Update to DSEIS Ltr# 20099)

Concern Statement 100.44

The Forest Service should revise the DSEIS and disclose if information was included from the Payette Principles document, and if so, include discussion regarding what portion of that information was used to report findings or draw conclusions.

Response to Concern 100.44

The *Summary of the Science Panel Discussion: Disease Transmission Between Domestic Sheep and Bighorn Sheep on the Payette National Forest* (Payette Principles) document was not used in the update to the DSEIS or in the FSEIS.

Sample Public Comment for 100.44

Were any portions of the information included in the Payette Principals document the Payette National Forest prepared in direct violation of FACA Law used in preparation of this new DSEIS? If so, what parts or portions and were they used to report findings or draw conclusions? (Update to DSEIS Ltr#20037)

102–108 ISSUES PERTAINING TO THE ALTERNATIVES**Concern Statement 102.18**

The Forest Service should select the Preferred Alternative (Alternative G) in the DSEIS because it provides for adequate separation of domestic sheep and bighorn sheep. (PC 6. a, b)

Response to Concern 102.18

Alternatives will continue to be developed and refined between the DSEIS and FSEIS and the decision maker will weigh a variety of factors before selecting an alternative. The rationale for that selection will be documented in the ROD based on the analysis in the FSEIS.

Sample Public Comment for 102.18

I concur with the direction in the preferred alternative which proposes reductions in domestic sheep grazing to create separation of domestic sheep and bighorn sheep. (DSEIS Ltr #12995)

Concern Statement 102.19

The Forest Service should not select the Preferred Alternative (Alternative G) in the DSEIS because:

- A) It does not provide adequate separation of domestic sheep and bighorn sheep and it would leave the sheep permittees without work (PC 7. a, c)*
- B) Eliminating domestic sheep grazing has proven to be ineffective on the Oregon side of the HCNRA where bighorn sheep die offs still occur*
- C) The 6-mile buffer around the HCNRA is not adequate—a 9-mile buffer is recommended; no consideration is given to the adequacy of maintaining separation if the population levels increase therefore, it is not compliant with the HCNRA CMP; it is based on the GPR concept which is no longer in place; it poses a risk to the Main Salmon South Fork and the Upper Hells Canyon herds; if population levels increase it would require more NEPA analysis; and no assurance is given regarding monitoring*

Response to Concern 102.19

Alternatives will continue to be developed and refined between the DSEIS and FSEIS and the decision maker will weigh a variety of factors before selecting an alternative. The rationale for that selection will be documented in the ROD based on the analysis in the FSEIS.

Given the interconnectivity of the bighorn sheep herds in Hells Canyon, closure of more than just the Oregon Allotments may be necessary.

Sample Public Comments for 102.19

Experts recognize the danger of bighorns contacting domestic sheep along their migration routes. PNF's preferred alternative, 7G, leaves bighorn sheep too much at risk of contracting *Pasteurella* and fails to protect this icon of such a unique landscape. (DSEIS Ltr #13107)

Comment #20, pg. 2-7: The preferred alternative in the DSEIS has already been shown to be ineffective. The preferred alternative in the DSEIS has already been shown to be untenable. Sheep grazing was eliminated on the Oregon side of the HCNRA and bighorn sheep still experienced a die-off. This indicates that removal of grazing acreage does not work to establish or maintain bighorn populations. The PNF should not adopt the approach in the preferred alternative, which has already been proven to be a flawed and unsuccessful alternative. (Update to DSEIS Ltr# 20070)

Concern Statement 102.20

The Forest Service should select either Alternative 7H or 7E because

- A) they are the only alternatives that provide for an acceptable level of risk of contact (PC 7.b); or*
- B) the Forest should select an alternative that has a 5 percent or less risk of contact between domestic sheep and bighorn sheep to comply with the HCNRA Act and offer the best chance of recovery (PC 11.a); and*
- C) and, the Forest should also include a plan to assess risk in the future if bighorn populations expand. (PC 35.k)*

Response to Concern 102.20

Alternatives will continue to be developed and refined between the DSEIS and FSEIS and the decision maker will weigh a variety of factors before selecting an alternative. The rationale for that selection will be documented in the ROD based on the analysis in the FSEIS. The analysis is designed to allow for differing population sizes to be analyzed for their risk of contact and other effects. The risk for contact doubles if the bighorn sheep herd doubles but nothing else changes.

Sample Public Comment for 102.20

Alternatives 7E and 7H are estimated to reduce the risk of contact between the species to 4% or less based on current bighorn populations. However, “[a]s bighorn sheep numbers increase and populations expand their geographic range, probabilities of domestic sheep contact could increase (Clifford et al. 2007).” I recommend that the Forest [Service] assess how great the risks will be if bighorn populations rebound and whether you should develop a management strategy to mitigate increased risk. The estimated risks for the three other alternatives are unacceptably high, at least four-times greater than for 7E and 7H. (DSEIS Ltr #1707)

Concern Statement 102.21

The Forest Service should select Alternative 7E because

- A) it is the only viable option to safeguard bighorn sheep and their habitat from the risk of disease transmission and grazing competition by eliminating domestic sheep grazing; (PC 8. a, b, c, e, f)*
- B) it gives appropriate recognition to Tribal Rights because harvest opportunities increase in traditional hunting locations and the alternative provides maximum fulfillment of cultural practices involving bighorn sheep; (PC 8. d)*
- C) it would not require additional monitoring or reporting; (PC 8. I)*
- D) it complies with applicable laws and regulations regarding bighorn sheep viability, specifically the HCNRA Act, 36 CFR 219.19, and 36 CFR 292.48 by eliminating the disease risk to the Hells Canyon metapopulation; (PC 35. j)*

- E) BMPs have proven ineffective; and*
- F) it provides for the expansion of bighorn sheep home ranges as the population increases.*

Response to Concern 102.21

Alternatives will continue to be developed and refined between the DSEIS and FSEIS and the decision maker will weigh a variety of factors before selecting an alternative. The rationale for that selection will be documented in the ROD based on the analysis in the FSEIS.

Sample Public Comments for 102.21

Bighorns, as native wildlife in Idaho including the Payette National Forest, should be protected from diseases carried by nonnative domestic livestock. I believe that Alternative 7E offers the best protection offered by closing all domestic sheep allotments. (DSEIS Ltr #13628)

I have commented before on the many places I have been on the Payette forest from Marble Creek to Hells Canyon and have come to the same conclusion that the report comes up with--where there is domestic sheep grazing the bighorn population soon dies off. This conclusion leads to the result that the only sure viable option to safeguard those sheep is alternative 7E--completely remove the sheep from the Payette National Forest. Alternatives 7N and 7O are alternatives that may be considered if it becomes politically untenable to completely remove the sheep. But even those two alternatives give the likelihood of domestic and wild sheep contact in about one out of every seven or ten years. When that happens, the report admits, the sheep will die off again. Just remove the sheep. (Update to DSEIS Ltr# 20004)

Concern Statement 102.22

The Forest Service should select Alternative 7H in the DSEIS because it provides for adequate separation of domestic sheep and bighorn sheep by establishing a 9-mile buffer. (PC 9. a, b)

Response to Concern 102.22

Alternatives will continue to be developed and refined between the DSEIS and FSEIS and the decision maker will weigh a variety of factors before selecting an alternative. The rationale for that selection will be documented in the ROD based on the analysis in the FSEIS. The Payette National Forest is trying to look more at removing risk on the landscape than simply applying a straight-line buffer as documented in the development of Alternatives 7L-7P.

Sample Public Comment for 102.22

The Forest Service should adopt Alternative 7H, which establishes a 9-mile buffer between occupied bighorn. (DSEIS Ltr #14009)

Concern Statement 102.23

The Forest Service should not select Alternative 7H in the DSEIS because it does not adequately protect the bighorn sheep. (PC 10. a)

Response to Concern 102.23

Alternatives will continue to be developed and refined between the DSEIS and FSEIS and the decision maker will weigh a variety of factors before selecting an alternative. The rationale for that selection will be documented in the ROD based on the analysis in the FSEIS.

Sample Public Comment for 102.23

While the Payette Forest's considered Alternative 7.h. will provide the most protection for bighorns from domestic sheep contact, it is insufficient to protect and grow bighorns, even if the predicted four percent annual probability of contact is accurate. (DSEIS Ltr #12504)

Concern Statement 102.24

The Forest Service should revise the alternatives in the DSEIS because the Idaho Woolgrowers Association agreed to the reintroduction of the bighorn sheep and, therefore, a mutually beneficial alternative should be developed. (PC12. a)

Response to Concern 102.24

Alternatives 1B, 2, 5, and 7 do consider the 1997 Letter and agreement. The reintroduction of bighorn sheep began prior to 1997, and some sheep were reintroduced before the agreement was entered. In addition, there are changed circumstances and new information that has been developed since 1997 as a result of bighorn sheep crossing the Snake River, reservoirs, and dams. The bighorn sheep that have crossed into Idaho were not controlled as anticipated in 1997. In addition, bighorn sheep have subsequently been identified as a Sensitive Species by the Regional Forester. Any decision made by the Forest Service must be consistent with federal laws and regulations currently in effect, and account for circumstances that presently exist.

Sample Public Comment for 102.24

In recognition of the Idaho Woolgrowers Association good faith at the inception of the bighorn sheep re-introduction project the USFS DSEIS for Alternative 7 should be disregarded in favor of a more mutually beneficial option. (DSEIS Ltr #51)

Concern Statement 102.25

The Forest Service should revise the alternatives in the DSEIS because Best Management Practices were not considered in a wider range of alternatives. (PC 12. b, e)

Response to Concern 102.25

Six alternatives were considered in the DSEIS but eliminated from detailed study (7A, 7B, 7C, 7D, 7F, and 7I). Twelve alternatives were considered in detail (1B, 2, 5, 7, 3, 4, 6, 7E, 7G, 7H, 7J, and 7K). The Payette National Forest felt this to be an adequate range of alternatives for the draft analysis, but has considered another 5 alternatives in detail (7L, 7M, 7N, 7O, and 7P) in preparation of the FSEIS. In 2007, two of the permittees developed 13 additional management practices and implemented them that grazing season. One of the permittees has continued to implement the 13 additional management practices willingly. The Forest Service has monitored these additional management practices and found them mostly successful in providing separation between the domestic sheep and bighorn sheep, but not 100 percent. Wolves scattered a band of sheep and two of the ewes were discovered four months later (after the grazing season) wandering in Hells Canyon, proving the additional measures to be inadequate. The implementation of these 13 additional management practices was considered when developing all of the alternatives. The Payette National Forest recognizes other Forests have isolated populations of bighorn sheep that may be separated from domestic sheep more effectively, however there is proven connectivity between the herds of bighorn sheep on the Payette National Forest. The BMPs have not been researched nor studied to demonstrate 100 percent effectiveness.

Sample Public Comments for 102.25

Any objective analysis of the draft EIS would suggest that it was prepared with inadequate effort to objectively explore a reasonable range of alternatives to manage both domestic and bighorn sheep on the Payette National Forest as required by NEPA, which statute requires a “full and fair” discussion of significant environment impacts so as to inform decision makers and the public of the reasonable alternatives. 40 C.F.R.5 1502.1. Best Management Practices appear to be working in other forests, and there is no clear reason provided that similar practices cannot be implemented on the Payette. It almost appears that the draft EIS was crafted to solicit the preferred outcome. (DSEIS Ltr #13689)

Comment #18, pgs. 2-4 - 2-9: The Final SEIS must consider implementation of best management practices and mitigation measures for a reasonable range of alternatives. For a reasonable range of alternatives, the DSEIS must consider implementation of best management practices and mitigation measures, rather than simply concluding that domestic sheep grazing allotments must be closed. The PNF has not provided any discussion of recommended best management practices in the DSEIS, nor has it included any alternatives that would implement such practices. As a result, the range of alternatives considered in the DSEIS is deficient. The PNF should consider best management practices and other mitigation measures in the Final SEIS, rather than jumping to the conclusion that domestic sheep grazing allotments on the PNF must be closed. (Update to DSEIS Ltr# 20070)

Concern Statement 102.26

The Forest Service should revise the alternatives in the DSEIS because the range of alternatives is inadequate and is prejudicing potential decisions and/or outcomes (PC 12. c)

Response to Concern 102.26

The purpose and need for this analysis is very focused on one specific significant issue from the FEIS for the Payette Forest Plan: effects of disease transmission from domestic sheep to bighorn sheep on the viability of the bighorn sheep population. Based on NFMA, adequate habitat for viable populations of bighorn sheep must be provided on the Payette National Forest. All alternatives that are analyzed must be evaluated on how well they meet this requirement. The decision maker weighs alternatives developed during the analysis process and makes a reasoned decision as to which of these alternatives will provide an adequate range within the decision space created by the purpose and need, and significant issues.

Sample Public Comments for 102.26

The choice of alternatives (inclusions and omissions) by the Forest Service in this DSEIS is prejudicing the potential decisions/outcomes. A revised DSEIS should be produced which includes a complete analyses of alternatives and impacts for the above listed areas). All existing analyses should be revised and new analyses prepared only when the supporting science (answering fundamental questions of actual causes of and contributions to bighorn mortality, sources and transmission mechanisms of disease, etc.) is available and incorporated into the analysis. (DSEIS Ltr #12943.)

Comment #22, pgs. 2-3 through 2-9: The DSEIS does not describe and analyze a proper range of alternatives and does not contain a reasonably thorough discussion of mitigation measures. None of the alternatives considered by the PNF involve implementation of best management practices or mitigation measures to prevent contact between domestic sheep and bighorns. The only measures proposed by the PNF involve termination of domestic sheep grazing allotments. An EIS must describe and analyze a proper range of alternatives. 40 C.F.R. § 1502.14. This includes the requirement to rigorously explore and objectively evaluate all reasonable alternatives. *Id.* There is also a requirement to include appropriate mitigation measures. *Id.* Without an alternative that describes and analyzes the implementation of mitigation measures to prevent contact between domestic sheep and bighorn sheep, instead of simply eliminating domestic sheep allotments, the DSEIS contains an inadequate range of alternatives. Alternatives considering best management practices and mitigation measures are both reasonable and feasible under the circumstances, and must be analyzed in the DSEIS. Specifically, with regard to mitigation measures, CEQ regulations require the PNF to discuss possible mitigation measures when defining the scope of the EIS, in identifying the consequences of the proposed action, and in explaining the PNF's ultimate decision. 40 C.F.R. §§ 1502.16(h), 1505.2(c) and 1508.25(b). The regulations define "mitigation" to include the following: (a) Avoiding the impact altogether by not taking a certain action or parts of an action; (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; (e) Compensating for the impact of replacing or providing substitute resources or environments. 40 C.F.R. § 1508.20. An EIS must include a reasonably thorough discussion of mitigation measures. Here, the DSEIS fails to discuss mitigation measures. The Final SEIS must include proper range of alternatives and must discuss appropriate mitigation measures. (Update to DSEIS Ltr# 20070)

Concern Statement 102.27

The Forest Service should select an alternative that closes domestic sheep allotments in Hells Canyon and the Salmon River Canyon to protect and perpetuate bighorn sheep populations. (PC 13. a)

Response to Concern 102.27

All of the alternatives carried into detailed study are being assessed for viability potential of bighorn sheep herds and potential persistence of populations over 100 years.

Sample Public Comment for 102.27

Please choose the alternative that stops domestic sheep grazing in favor of wild bighorns in Hell's Canyon and the Salmon River Canyon. There are many options and alternatives to continue and perpetuate domestic sheep production. There is only one choice to protect and perpetuate wild bighorns. (DSEIS Ltr #6)

Concern Statement 102.28

The Forest Service should consider an alternative that provides supplemental selenium or other methods for bighorn sheep to boost their immunity. (PC 13. b; PC 17. f)

Response to Concern 102.28

The Forest Service is not responsible for managing bighorn sheep, but they are required to provide for viable bighorn sheep habitat. Supplementing their diet is outside the scope of the Forest Service's management authority.

Sample Public Comment for 102.28

Prudent long-term health management dictates that population immunity be the primary tool to promote the viability of bighorn sheep on the PNF. The Final SEIS must analyze and discuss the possible use of selenium on the PNF and its incorporation into the alternatives presented in the DSEIS. (DSEIS Ltr #13550)

Concern Statement 102.29

The Forest Service should select the No Action Alternative in the FSEIS. (PC 14. a, b, c)

Response to Concern 102.29

The No Action Alternative in the original FSEIS for the Forest Plan treats management of disease transmission between bighorn sheep and domestic sheep identical to the selected Alternative 7. The No Action Alternative in the FSEIS cannot be selected because it does not address the instructions the Payette National Forest received from the Appeal Reviewing Officer, which was to maintain bighorn sheep viability (see the DSEIS pages 1-2 through 1-5, and Chapter 1 of the FSEIS). In addition, the appeal decision declared that the No Action Alternative violates NFMA and probably violates the HCNRA Act. Therefore, the No Action Alternative cannot be selected.

Sample Public Comment for 102.29

It is my opinion that none of the alternatives in the DSEIS are warranted or acceptable. Please implement the No Action alternative in the original final EIS. (DSEIS Ltr #13746)

Concern Statement 102.30

The Forest Service should proceed with a decision and management direction that ensures the viability of bighorn sheep in Hells Canyon, the main Salmon River Canyon, and the Payette National Forest. (PC 15. r)

Response to Concern 102.30

The Payette National Forest has analyzed a wide range of alternatives in the DSEIS, the Update to the DSEIS, and FSEIS to allow the decision maker to select the alternative that

best provides for the viability of bighorn sheep on the Payette National Forest (see Chapter 2 of the SEIS).

Sample Public Comment for 102.30

The agency now needs to proceed with a decision and management direction that ensures the viability of bighorn sheep in Hells Canyon, the main Salmon River Canyon, and the Payette National Forest. (DSEIS Ltr #13676)

Concern Statement 102.31

The Forest Service should design an alternative that eliminates all risk of disease transmission between domestic sheep and bighorn sheep on the Payette National Forest. (PC 15. ii)

Response to Concern 102.31

Alternative 7E in the DSEIS, Update to the DSEIS, and FSEIS eliminates all risk of contact, which removes disease transmission potential between permitted domestic sheep and bighorn sheep on the Payette National Forest.

Sample Public Comment for 102.31

Because the current bighorn sheep populations on the PNF are, in the Tribe's view, not viable; the PNF must select a final alternative and adopt forest plan direction that will provide sufficient source habitat for bighorn sheep population restoration and range expansion. Preserving the status quo is unacceptable to the Tribe and will fail to provide long-term viability for the species. (Update to DSEIS Ltr# 20072)

Concern Statement 102.32

The Forest Service should ensure that the selected alternative provides long-term protection to the bighorn sheep. (PC 17. d)

Response to Concern 102.32

The Payette National Forest will complete a direct, indirect, and cumulative effects analysis for all alternatives carried into detailed study. A determination of viability by alternative is discussed by alternative in Chapter 2.

Sample Public Comment for 102.32

A long term solution to protect the bighorn sheep is imperative. (DSEIS , Ltr #13299)

Concern Statement 102.33

The Forest Service should consider an alternative that confines bighorn sheep between Granite Creek to the south and Cougar Creek to the north because there are no grazing allotments in these areas. (PC 24. v)

Response to Concern 102.33

The area that you are requesting to be included is outside the proclaimed and administrative boundary of the Payette National Forest. The Payette National Forest Supervisor has no authority to make management decisions in the area that you have asked to have included in this analysis. Therefore, the area is not included in the alternative section of the FSEIS. In addition, the Forest Service does not make decisions on confinement of wildlife.

Sample Public Comment for 102.33

What other options/methods can be analyzed to achieve separation between domestic and bighorn sheep? Confine the bighorn sheep area to between Granite Creek on the South, and Cougar Creek to the North. This area is void of most domestic animals, except for recreational use. (DSEIS Ltr #2883)

Concern Statement 102.34

The Forest Service should revise the Preferred Alternative (Alternative 7G) because it does not adequately ensure protection of the Treaty Rights of the Nez Perce Tribe. (PC 46. a)

Response to Concern 102.34

The Treaty Rights of the Nez Perce and other affected tribes will be considered and discussed in the Tribal Rights and Interests section of the FSEIS (see pages 3-79 through 3-85 in the DSEIS, and pages 3-110 through 3-119 in the FSEIS.) Several alternatives have been developed, analyzed and documented in the FSEIS.

Sample Public Comment for 102.34

I do not believe the preferred alternative contains enough safeguards to assure protection of the treaty rights of the Nez Perce Tribe. I believe you must take additional steps to eliminate contact between domestic sheep and bighorn sheep. (DSEIS Ltr #14051)

Concern Statement 102.35

The Forest Service should select Alternative 7H because it removes all risk of contact between bighorn and domestic sheep and therefore assures protection of the Nez Perce Tribe's Treaty Rights and meets the Agency's responsibilities under the NFMA. (PC 46. u)

Response to Concern 102.35

Because of reworking the contact risk and foray models, Alternative 7H no longer maintains a no contact risk. Other alternatives have been developed to better assess the risk of contact and are displayed in the FSEIS in Chapter 3.

Sample Public Comment for 102.35

When you are considering how to protect bighorn sheep habitat please select an alternative like "H" that removes all risk of contact between bighorn sheep and domestic sheep. I believe you are required to select a "no contact" alternative to assure protection of the treaty rights of the Nez Perce Tribe as well as meet your responsibilities under the National Forest Management Act Planning regulations. (DSEIS Ltr #13724)

Concern Statement 102.36

The Forest Service should select Alternative 7G because the Tribe supports important elements which include: it is science based; it uses a separation strategy approach; and it removes domestic sheep grazing within identified currently occupied bighorn sheep range (GPRs). (PC 46. v)

Response to Concern 102.36

For the analysis methods that were used for the DSEIS, Alternative 7G did not allow grazing in the home range for bighorn sheep and does not present those same results using the quantitative analysis methods that were developed for the FSEIS. Alternative 7G now does allow for grazing in the recalculated core herd home range.

Sample Public Comment for 102.36

Further, the Tribe supports important elements of Alternative 7G including that we feel must be retained in the final Record of Decision: 1. It is science-based. 2. It uses a separation strategy approach. 3. It removes domestic sheep grazing within identified currently occupied bighorn sheep range (GPRs). (DSEIS Ltr #13413)

Concern Statement 102.37

The Forest Service should select Alternative 7G if it is accompanied by the Forest Plan standards recommended by the Nez Perce Tribe. (PC 46. w)

Response to Concern 102.37

The Payette National Forest will consider all action alternatives when making a final selection for implementation. Tribal Rights and Interests will be considered during that selection.

Sample Public Comment for 102.37

The Nez Perce tribe supports Alternative G as long as it is accompanied by the forest plan standards recommended by the Tribe. (DSEIS Ltr #13413)

Concern Statement 102.38

The Forest Service should not select the Preferred Alternative (Alternative 7G) because it has a high potential of resulting in an outbreak that may functionally extirpate bighorn sheep populations over the next 70 years and this level of risk is unacceptable to the Tribes. (PC 46. x)

Response to Concern 102.38

Risk of contact between domestic and bighorn sheep, and a discussion regarding the effects of disease transmission for each alternative are discussed in Chapter 3 of the FSEIS and will be used as one factor in consideration of selecting the alternative to implement.

Sample Public Comment for 102.38

The PNF has identified a preferred alternative which has a high potential of resulting in an outbreak that may functionally extirpate bighorn sheep populations over the next 70 years. This level of risk is unacceptable to the Tribes and request the Forest Service select the alternative from the DSEIS which ensures the long-term viability of the bighorn sheep (DSEIS Ltr #14170)

Concern Statement 102.39

The Forest Service should disclose the authority by which they have prepared an SEIS, rather than initiating a new EIS because there was never a valid FEIS or ROD for the Forest Plan.

Response to Concern 102.39

The ROD for the FEIS of the 2003 Forest Plan is a valid decision instrument. In the appeal instructions received from the Chief of the Forest Service, the only part of the decision overturned and remanded back to the Payette National Forest was the part tied to bighorn sheep management.

Sample Public Comment for 102.39

Comment #1, pgs. ix - x, 2, general: The PNF must prepare a new EIS, not simply prepare a supplemental EIS. What is the purpose for completing an SEIS and where does the PNF get the authority to complete an SEIS in these circumstances? The PNF states that the DSEIS is a supplemental analysis to the 2008 DSEIS and the FEIS for the PNF LRMP, and that the DSEIS does not change the proposed action or purpose and need as described in the LRMP FEIS. See Letter from Suzanne Rainville, Jan. 25, 2010, at 1; Letter from Suzanne Rainville, Sept. 18, 2008, at 1; DSEIS at 2 (indicating that Alternative 7 was the selected alternative in the ROD for the FEIS tied to the 2003 Forest Plan); DSEIS at 1-1 (indicating no change to purpose and need of 2008 DSEIS). In several instances, the PNF states that the FEIS was approved in the ROD, except for “a small portion of the selected alternative—bighorn sheep viability on the Payette National Forest.” DSEIS at 2; 2008 DSEIS at ix; see also Decision for Appeal of the Payette National Forest Land and Resource Management Plan Revision, Mar. 9, 2005, at 4. In fact, the PNF reports that Alternative 7, as described in the ROD has been, and is being, implemented. See Letter from Suzanne Rainville, Sept. 18, 2008, at 1 (“the [2008] DSEIS does not change the proposed action described in the LRMP FEIS”). Yet, the DSEIS states that the Chief of the Forest Service found the FEIS inadequate and reversed the ROD. 2008 DSEIS at ix. Further, the Chief of the Forest Service instructed the Regional Forester to amend the FEIS. 2008 DSEIS at ix; see also Decision for Appeal of the Payette National Forest Land and Resource Management Plan Revision (Appeal Decision), Mar. 9, 2005, at 4, available at http://www.fs.fed.us/r4/payette/publications/big_horn/appealdec.pdf (last visited Jan. 16, 2009). These statements indicate that the FEIS was found inadequate and that the ROD was reversed regarding bighorn sheep management. In other words, there was never a valid FEIS or ROD related to bighorn sheep. If the original EIS was inadequate, or never finalized, then how can there be a supplement to that EIS? Or, in the case of the DEIS here, a supplement to the supplement to that EIS? In order to complete an SEIS, there must first be an approved and final EIS. That does not appear to be the situation here. Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) provide that an agency must prepare a supplemental EIS in two situations: (1) if “the agency makes substantial changes in the proposed action that are relevant to environmental concerns,” or (2) if there are “significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” 40 C.F.R. §§ 1502.9(c)(1)(i), (ii). Which one of these concerns applies in this situation? Or, is the PNF preparing an SEIS under 40 C.F.R. § 1502.9(c)(2) to further the purposes of NEPA? Regardless, the SEIS here is a supplement to either a draft or final EIS. See 40 C.F.R. § 1502.9(c)(1); *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 373 (1989) (discussing requirement of supplemental EIS “after the EIS is finalized”). If there is not a valid FEIS here, then there cannot be an SEIS. The PNF must prepare a new EIS, not simply prepare a supplemental EIS. (Update to DSEIS Ltr# 20070)

Concern Statement 102.40

The Forest Service should not limit the choice of reasonable alternatives by improperly foreclosing consideration of alternatives other than Alternative 7.

Response to Concern 102.40

The Payette National Forest was asked to conduct a viability analysis for bighorn sheep to be included as part of the Forest Plan FEIS as that analysis was missing in the original assessment. Then, the FEIS was to be supplemented to include the required disclosure. Because the viability analysis was missing, all of the alternatives from the FEIS needed to be analyzed. All alternative from the forest plan were included in this supplemental analysis as were the additional alternatives developed by the ID Team. However, selecting Alternative 7 for the Forest Plan lead to the additional alternatives to tier from the original decision.

Sample Public Comment for 102.40

Comment #2, pgs. ix - x, general: The PNF has improperly foreclosed consideration of alternatives other than alternative 7. If the FEIS was valid and alternative 7 as described in the ROD has been implemented, then a SEIS may be appropriate. This contradicts the Appeal Decision of the Chief. But, assuming it is possible, how in the DSEIS may the alternatives from the FEIS—1B, 2, 3, 4, 5, 6, and 7—be considered? By choosing and implementing alternative 7 as described in the ROD, the PNF has already foreclosed consideration of alternatives other than alternative 7. See Letter from Suzanne Rainville, Sept. 18, 2008, at 1 (“the DSEIS does not change the proposed action described in the LRMP FEIS”). Before issuing its final decision, the PNF is prohibited from taking any action that “limit[s its] choice of reasonable alternatives” identified in the decision-making process. 40 C.F.R. § 1506.1(a)(2). Such prohibition extends to “commit[ting] resources” which would prejudice the Forest Service’s selection of alternatives. Id. § 1502.2(f). Here, the PNF has already implemented alternative 7 and has committed resources. The PNF appears to have already made an “irreversible and irretrievable commitment of resources” in violation of 40 C.F.R. § 1502.5. Only an amended alternative 7 would appear to be reasonable here, prejudicing all the other alternatives from the FEIS. Thus, the PNF has violated NEPA in preparation of the DSEIS. (Update to DSEIS Ltr#20070)

Concern Statement 102.41

The Forest Service should add the definition of the terms "old-forest" and "stand initiation stage" to the glossary, as these are found on page 3-12 of the Update to the DSEIS.

Response to Concern 102.41

These words are defined in the glossary for the Forest Plan FEIS.

Sample Public Comment for 102.41

Of some interest was the use of the term "old-forest" and "stand initiation stage" at page 3-12. Since these are not in the glossary it is difficult to know how these terms are used, especially since you have developed several terms in your sheep model. (Update to DSEIS Ltr# 20031)

Concern Statement 102.42

The Forest Service should correct the statement found on page 3-2 of the Update to the DSEIS, "Human settlement of Idaho in the mid-1800s increased harvest of bighorn sheep and introduced domestic sheep onto these landscapes", to reflect the correct meaning, as noted in previous Tribal comments.

Response to Concern 102.42

That reference has been corrected to say "European" in the FSEIS.

Sample Public Comment for 102.42

The reference on page 3-2 of the DSEIS remains in spite of numerous references in formal Tribal comment letters, "Human settlement of Idaho in the mid-1800s increased harvest of bighorn sheep and introduced domestic sheep onto these landscapes", The reference is clearly in error and should be restated to better reflect the obvious meaning, as noted in previous Tribal comments. Please correct this statement. (Update to DSEIS Ltr# 20069)

Concern Statement 102.43

The Forest Service should reevaluate the issues for alternative development because they are too general. For example, calling grazing management, or the protection of such, an issue is raising it in importance to equal that of protecting an actual resource (i.e., bighorn sheep).

Response to Concern 102.43

By design, these issues are general in nature because they are developed for a programmatic level document. Because this is a supplement to an existing FEIS, the issues as they are described in that document are used in this analysis. The Payette National Forest does not place any one significant issue over another in importance.

Sample Public Comment for 102.43

Given the 2003 plan did not adequately address Bighorn Sheep viability, and the large number of comments to the 2008 DSEIS favoring bighorn persistence, the issues for alternative development (p 2-2) seem too general. It seems the existing condition (1B257) and two or three other alternatives that addressed the substantive issues would have sufficed. Terrestrial wildlife habitat is not the issue. The issue is bighorn sheep vulnerability to disease upon contact with domestic sheep. Similarly, Rangeland Resources is not an issue. Rangeland resources (grasses, forbs, etc and the soils on which they depend) are not threatened by not grazing livestock. Curtailment of grazing to protect bighorn sheep is the issue. But calling grazing management, or the protection of such, an issue is raising it in importance to equal that of protecting an actual resource, bighorn sheep. (Update to DSEIS Ltr# 20111)

Concern Statement 102.44

The Forest Service should analyze criteria other than "risk of contact" to develop alternatives because other strategies may be effective for managing bighorn sheep.

Response to Concern 102.44

The Payette National Forest understands that there are other factors that could be considered in developing alternatives in the NEPA process. For this assessment the significant issue that the Payette National Forest was directed to analyze was the risk for disease transmission between domestic sheep and bighorn sheep and the viability of bighorn sheep on the Payette National Forest. To develop alternatives, the Payette National Forest not only looked at high risk for contact areas, but also considered manageability of the implemented alternative. In this situation, manageability was considered to be identifiable locations on the ground for the alternative boundary, such as hydrologic features of draws and ridgelines. Currently, there is no effective vaccine developed to remedy the disease transmission issue, and therefore it is not appropriate to consider it an alternative development.

Sample Public Comment for 102.44

Comment #17, pgs. 2-4 through 2-9: The Final SEIS must analyze criteria other than "risk of contact" to develop the alternatives. "Risk of contact" was chosen as the sole criteria for development of the "alternatives." Are there any other strategies that may be effective for managing bighorn sheep populations other than controlling contacts with domestic sheep? For example, could vaccination be used? Additional criteria, other than just "risk of contact" must be used to develop a reasonable range of alternatives in the DSEIS. (Update to DSEIS Ltr# 20070)

Concern Statement 102.45

The Forest Service should describe in the FSEIS the positive and negative environmental effects of proposed agency action and cite alternative actions rather than solely presenting agency facts that will guide the decision.

Response to Concern 102.45

Chapter 3 of the document contains positive and negative information of alternatives to bighorn sheep viability and population persistence, rangeland resources, economics, and tribal rights and interests.

Sample Public Comment for 102.45

According to law, an EIS/SEIS/DSEIS describes the positive and negative environmental effects of proposed agency action and cites alternative actions. It should include the positive and negative reports and documents on the matter involved in the DSEIS and provide all points and facts included on the issue. Not just the facts the agency wants to provide or direction the agency or employees want to steer the issue. This DSEIS has not. (Update to DSEIS Ltr# 20037)

Concern Statement 102.46

The Forest Service should consider that Alternatives 7M, 7N, 7O, and 7P all have a ≤4 percent risk rating; all four alternatives are in compliance with the HCNRA CMP; and that full consideration is given to the impacts these alternatives would have on individual sheep operations.

Response to Concern 102.46

All action alternatives are equally considered when evaluating an alternative. The decision criteria include considering HCNRA compliance, rangeland resources economics, and industry economics. Forest Plan programmatic decisions do not consider site-specific impacts, such as individual sheep operations. Instead, the impacts considered domestic sheep grazing as a whole, combining the impacts of all permittees. The Payette National Forest cannot predict exactly how any of the permittees will adjust their operations based on the final decision.

Sample Public Comment for 102.46

According to the Payette's updated EIS analysis alternatives, 7M, 7N, 7O, and 7P all have a 4 percent or less risk rating, indicating a mixing of the two species would occur every 25 years or less, which is considered a low risk of disease transmission. All four alternatives are in compliance with the Hell's Canyon National Recreation Area Comprehensive Management Plan. I would ask the Payette National Forest when making their decision to fully consider the impacts to the individual sheep operations and their employees. (Update to DSEIS Ltr# 20040)

Concern Statement 102.47

The Forest Service should consider the risk of contact due to the lack of buffer strips between active allotments and bighorn sheep herd areas for Alternatives 7G, 7L, 7M, 7O, and 7P when making their decision resulting in the potential listing of bighorn sheep as threatened or endangered.

Response to Concern 102.47

Alternative 7L allows grazing within the core herd home range (CHHR), Alternative 7G has a slight buffer of less than 1.0 kilometer between the CHHR and the allotment, and Alternatives 7M, 7N, 7O, and 7P have grazing adjacent to the CHHR. With the exception of Alternative 7L, all of the areas adjacent to CHHR is non-habitat and of low risk of contact.

Active allotments border the mapped CHHR of the Upper Hells Canyon herd in all alternatives except 7E. However, despite the lack of a buffer, the risk of contact in some of these alternatives is judged by the foray model to be low. Examination of Figure 6 in *Modeling and Analysis Technical Report* (Appendix L), which overlays telemetry observations and mapped CHHR indicates how this occurs. Relative to many other herds (e.g., Innaha, Figure 4 or Main Salmon/South Fork, Figure 13 in the *Modeling and Analysis Technical Report* [Appendix L]), the area mapped as CHHR for the Upper Hells Canyon Herd is large and extends well beyond any observed telemetry locations. The reason the large size and extension is because radio-collared animals of the McGraw herd—whose movements the CHHR for the Upper Hells Canyon herd were based—made many long movements during the time they were observed. Therefore, the perimeter of the Upper Hells Canyon CHHR is large relative to the 85 animals currently in it.

If a bighorn sheep leaves the CHHR, which happens in a given year for approximately 1 in 7 rams and 1 in 60 ewes (Table W-3a in FSEIS), it may leave in any direction. Given the large perimeter of the Upper Hells Canyon CHHR, if a small part of the CHHR borders an allotment then the probability of a foray movement into that particular allotment (i.e., in that direction) may be quite small. Additionally, the foray model includes bighorn sheep habitat availability in its assessment of contact probabilities. Figure W-0m in the FSEIS, indicates that most of the area in the Smith Mountain and Boulder Creek Allotments that border the CHHR are areas of non-habitat (mapped using a green). The blue areas that border the CHHR to the north are habitat and connectivity areas, both of which are much more likely to be used by bighorn sheep and are areas where the foray model projects that movements will be much more likely.

A combination of these factors goes into the relatively low risk of contact projected by the foray model for these allotments. However, the Forest Service does not rely solely on the model in decision making, and is also aware that contact can be caused by straying domestic sheep, not just bighorn sheep engaging in foray movements. Refer to forest plan amendment direction for management actions that may be implemented to address the risk of contact.

Sample Public Comment for 102.47

New Alternatives, Maps, and Buffers Strips. Several additional alternatives have been added-7L through 7O. When comparing the written descriptions of the new alternatives with the maps provided for each, including which portions of which allotments would be left open, the reader is left with the conclusion that there are not even buffer strips between active allotments and identified bighorn herd areas for alternatives 7G, 7L, 7M, 7O, and 7P. The risk of contact, due to the wandering nature of young bighorns and occasionally domestic sheep, is very high, and flies in the face of the Sensitive Species mandate to not allow any Forest Service actions which lead to the listing of bighorns as Threatened or Endangered. (Update to DSEIS Ltr# 20061)

Concern Statement 102.48

When making their decision, the Forest Service should consider Alternative 7E for providing the best separation of domestic and bighorn sheep, followed, in order, by Alternatives 7O, 7N, 7M, 7P, 7L, and 7G.

Response to Concern 102.48

Alternative 7E provides the best opportunity for bighorn sheep viability and restoration, and provides no opportunities for domestic sheep grazing.

The FSEIS does rank alternative 7E against other alternatives and recognizes that this alternative would reduce interspecies contact to near zero on the Payette National Forest.

Sample Public Comment for 102.48

The PNF's own rankings of these alternatives show that Alternative 7E is the best mechanism to provide for separation, as it is rated # 1 in the relative rankings of alternatives. Table 2-1 (p. 2-10). 7O and 7N provides the next best with relative rankings of 2/3, with 7M and 7P calculated at 4/5, and 7L and 7G at 6/7. (Update to DSEIS Ltr# 20099)

Concern Statement 102.49

The Forest Service should disclose which alternative or alternatives they are recommending.

Response to Concern 102.49

In accordance with the CEQ Regulations, the Payette National Forest identified Alternative 7G as the preferred alternative in the DSEIS. The selected alternative will be disclosed with rationale in the ROD for the FSEIS.

Sample Public Comment for 102.49

What alternative or alternatives are you recommending? (Update to DSEIS Ltr# 20035)

Concern Statement 102.50

The Forest Service should select Alternative 7L because it would allow Soulen Livestock Company to maintain their current grazing program.

Response to Concern 102.50

The Payette National Forest's Deciding Officer considers and weighs many factors in selecting an alternative, and economic impact is a factor that is considered.

Sample Public Comment for 102.50

Alternative "L" would allow Soulen Livestock Company to maintain their current grazing program. None of Soulen Livestock's allotments are within bighorn sheep herd home range areas. While alternative L reduces the Hershey-Lava allotment by 75%, Soulen Livestock had voluntarily limited the use on this allotment in 2007. According to the Risk Analysis all of Soulen Livestock's allotments were of low to very low risk except for Hershey-Lava which was ranked of moderate risk. (Update to DSEIS Ltr# 20040)

Concern Statement 102.51

The Forest Service should not select Alternative 7L because it poses the most risk to bighorn sheep viability by removing only the highest risk areas from domestic sheep grazing and leaving a risk of contact for the Main Salmon South Fork and Upper Hells Canyon herds. In addition, Alternative 7L does not comply with NFMA, HCNRAA, and Tribal Treaty rights.

Response to Concern 102.51

The Payette National Forest's Deciding Officer considers and weighs many factors in selecting an alternative. The contact risk level, Tribal Treaty rights, and NFMA and HCNRA Act compliance are factors that are considered.

Sample Public Comment for 102.51

Alternatives 7L, 7M, 7N, 7O, and 7P are problematical in that they are first based on human convenience, as they use landmarks such as roads and allotment boundaries, and second, because they will essentially guarantee extirpation of all bighorn populations within 200 years (Comments made at McCall public information meeting held 2/16/10). Out of these alternatives, Alternative 7L poses the most risk to bighorn viability, as it removes "only the very highest risk areas from domestic sheep grazing," and has a risk of contact for the Main Salmon South Fork herd of 31 % per year and for the Upper Hells Canyon Herd of 113% per year. (Id.) Alternative 7L should be disregarded, as it is not based on the best available science and does not comply with various mandates for bighorn viability and cultural opportunities the PNF has under legal authorities, including but not limited to, NFMA, HCNRAA and tribal treaties. (Update to DSEIS Ltr# 2099)

Concern Statement 102.52

The Forest Service should modify Alternative 7M by leaving the Pearl Creek and Outlet Creek areas in the Twenty Mile allotment open for grazing because this alternative currently does not allow grazing in core herd home range areas. Then, this alternative would be beneficial to the permittees.

Response to Concern 102.52

Alternative 7M does not provide for viable populations of bighorn sheep. Opening more areas to domestic sheep grazing would reduce this alternative's ability to provide for viable bighorn sheep populations. Other alternative such as 7L leave these areas open and the effects are captured in the analysis.

Sample Public Comment for 102.52

Alternative "M" reduces Soulen Livestock's Hershey-Lave allotment by 75%, the Twenty-Mile allotment by 75% and the Jughandle allotment by 10%. Soulen Livestock would be able to maintain their current herd size under Alternative M if the closure on the Twenty Mile allotment left the areas of Pearl Creek and Outlet Creek open for grazing. This alternative does not allow for grazing in core herd home range areas. (Update to DSEIS Ltr# 20040)

Concern Statement 102.53

The Forest Service should not select Alternative 7M or 7N because they do not ensure bighorn sheep viability as they pose risk to the Little Salmon, Main Salmon South Fork, and Upper Hells Canyon herds; they don't meet the Chief of the Forest Service's remand standard; the two mile buffer is inadequate for separation between domestic sheep and bighorn sheep; and they do not comply with the HCNRAA, NFMA, and Tribal Treaty rights.

Response to Concern 102.53

The Payette National Forest's Deciding Officer considers and weighs many factors in selecting an alternative. The contact risk level, Tribal Treaty rights, and NFMA and HCNRA Act compliance are factors that are considered.

Sample Public Comment for 102.53

TWS, HCPC, and ICL disagree with some of the conclusion regarding certain alternatives in the Update. Alternatives 7M and 7P are characterized as "middle ground" alternatives, but the disease model suggests that the Little Salmon, Main Salmon South Fork and Upper Hells Canyon bighorn populations "may not persist under these alternatives" (pg. 2-13). How can these alternatives be characterized as "middle ground" when key populations "may not persist?" The Update also states that "(a)s two of these are significant contributors to bighorn sheep populations on the Forest, the results are considered severe" (pg.2-13). Alternatives that conclude that populations "may not persist" and "results...considered severe" would suggest that these alternatives will not meet the Chief's remand standard of "ensuring bighorn viability" and therefore cannot be chosen. (Update to DSEIS Ltr#20088)

Concern Statement 102.54

The Forest Service should not select Alternative 7N because it does not ensure bighorn viability by posing a risk to the Upper Hells Canyon herd and the Payette National Forest; it doesn't meet the Chief of the Forest Service's remand standard; it would reduce the Soulen Livestock Company's operation by 25 percent; it would concentrate domestic sheep grazing and lead to intensive utilization of the range; it does not comply with the HCNRAA, NFMA, and Tribal Treaty rights; and the two mile buffer is inadequate for separation.

Response to Concern 102.54

The Payette National Forest's Deciding Officer considers and weighs many factors in selecting an alternative. The contact risk level, Tribal Treaty rights, and NFMA and HCNRA Act compliance are factors that are considered.

Sample Public Comment for 102.54

Alternative "N" would cause Soulen Livestock to reduce their sheep operation by 25%. Soulen Livestock would need to utilize the fall allotments during the summer and move off of the forest following shipping the end of September. Soulen Livestock would need to run their remaining sheep as follows: Allotment/Time of Use - Bill Hunt/Brundage/July 10–Sept 30; Slab Mountain/July 10–Sept 30; Josephine/July 10–Sept 30; Twenty-Mile/July 10–Sept 30; Jughandle/July 10–Sept 30; Cougar/July 10–Sept 30. This alternative would concentrate the sheep more and lead to more intensive utilization of the range. (Update to DSEIS Ltr# 20040)

Concern Statement 102.55

The Forest Service should select Alternative 7O because it provides grazing on 70 percent of the suitable lands, it ensures bighorn sheep viability, it has a low risk of disease spread, it ensures habitat connectivity for the Hells Canyon and Salmon River herds, it protects the Salmon River herd's genetic stock, and it reduces the level of monitoring needed and funding.

Response to Concern 102.55

The Payette National Forest's Deciding Officer considers and weighs many factors in selecting an alternative. The contact risk level, Tribal Treaty rights, and NFMA and HCNRAA compliance are factors that are considered.

Sample Public Comment for 102.55

Alternative 7O has distinct advantages of: Low risk of disease spread; Helps ensure potential and likely metapopulation interconnectivity between Hells Canyon and Salmon River bighorn sheep populations. Will not contribute to 'listing' of this sensitive species, and should actually help prevent 'listing'. Protects the native Salmon River bighorn genetic stock (we are lucky we still have). Reduces the costly level of monitoring needed that would annually compete for Forest funded priorities. (Update to DSEIS Ltr# 20079)

Concern Statement 102.56

The Forest Service should not select Alternative 7O because it would reduce the Soulen Livestock Company's operation by 38 percent; it would concentrate domestic sheep grazing; there is a potential for conflict with recreational use; there is a potential for contact in the two herds that contribute to the largest populations; it does not ensure bighorn sheep viability; it does not comply with the HCNRAA, NFMA, and the Tribal Treaty rights; and the two mile buffer is inadequate for separation.

Response to Concern 102.56

The Payette National Forest's Deciding Officer considers and weighs many factors in selecting an alternative. The contact risk level, economics, Tribal Treaty rights, and NFMA and HCNRA Act compliance are factors that are considered. Potential conflicts with recreational use and the effects of concentrating domestic sheep are outside the scope of this analysis and are not disclosed in this document.

Sample Public Comment for 102.56

Alternative O would cause Soulen Livestock to reduce their sheep operation by 38%. Again Soulen Livestock would need to utilize the fall allotments during the summer and move off of the forest early. They would utilize the remaining allotments similar to Alternative N but without the band on Josephine. Again this alternative concentrates the grazing and could potentially lead to conflicts with recreational users. (Update to DSEIS Ltr# 20040)

Concern Statement 102.57

The Forest Service should not select Alternative 7P because it would allow Soulen Livestock Company to maintain their current herd size; it does not allow domestic sheep grazing within the core herd home range; it does not ensure bighorn sheep viability by posing a risk to the Little Salmon, Main Salmon South Fork, and Upper Hells Canyon herds; the two mile buffer is inadequate for separation; and it does not comply with the HCNRAA, NFMA, and the Tribal Treaty rights.

Response to Concern 102.57

The Payette National Forest's Deciding Officer considers and weighs many factors in selecting an alternative. The contact risk level, Tribal Treaty rights, rangeland resources, and NFMA and HCNRA Act compliance are factors that are considered.

Sample Public Comment for 102.57

Alternative P would allow Soulen Livestock to maintain their current herd size provided that the 25% remaining on the Twenty Mile allotment included the areas of Pearl Creek and Outlet Creek. This alternative does not allow for any grazing within core herd home ranges. (Update to DSEIS Ltr# 20040)

Concern Statement 102.58

The Forest Service should develop an alternative that utilizes a series of fences at intervals of 30 feet apart with lockable gates as a separation option for domestic sheep grazing.

Response to Concern 102.58

The exuberant cost of fencing at 30-foot intervals on every allotment is unaffordable by the permittees and the Forest Service. Fencing contracts typically cost a minimum of \$5,000 per mile for labor and materials for a 3-strand barbed wire let-down fence. The fence would have to be higher than the standard 48 inches to prevent either species from crossing, which would increase the cost. This design would prevent other wildlife from crossing as well, and may fence wolves in with other big game species. Hunters and other recreationists would have to deal with the fences in addition to a reduction of the open landscape's current scenic value. Fencing contracts have not been a priority for ARRA funding. If the Forest Service took on the cost of purchasing the materials and having the fences built with a contract, the permittee would be responsible for setup, let-down, and fence maintenance. This is a cost that they may not be able to incur. Sheep allotment permittees do not typically have fences to maintain since sheep are easily herded. Goats are being treated the same as domestic sheep in this analysis. Noxious weeds will continue to be treated with herbicides and equipment where accessible and with biological controls in canyon country without vehicle access.

The Payette National Forest did consider tall fences at 30 feet apart as a potential mitigation measure. The concept was dismissed as not being practical to erect and maintain, in addition to the high level of impact to other wild animals that use the landscape (e.g., deer, elk, moose, and bear).

Sample Public Comment for 102.58

But how about a couple of fences, 30 feet apart, with gates distributed along the way to be locked and unlocked, before and after the domestic grazing seasons. Perhaps before they are unlocked, a prescriptive goat grazing run through to deal with noxious weeds. That, of course, is another issue your agency has to deal with. The fence building could fit in with ARRA job creation, at least temporarily. Ron and Frank Shirts, along with the other sheep operations, could stay in business, which benefits our local economies way beyond the number of jobs connected to them. The Forest Service would still have the stewardship management tool of domestic grazing that does help deal with the noxious weed battle and forest underbrush/wildfire management. (Update to DSEIS Ltr# 20003)

Concern Statement 102.59

The Forest Service should select Alternative 7O and strengthen the Forest Plan language to ensure to its successful implementation in the 2011 grazing season with the following modifications: implement a no grazing buffer on the west side of the Payette National Forest where domestic sheep grazing is permitted adjacent to bighorn sheep core herd home range to reduce the risk of contact, allowances should be given for bighorn sheep restoration and range expansion, and consider the potential impacts from the wandering sheep policy. If selected, Alternative 7O modified would require less monitoring and provide sufficient risk of contact across source habitats, thereby ensuring the long-term viability of bighorn sheep while retaining domestic sheep grazing.

Response to Concern 102.59

The foray analysis was designed to estimate contact rates by considering more information than just the distance of active allotments from the mapped bighorn sheep CHHR. In addition to that distance, the model integrates information about the number of bighorns in the CHHR and the amount and quality of bighorn sheep source habitat in allotments relative to the amount and quality of source habitat in other areas surrounding the CHHR.

Alternatives 7O and 7P leave open parts of the Smith Mountain and Boulder Creek allotments that directly border the Upper Hells Canyon herd CHHR on the west side of the Payette National Forest. However, as previously discussed in the response to Concern 102.47, these allotments contain little mapped source habitat relative to other areas bordering the CHHR (e.g., the large areas of source habitat mapped in blue surrounding the northern part of the Upper Hells Canyon CHHR in Figure W-0m in the FSEIS). As a result, the probability of a foray into Smith Mountain and Boulder Creek allotments is modeled to be relatively small. Another example that distance is not the sole variable determining risk in the foray model is the estimated risk of contact with the Grassy Mountain Allotment being similar to the risk for contact with Smith Mountain and Boulder Creek allotments. Despite being 13 km from the Upper Hells Canyon CHHR, the Grassy Mountain Allotment's greater abundance of source habitat and connectivity areas make it a relatively attractive target for foray movements. The Grassy Mountain Allotment is left open in Alternative 7P but not in 7O, which largely accounts for the difference in total risk of contact estimated for the two alternatives (i.e., 0.05 vs. 0.03 forays per year intersecting open allotments at current population levels).

However, the Forest Service does not rely solely on the model in decision making and is aware that contact can be caused by straying domestic sheep, not just bighorn sheep engaging in foray movements. Refer to forest plan amendment direction for management actions that may be implemented to address the risk of contact.

Sample Public Comment for 102.59

After a thorough review of the new analysis contained in the UDSEIS, the Tribe will support alternative 0 with modifications, as discussed below as the final alternative selected in the ROD. Based on the new analysis, alternatives N and 0 are the minimal alternatives assuring some certainty of long-term viability for bighorn sheep while providing continued domestic sheep grazing on the PNF. The analyses indicate all other action alternatives, excluding alternative E, do not reduce the risk of contact to an acceptable level, would not provide for long-term bighorn sheep viability, and would foreclose meaningful restoration efforts. When comparing alternatives N and 0, the Tribe advocates for alternative 0 as the selected alternative in the ROD because alternative N leaves a substantial amount of risk of contact on the landscape, while alternative 0 provides significant increases in protections afforded bighorn sheep with a minimal decrease in suited rangeland for domestic sheep (see Specific Comments). Alternative 0 still retains a 9% modeled risk of contact which we argue is an underrepresentation of the true risk (see Specific Comments). The Tribe believes maintaining long-term bighorn sheep viability under Alternative 0, as proposed, would be questionable, and suggest modification of this alternative to further reduce the risk of contact. We are particularly concerned about the area on the west side of the forest where active domestic sheep grazing is permitted immediately adjacent to modeled bighorn sheep Core Herd Home Range (CHHR). This is an example of trying to manage risk rather than remove risk through effective spatial separation. The Tribe urges the PNF to focus on efforts that remove risk through effective spatial separation rather than attempting to managing risk. We suggest application of a no-grazing buffer in this area to further separate the two species (see Specific Comments). We also suggest the forest plan language must be strengthened as outlined below to insure the successful implementation of alternative 0. (Update to DSEIS Ltr# 20072)

Concern Statement 102.60

The Forest Service should select Alternative 70 with the following modifications: establish a well-defined buffer that has been determined on the ground by bighorn sheep experts between core herd home ranges and occupied domestic sheep habitat; reduce the risk level for the Upper Hells Canyon Herd to near zero; and further modify the westside domestic sheep allotments to reduce risk levels. If selected, Alternative 70 modified would reduce grazing conflicts, place domestic sheep on other grazing allotments, and it would comply with the HCNRAA.

Response to Concern 102.60

As discussed in response to Concern Statement 102.59, the foray analysis was explicitly designed to allow management decisions based on more information than just the distance of active allotments from mapped CHHRs. Additionally, for reasons discussed in response to Concern Statement 102.47, the CHHR of Upper Hells Canyon (Figure 6 in the *Modeling and Analysis Technical Report* [Appendix L]) is large relative to the number of points in it, and its boundaries are relatively far from most of the observations of animals that have occurred within it (for comparison with the CHHR of the Imnaha and Main Salmon/South Fork herds see Figures 4, and 13 in the *Modeling and Analysis Technical Report* [Appendix L]). As a result of the Upper Hells Canyon CHHR's large

perimeter and the lack of source habitat in the open allotments bordering the area in Alternatives 7O and 7P, the risk of forays reaching those allotments is estimated to be low. However, the Forest Service does not rely solely on the model in decision making and is also aware that contact can be caused by straying domestic sheep, not just bighorn sheep engaging in foray movements. Refer to Forest Plan amendment direction for management actions that may be implemented to address the risk of contact.

Sample Public Comment for 102.60

In reviewing the updated DSEIS, we feel that the best alternative for reducing this conflict, providing adequate protection for Oregon bighorn sheep, and minimizing impacts to domestic sheep grazing is Alternative 7-0 with the following modifications: 1) This alternative needs a well defined buffer between herd home ranges and occupied domestic sheep habitat. The distance needs to be determined on the ground by personnel familiar with bighorn sheep habitat and movements. 2) The risk level of .03 for the Upper Hells Canyon Herd (table 3-5, Alternative 7- 0) needs to be reduced to near 0. Westside domestic sheep allotments may need further modifications to reduce risk levels. 3) A disease outbreak in Upper Hells Canyon would likely affect many Hells Canyon herds because of well documented bighorn movement between herds. (Update to DSEIS Ltr #20113)

Concern Statement 102.61

The Forest Service should select Alternative 7O with the following modifications: incorporate a buffer around the 95 percent core herd home range boundary for the Upper Hells Canyon herd based on the ram foray data; reduce the risk of contact to less than 0.09 contacts per year; and dedicate funding for monitoring the status and movements of bighorn sheep, domestic sheep Annual Operating Instruction implementations, and the status of disease research.

Response to Concern 102.61

The methods for estimating CHHR boundaries are explicitly designed to exclude some observations from the CHHR. The CHHR is meant to include areas that an animal uses with some regularity, while excluding areas that an animal rarely visits.

Sample Public Comment for 102.61

In our review of the update to the DSEIS, the Department prefers Alternative 70, with some modifications to further reduce risk. We understand that the Forest Supervisor can make modifications from the draft to the final version of the SEIS. We would like to request the following modifications to ensure the viability of the upper Hells Canyon herds, which are directly linked to the populations under our management authority: Incorporate a buffer around the 95% Core Herd Home Range boundary of the Upper Hells Canyon herd. I understand the methods used to calculate the "core herd home range" represent occupied bighorn sheep range. However, by definition, the 95% contour does not include an animal's entire home range (i.e., excludes the 96–100% contour band) (Millsbaugh and Marzluff 2001, Worton 1989). Grazing domestic sheep directly adjacent to the 95% contour is still grazing within the herd home range and is inconsistent with the objective for bighorn sheep viability. I recommend a buffer around the 95% core herd home range boundary based on the ram foray data on pages 3-24 through 3-27 in the update to the DSEIS. Reduce the risk of contact to less than the 0.09 contacts/year. There is no empirical data indicating what percentage of contacts are "effective," therefore I believe it is prudent to reduce the risk of contact to less than the 0.09 contacts per year. I believe incorporating a buffer around the 95% Core Herd Home Range boundary will reduce the contact rate to ensure long-term viability. Dedicate funding to monitor bighorn sheep status and movements. The effectiveness of any of the Alternatives that may be chosen is dependent upon effective monitoring. Monitoring must be done on the status and movements of bighorn sheep, domestic sheep AOI implementations, and status of disease research. Your plan states a dependence upon annual surveys (WIOB14) to assess changes in bighorn sheep habitat use. I recommend that you dedicate funding to accomplish this objective. Since bighorn sheep are a wildlife resource that frequently crosses political and jurisdictional boundaries, Washington strongly believes that there is a multi-state and multi-agency responsibility to protect this resource for the future, as directed by treaty, federal law, and state management authorities. Thank you for the opportunity to comment on update to the DSEIS. I look forward to working with you on this issue as the PNF implements the final SEIS. (Update to DSEIS Ltr# 20115)

110 STANDARDS, GUIDELINES, GOALS, AND OBJECTIVES**Concern Statement 110.08**

The Forest Service should revise the DSEIS and draft Forest Plan Amendment because the proposed Forest Plan standards, goals, and objectives are inadequate and need to be strengthened to ensure recovery of bighorn sheep on the Payette National Forest. (PC 1. d; PC 24. r)

Response to Concern 110.08

This concern was addressed in the DSEIS in response to the purpose and need for the SEIS and Amendment to the Forest Plan (DSEIS: National or Regional Issues, pages 1–4). The draft Forest-wide Management Direction can be found in the Draft Amendment released at the same time as the DSEIS. The adequacy of the Forest Plan direction proposed as a result of the analysis in the DSEIS and documented in the draft Forest Plan Amendment will be reviewed during the preparation of the FSEIS and final Forest Plan

Amendment. Final Forest Plan Amendment language has been rewritten to implement the decision selected, is discussed in the ROD, and can be found in the document.

Sample Public Comments for 110.08

The DSEIS largely does a good job of laying out the issues regarding bighorn sheep and the disease risk caused by domestic sheep. We are, however, extremely disappointed in the proposed forest plan objectives, standards, and guidelines. None of the proposed guidelines are adequate to ensure recovery of bighorns on the Payette National Forest. (DSEIS Ltr #13676)

The proposed objectives under Rangeland Resources are inadequate and would likely be found illegal. The goal of providing “reasonable assurance of separation and lack of contact between bighorn sheep and domestic sheep and goats” is an immediate violation of the Chief’s remand. The Chief did not say “provide reasonable assurance,” he said “ensure bighorn viability.” The proposed Rangeland Resources goals are an entrenchment of the out-dated management approach and philosophies that triggered this process in the first place. The management objective for Rangeland Resources should mirror those under Wildlife Resources: “Eliminate all risk of contact with domestic sheep.” (Update to DSEIS Ltr# 20088)

Concern Statement 110.09

The Forest Service should combine Forest Plan Goals RAG007 and RAG008 and make them consistent with Standard RAST10 to read, "Manage domestic sheep and goat allotments to provide for effective separation to eliminate risk of contact between bighorn sheep and domestic sheep and goats."

Response to Concern 110.09

The Payette National Forest is reviewing comments received on the draft Forest Plan Amendment language and making adjustments to assist with maintaining no contact between the bighorn sheep and domestic sheep.

Sample Public Comment for 110.09

The DSEIS and the Update to the DSEIS do a thorough job in accessing impact and evaluating changes but I do not see this carried forward to the Management Direction in the Update to the Draft Forest Plan Amendment. I expressed concern in my Feb. 21, 2009 comments and do so again. Even though it is not an expressed NFMA regulatory requirement, nor a required law, I strongly feel there is a need for more quantitative and qualitative standards, goals, objectives and guidelines in the update to the Draft Amendment to the LRMP. Management direction needs to be more closely tied to the DSEIS and the Update. Under Wildlife Resources the objectives should at least state the instruction of the Chief of the FS- that being to ensure bighorn sheep viability. His direction states "Changes to the management direction of the Payette NFMP for MA#1 (Hells Canyon) and adjacent areas shall be evaluated and adopted as necessary to ensure bighorn sheep viability." Also- of particular concern are goals RAG007 and RAG008. These could be combined and should read; Manage domestic sheep and goat allotments to provide for effective separation to eliminate risk of contact between bighorn sheep and domestic sheep and goats. As it now reads (to provide reasonable assurance of separation and lack of contact), it appears to be in conflict with RAST10 which reads; Actions will be taken to ensure separation between bighorn sheep and domestic sheep and goats. I don't believe your Management Direction for Rangeland Resources is managing in a way that ensures bighorn sheep viability. (Update to DSEIS Ltr# 20048)

Concern Statement 110.10

The Forest Service should revise Forest Plan Objectives WIOB13, WIOB14, and WIOB17 to be consistent with multiple use management and other stated objectives and comply with MUSYA, NFMA, and the HCNRA Act management requirements. Revisions should be made to Standard WIST08 and Guideline WIGU16 that provide for declines in core herd home range and the need for separation should an effective vaccine be developed.

Response to Concern 110.10

One of the decisions made during Forest Planning is the suitability of the landscape for grazing. In making the decision for this analysis, areas of the Payette National Forest are going to be classified as unsuited for domestic sheep grazing. Resource issues are a valid reason for considering suitability. For this analysis, areas that have permitted domestic sheep grazing are not available to bighorn sheep. The range of alternatives developed for this analysis vary by delineating different areas or amount of areas as not suited for domestic sheep grazing and then assessing the effects to bighorn sheep viability, rangeland resources, economics, and tribal rights. The Payette National Forest does not believe this process to be arbitrary and capricious as the alternatives were developed in an informed manner and the Line Officer is fully aware of the effects, both positive and negative.

The science and the scientists are clear in their recommendation that separation of the two sheep species is warranted to stop disease transmission from domestic sheep to bighorn sheep. To provide for viability of bighorn sheep, the Payette National Forest must make available source habitat for the bighorn sheep to occupy that is free of domestic sheep.

NFMA regulations instruct the Payette National Forest to provide for habitat that is connected and well distributed across the planning unit.

The Payette National Forest did not assume the existing bighorn sheep populations are free of disease as discussed in the modeling technical report.

Suggested best management practices can be listed in the Forest Plan to have included in any domestic sheep grazing permit. The effectiveness of best management practices is so variable that you cannot predict which ones are going to work in which location.

Development of a vaccine is outside the scope of this analysis and therefore will not be part of this analysis. Should an effective vaccine be developed, the adaptability language contained in the amendment will allow for reconsideration of rangeland suitability via another NEPA effort.

Sample Public Comment for 110.10

Comment #49, pgs. III-1: The management direction for wildlife resources is inconsistent with multiple-use management and arbitrarily and capriciously attempts to eliminate grazing from the PNF. Objective WIOB13 improperly assumes that separation between bighorns and domestic sheep is a logical and appropriate management tool to avoid or reduce disease transmission. A separation strategy requires several unfounded and unexplained assumptions such as (1) bighorn sheep are free of disease before they contact domestic sheep and (2) that the only vector of disease among bighorns is domestic sheep. These assumptions are incorrect. The FSEIS must thoroughly establish the evidence for any such assumptions. Further, how is this objective reflected in the DSEIS? The preferred alternative terminates grazing acreage, rather than focusing on actions to “maintain separation,” such as best management practices. If grazing allotments are not to be terminated and ranchers are to be allowed to implement practices to “maintain separation” between bighorns and domestic sheep, then the preferred alternative must reflect this and the Final SEIS must discuss practices to “maintain separation.” Objective WIOB14 is inconsistent with multiple use management of the PNF. Under this objective, as bighorns expand their territory and enter new habitat and the CHHR is expanded accordingly, domestic sheep will be forced off the PNF. Wholesale termination of grazing on the PNF violates management requirements under the MUSYA, NFMA and the HCNRA Act. Objective WIOB17 appears contrary to the other stated objectives of the management direction. How is the PNF to expand and enhance hunting of a bighorn population that is reportedly at risk? Killing bighorns does not seem like a prudent approach to achieving bighorn viability. Objective WIOB18 should be the focus of the PNF, that is, the development and implementation of a vaccine. As the objective provides, the need for separation between bighorn sheep and domestic sheep or goats should be re-evaluated when a vaccine is produced. However, there is no need to wait to re-evaluate the need for separation until “an effective vaccine is produced for bighorn sheep that ensures a zero transmission risk.” None of the alternatives in the DSEIS ensure a zero transmission risk, so why does this need to be a prerequisite for vaccine implementation? The moment an effective vaccine is produced for bighorn sheep that ensures any reduction in transmission risk, it should be implemented and the need for separation re-evaluated. Standard WIST08 calls for reassessment for the risk of contact when bighorn sheep are located within previously undocumented areas or new herd units are documented. This reassessment appears to allow for the CHHR to expand. There should be a provision that allows for CHHR to be reduced if bighorns are not located within previously documents areas. Guideline WIGU16 should be revised to provide for the recalculation of the need for separation if a vaccine is developed that decreases the risk for disease transmission between bighorn sheep and domestic sheep. There is no need for the vaccine to completely eliminate risk for disease transmission before recalculation takes place. (Update to DSEIS Ltr# 20070)

Concern Statement 110.11

The Forest Service should revise Forest Plan Standard NPST13 to allow the use of domestic sheep and goats as an environmentally friendly and cost-effective method for controlling invasive plant species.

Response to Concern 110.11

The use of domestic sheep and goats in areas not used by bighorn sheep are still allowed with that standard.

Sample Public Comment for 110.11

Comment #50, pg. III-2: The management direction for non-native plants is overreaching. By implementing Standard NPST13 the Forest Service is eliminating one of the most environmentally friendly, cost effective methods of controlling invasive species. The standard should allow for the use of sheep and goats for weed control with appropriate separation strategies implemented into the grazing plan. (Update to DSEIS Ltr# 20070)

Concern Statement 110.12

The Forest Service should revise Forest Plan Goal RAGO07, Objective RAOB04, and Standard RAST11 to provide for the management of domestic sheep allotments; the implementation of adaptive management strategies; and to be consistent with MUUSA, NFMA, the HCNRA and Sustained Yield Acts.

Response to Concern 110.12

The Payette National Forest believes that the supplemental analysis, as tiered to the FEIS for the Forest Plan, is consistent with all Federal law that directs the agency to look at effects of actions at the programmatic scale. A variety of resources and issues are looked at in Forest Plan revision and certain “Need for Change” areas will be addressed through standards in the Forest Plan. The agreements made between the State of Idaho and Payette National Forest grazing permittees are voluntary and completed on an annual basis. The Payette National Forest cannot direct the Idaho Department of Fish and Game to do any action. The only instrument the Payette National Forest has the authority over is the grazing permit, which is the instrument that is affected. To meet the viability requirement of providing bighorn sheep source habitat in adequate amounts well distributed across the planning unit requires that domestic sheep not be present in the same habitat. The Payette National Forest developed a large range of alternatives to review and analyze for disclosure of effects.

Sample Public Comment for 110.12

Comment #51, pg. III-3: The management direction for rangeland resources is overreaching. Goal RAGO07 calls for the management of domestic sheep allotments to provide reasonable assurance of separation and lack of contact between bighorns and domestic sheep. However, the preferred alternative eliminates nearly all grazing on the PNF. Rather than eliminating grazing on the PNF, the preferred alternative should allow for management of domestic sheep allotments, rather than just terminating these allotments.

Objective RAOB04 provides a reasonable approach to managing domestic sheep allotments on the PNF. Why aren't adaptive management strategies discussed in the DSEIS? The PNF should not terminate domestic sheep allotments on the PNF, rather the PNF should implement adaptive management strategies to manage domestic sheep allotments, such as the agreements reached between Shirts Brothers Sheep and the State of Idaho and Carlson Livestock Company and the State of Idaho.

Generally, the management direction for rangeland resources should focus on maintaining domestic sheep allotments on the PNF, rather than terminating them.

Management direction that focuses solely on bighorn viability is inconsistent with the MUYSA, NFMA and the HCNRA Act. Standard RAST11 makes the assumption that bighorn sheep take precedence over grazing by domestic sheep. This is inconsistent with the National Forest Management Act and the Multiple Use and Sustained Yield Act. This standard needs to be eliminated. (Update to DSEIS Ltr# 20070)

Concern Statement 110.13

The Forest Service's Forest Plan standards and guidelines should establish an adaptive management approach that provides for bighorn sheep restoration opportunities and range expansion, maintains long-term effective spatial separation, and incorporates an effective monitoring program.

Response to Concern 110.13

The Payette National Forest believes that the Forest Plan Amendment contains direction that will provide for effective implementation of the decision and allow for viable bighorn sheep populations.

Sample Public Comment for 110.13

Management direction standards and guidelines are critical for successful implementation of the final selected alternative as they guide day to day management activities. To successfully maintain long-term bighorn sheep viability, it is important forest plan standard and guidelines effectively and clearly establish an adaptive management approach to allow for responsive and appropriate management actions in response to changing future conditions. Such an adaptive management approach must: (1) provide for bighorn sheep restoration opportunities and range expansion, (2) maintain long-term effective spatial separation between bighorn and domestic sheep, and (3) incorporate an effective monitoring program (see Specific Comments). The Tribe, in prior comments on the DSEIS, submitted extensive recommendations for standards and guidelines. Draft language in the UDSEIS does not fully reflect Tribal concerns and suggested recommendations. The Tribe re-affirms our recommendation submitted in earlier comments and urges the PNF to reconsider those comments. The Tribe is particularly concerned about potential impacts from the State of Idaho's policy to remove bighorn sheep in close proximity to domestic sheep. In light of this policy, the Tribe believes long-term bighorn sheep viability can only be achieved through a combination of: (1) selecting a final alternative that removes sufficient source habitat from suited rangeland for domestic sheep to provide for bighorn sheep expansion and (2) establishing an effective adaptive management approach in the forest plan direction that insures continued opportunities for bighorn sheep restoration. (Update to DSEIS Ltr# 20072)

Concern Statement 110.14

The Forest Service should revise Forest Plan Objective WIOB13 to pertain to all NFS lands within the Payette National Forest. Objective WOIB14 should be revised to consider the use of non-telemetry approaches for monitoring the distribution of bighorn sheep. Objective WIOB18 and Guideline WIGU16 should be omitted because they are too restrictive. Standard WIST09 should include the development of an effective monitoring plan. The language in Goal RAG007 should be revised to the following: "Manage domestic sheep and goat allotments to ensure effective spatial separation and lack of contact between bighorn sheep and domestic sheep and goats". The language in Objective RAOB04 should be revised to, "...designed to prevent contact between...". Standard RAST10 should provide for the development of an effective Emergency Response Plan.

Response to Concern 110.14

The Payette National Forest has taken another hard look at the Forest Plan Amendment direction and has settled on goals, objectives, standards, and guidelines that the Forest Service believes will implement the decision adequately.

Sample Public Comment for 110.14

The Tribe has already submitted specific recommendations for forest Plan standards and suggests the PNF review our previous comments on this issue submitted for the DSEIS. Wildlife Resources : Objective WIOB13 - This objective should pertain to all lands within the PNF, not just the Hells Canyon National Recreation Area.

Objective WIOB14—The future of availability of radio collared bighorn sheep will more than likely wane. It may be difficult to continue to use a radiotelemetry approach in monitoring the changes in distribution of bighorn sheep on the forest. Future monitoring may require other non-telemetry approaches. Objective WIOB18 - Suggest omitting this objective. This objective is too prescriptive and restrictive. It assumes a definitive solution without rationale or justification. It also advocates for a single solution while ignoring all other possible solutions without rationale or justification. If this objective is not omitted from the ROD, suggest language such as "insure, through an adaptive management approach, management of domestic sheep and goats and bighorn sheep remains consistent with evolving science related to the interactions of these species". Standard WIST09 - Would strengthen this standard to commit the PNF to develop an effective monitoring plan.

Guidelines WIGU16 - Suggest omitting this guideline. This guideline is too prescriptive and restrictive. It assumes a definitive solution without rationale or justification. It also advocates for a single solution while ignoring all other possible solutions without rationale or justification. If this objective is not omitted from the ROD, suggest language such as "regularly reassess management direction, through an adaptive management process, to reflect evolving science related to interactions between domestic sheep and goats and bighorn sheep". Rangeland Resources: Goals RAG007 - Suggest changing language to "Manage domestic sheep and goat allotments to insure effective spatial separation and lack of contact between bighorn sheep and domestic sheep and goats". Objective RAOB04—Suggest changing language to " ...designed to prevent contact between..." Standard RAST10—The emergency actions identified in the standard as proposed are not sufficient to insure effective long-term spatial separation. Suggest including a standard that commits the PNF to develop an effective Emergency Response Plan or including such a plan in the ROD. (Update to DSEIS Ltr# 20072)

Concern Statement 110.15

The Forest Service should clearly disclose the changes to the Forest Plan that result from this amendment.

Response to Concern 110.15

The lawsuit brought against the Forest Service led to an out-of-court agreement for certain grazing practices. These practices were formulated into Alternative 7K and analyzed in the DSEIS for effects and disclosure. What happens during Annual Operating Instructions is outside the scope of this analysis and is therefore not contained in this document. Programmatic level analyses are not designed to address nor intended to analyze specific grazing permit actions.

Sample Public Comment for 110.15

The Emergency provision used by the Forest Service to revoke grazing privileges on some Payette allotments in 2007 may have been legitimate for the first year (had it been properly authorized as required by the regulations), but after that first year, it is no longer an emergency, but instead has become the new “management plan.” This matter should be explained to the public in the Final SEIS. (Update to DSEIS Ltr# 20093)

Concern Statement 110.16

The Forest Service should revise the draft Amendment standard WIST08 so that it protects three or more groups of bighorn sheep in a 10-year period to protect the bighorn sheep if populations start expanding to the edges of the GPR. (PC 17. k)

Response to Concern 110.16

That Standard has been completely revised.

Sample Public Comment for 110.16

Standard WIST08 would be better served if you changed it to read 3 or more groups (one or more) of bighorn sheep in a ten year period. I believe the intent of this standard is to draw back domestic sheep grazing from the GPR if bighorn sheep are showing signs of recolonizing site-specific bighorn sheep habitat. (DSEIS Ltr #13495)

130 ADEQUACY OF ANALYSIS AND DATA (CONTENT, USE OF INFORMATION/DATA, CONCLUSION NOT SUPPORTED BY DATA, NEED FOR ADDITIONAL ANALYSIS)**Concern Statement 130.19**

The Forest Service should review and revise the DSEIS. (PC 1. b, c)

Response to Concern 130.19

The Forest Service will follow the NEPA process and has revised the document to incorporate new analysis and modeling tools that better assess the issue. Another revision that had been made was to not include use of information such as the 2006 *Risk Analysis of Disease Transmission Between Domestic Sheep and Bighorn Sheep on the Payette National Forest* and the outcomes from the 2006 Science Panel meeting in the FSEIS.

Sample Public Comment for 130.19

I would respectfully request that the Forest Service review and revise this DEIS. (DSEIS Ltr #13175)

Concern Statement 130.20

The Forest Service should revise the DSEIS because the analysis of the scientific data is flawed. There is inadequate support for the determination that disease transmission occurs between bighorn sheep and domestic sheep. The model assumptions are flawed due to inconsistent and incomplete data inputs for home range and GPR models; unrealistic inputs for domestic and wild sheep contact risk; and the assumption of expanding bighorn sheep populations in the future. (PC 1. a, f, g, h, i, j, k, l, t; PC 5. m, o, q; PC 12. d; PC 26. e, f, g, h, m)

Response to Concern 130.20

The Forest Service is considering and incorporates the most up-to-date scientific studies and has developed new analysis and modeling techniques for the FSEIS, as well as development and analysis of additional alternatives. The scientific data used to develop alternatives in the DSEIS has been further validated and refined in the intervening time period. All models involving source habitat, populations, and risk of contact are updated and improved. All of the updated work involves published literature and measurements of all known data. All assumptions have been taken directly from known data or published literature. All of the source habitat, populations, and risk of contact models have been run to correspond with the timing of the grazing season. All available science is being considered in a disease model being developed by national experts in animal disease epidemiology. The assumption that disease transmission occurs between the two species will continue to be a foundation for the analysis in the FSEIS.

The timing of bighorn sheep use on the allotments or within the vicinity of the allotments was considered in relation to when and where domestic sheep are permitted. One of the analyses incorporated telemetry data, which documented on more than one occasion, actual presence of bighorn sheep on the domestic sheep allotments during the authorized grazing season in areas where bucking occurred. This data is neither flawed nor inadequate as it answers the question of whether the bighorn sheep have the opportunity to make contact with the domestic sheep. The telemetry data also documented a bighorn ram returning to his herd after being located in the bucking area with the domestic sheep, thus having the opportunity to spread disease to his herd. Because bighorn and domestic sheep utilize the same habitat, and there is documented presence of bighorn sheep in the allotment when the domestic sheep are permitted, the Payette National Forest believes this analysis is representative of actual conditions. The fact that there are few collared bighorn sheep may be interpreted to mean that there are even more bighorn sheep on the allotments during the domestic sheep grazing season than the Forest Service know about. The collared bighorn sheep represent a small percentage of the actual population. Although domestic sheep use of the allotments may vary from year to year, the documented occurrences of bighorn sheep on the allotment during the grazing season serve as point that it takes just one contact to spread disease.

The Forest Plan EIS relied on the best scientific information available to develop alternatives that were based on the assumption that disease transmission can occur, and those assumptions are not changing for this analysis because no new studies have conclusively proven disease transmission does not occur. The preponderance of evidence

suggests that disease transmission can occur. The Payette National Forest continues to provide separation between the two species to prevent any potential disease transmission. The risk for disease transmission will be evaluated when considering continued use of the domestic sheep allotments.

Sample Public Comment for 130.20

The scientific research claims pathogens exist which bighorns and domestic sheep can share. The same research does not document (1) that disease transmission occurs between bighorns and domestic sheep, (2) that the bighorns themselves are free from these offending pathogens and (3) that the domestic sheep on the allotments are carriers of the offending pathogens. Without the above facts, the USFS needs to redo its DEIS and maintain existing domestic sheep grazing on the PNF. (Ltr #13728)

Concern Statement 130.21

The Forest Service should revise the DSEIS because the purpose and need is too narrow. (PC 1. e; PC 33. a)

Response to Concern 130.21

The purpose and need for the project, found in Chapter 1 of the DSEIS, were formulated in response to direction from the Appeal Reviewing Officer to address concerns about the viability of bighorn sheep populations. The Regional Forester was directed to do an analysis that came with very specific instructions that limit the scope of this assessment to addressing disease transmission issues between domestic sheep and bighorn sheep, and analyzing bighorn sheep viability. In addition, there was direction in the instructions to add language to the 2003 Forest Plan for the Payette National Forest that “ensures” bighorn sheep viability.

Sample Public Comment for 130.21

The stated purpose and need is vague and narrow, which has resulted in an incomplete and biased set of alternatives and analysis. (DSEIS Ltr #12943)

Concern Statement 130.22

The Forest Service should show land ownership both on and off the Payette National Forest because other disease vectors may be present on private ground. (PC 1. w)

Response to Concern 130.22

Land ownership that is not NFS land is displayed and the potential effects to bighorn sheep viability because of domestic sheep grazing occurring and not occurring on those lands is analyzed in the FSEIS. However, the Payette National Forest only has control over land officially managed by the Agency and more specifically, this decision is only associated with management on the Payette National Forest. All known sources of potential disease will be accounted for in the cumulative effects analysis. The sources of

disease will include not only private lands, state, and other Federal allotments, but also the disease status of the bighorn sheep herds.

Sample Public Comment for 130.22

Eliminating one questionable potential source of a potential disease vector certainly does not assure bighorn viability. To illustrate this difficulty a better map that shows various ownerships internally and externally of the Payette Forest would be very helpful. (DSEIS Ltr #11608)

Concern Statement 130.23

The Forest Service should revise and clarify the relative risk rating tables and discussion because it is confusing in the DSEIS. (PC 1. ee)

Response to Concern 130.23

The methods for comparing risk between the alternatives have been changed for the FSEIS.

Sample Public Comment for 130.23

The relative risk of contact is displayed in many forms in Chapter 3. The only risk rating I really understand is Table W-37. I suggest you try to simply or summarize all of the tables. If you could only have one or two tables that compared alternative risk rating, what would it look like? Use that table only. (DSEIS Ltr #13495)

Concern Statement 130.24

The Forest Service should add a provision to the FSEIS allowing for the recalculation of the GPR when bighorn sheep are found to occur outside already designated GPRs. (PC 1. ii, oo)

Response to Concern 130.24

The direction in the Forest Plan amendment regarding recalculating GPRs has been removed. The analysis and subsequent direction is instead, looking at core herd home ranges and foray movements of bighorn sheep outside of the core. Monitoring to detect presence in areas not yet documented in the data will be periodically reviewed for changes in the movement patterns.

Sample Public Comment for 130.24

Wildlife Resources Standards WIST08. Concern(s): a. Standard appears to only address bighorn sheep sightings within an established GPR. b. Standard does not allow for other information indicating occupied range to be used to recalculate GPR. Recommendations: Recalculate GPR when observations of bighorn sheep occur outside of GPRs. Suggested Language: "To allow for bighorn sheep population restoration and range expansion, recalculate and remap a bighorn sheep GPR when 3 or more bighorn sheep are located between the 90-100 percentile volume contour within a GPR, or when 1 or more bighorn sheep are located outside of an existing GPR, or when other information suggests recolonization or occupancy of new habitats (observation of bighorn lambs, rutting and/or mating behavior of bighorn rams, collection of bighorn fecal pellets, etc...) by bighorn sheep." (DSEIS Ltr #13413)

Concern Statement 130.25

The Forest Service should specify which court settlements drove the design of Alternative 7K because it is not clear in the DSEIS. (PC 1. jj)

Response to Concern 130.25

Alternative 7K has been dropped from detailed consideration in the FSEIS. Alternative 7L is a re-design of 7K using the risk for contact analysis developed and provided for public comment in the update to the DSEIS. The docket number for the initial case was CV-07-151-BLW.

Sample Public Comment for 130.25

The PNF has foreclosed consideration of alternatives other than alternative 7K or similar alternatives that proposed to close more allotments to domestic sheep use than those proposed to be closed under alternative 7K. The PNF states that it has entered into "recent court settlements" that determine areas as unsuitable for domestic sheep grazing. See DSEIS at 2-12. Alternative 7K implements these recent court settlements. See id. The PNF should specify exactly what court settlements it is referring to, by court action and docket number, including any court orders approving those settlements. (DSEIS Ltr #13550)

Concern Statement 130.26

The Forest Service is failing to honor the commitment made in 1997 with the Idaho Wool Growers Association and formalized in Idaho State Code. This commitment stated that domestic sheep grazers would not be held accountable for any problems, which resulted from the reintroduction of bighorn sheep into Hells Canyon. (PC 1. pp; PC 34. a, b, c, d, e, f, g; PC 35. c; PC 44. a, b, c)

Response to Concern 130.26

Alternatives 1B, 2, 5, and 7 do consider the 1997 Letter and agreement. The reintroduction of bighorn sheep began prior to 1997, and some sheep were reintroduced before the agreement was entered. In addition, there are changed circumstances and new information that has been developed since 1997 as a result of bighorn sheep crossing the

Snake River, reservoirs, and dams. The bighorn sheep that have crossed into Idaho were not controlled as anticipated in 1997. In addition, bighorn sheep have subsequently been identified as a Sensitive Species by the Regional Forester. Any decision made by the Forest Service must be consistent with Federal laws and regulations currently in effect, and account for circumstances that presently exist.

Sample Public Comments for 130.26

Attachment 1: A news release produced by Ron Shirts and Frank Shirts Jr., stating that the Draft SEIS omits commitments made in 1997 between the Idaho Wool Growers Association and the Forest Service and does not include adequate scientific analysis regarding the transmission of disease between domestic sheep and bighorn sheep. (DSEIS Ltr #117)

Comment #9, general: The Forest Service is required by the Hells Canyon Initiative, Idaho state statute, and the letter agreement between the Forest Service and the Idaho Wool Growers Association to hold domestic sheep grazing harmless from bighorn sheep transplants. In the DSEIS, the PNF circumvents the letter agreement of the state and federal governments with the Idaho Wool Growers Association regarding the impact of bighorn sheep on domestic sheep operators. The Final SEIS must discuss this letter's impact on the responsibilities of the Forest Service, and the domestic sheep industry must be held harmless for any health risks associated with domestic sheep and bighorn sheep interaction. Domestic sheep operators should not be held accountable for or liable for any such risk. This means that domestic sheep grazing allotments must not be closed because of health risks associated with domestic sheep and bighorn sheep interaction. The Forest Service agreed that this would not be the result of bighorn sheep transplanting. In the Chief's Appeal Decision on the PNF Forest Plan, the Chief stated that he could not understand why the PNF LRMP discussed the 1997 Memorandum of Agreement as support for protecting the Wool Growers on the PNF outside of Hells Canyon. See Appeal Decision, footnote 46, at 13. The Chief was confused about the facts, resulting in a confused decision. The Chief misunderstood what was meant by the PNF LRMP's reference to the "1997 agreement reached by members of the Hells Canyon Bighorn Sheep Restoration Committee with the Idaho Wool Grower Association." See Appeal Decision, footnote 46, at 13. The Chief misunderstood this "1997 agreement" to mean the interagency MOA that preceded the Hells Canyon Initiative when in fact it meant the 1997 letter agreement between the Hells Canyon Initiative committee and the Idaho Wool Growers Association, discussed above.

By focusing on the non-substantive MOA instead of the subsequent, substantive letter agreement with the Idaho Wool Growers Association, the Chief issued a factually-baseless decision. Had the Chief appropriately focused on the Hells Canyon Initiative committee agreement with the Wool Growers, the Chief would have seen that the Hells Canyon Initiative Project Area encompassed sheep grazing allotments on the PNF including allotments at issue in the DSEIS. A correct understanding of the 1997 agreement would have clarified for the Chief the discussion in both the LRMP and the FEIS as to the importance of the Hells Canyon Initiative and the agreement with the Wool Growers. It would also have clarified that the proposed management of the PNF lands was in fact covered by the 1997 agreement and its Project Area, including domestic sheep operations in or adjacent to the Hells Canyon complex. See Decl. of Robert M. Richmond at 4. Based on the foregoing, the Forest Service's agreement to hold domestic sheep grazing harmless from bighorn sheep transplants as required by the Hells Canyon Initiative, the Idaho state statute, and the letter agreement between the Forest Service and the Wool Growers, must be upheld. The PNF has agreed not to close grazing allotments on the PNF as a result of bighorn sheep transplants, thus, the Final SEIS and proposed management direction must not involve the closure of grazing allotments on the PNF. (Update to DSEIS Ltr# 20070)

Concern Statement 130.27

The Forest Service should base the analysis in the FSEIS on sound science supported by current research. The FSEIS should be particularly thorough when assessing the literature on the causal relationship of disease transmission between domestic sheep and bighorn sheep. (PC 5. a, b, c, d, e, f, g, i, j, m, o)

Response to Concern 130.27

The Forest Service has attempted to use all available sound science to inform our analyses and decision making. As discussed in the draft documents and in the FSEIS, a large number of studies presenting a variety of different types of evidence indicate that domestic sheep can and do transmit respiratory diseases to bighorn sheep. In addition, some of these transmissions can induce population-level die-offs.

The Forest Service has not found studies indicating that disease transmission does not occur between domestic sheep and bighorn sheep. Some studies indicate that bighorn sheep sometimes suffer die-offs in the absence of contact with domestic animals. Other studies and experience with domestic sheep show that other factors such as stress, bad weather, and high-population density can increase susceptibility to disease. While these studies show that domestic sheep contact with bighorn sheep is not the sole factor involved in respiratory disease in bighorn sheep, the studies in no way call into question the evidence that in other cases domestic sheep contact with bighorn sheep does result in bighorn sheep die-offs.

If the Forest Service were claiming that domestic sheep were the only cause of respiratory disease in bighorn sheep, many studies would rebut that claim. Rather, the Forest Service is acting based on numerous studies that indicate that domestic sheep can, and often have in the past, transmitted disease pathogens to bighorn sheep that can cause population-threatening die-offs of respiratory disease.

This analysis and subsequent decision is designed for and applicable to the Payette National Forest. The FEIS for the LRMP identified the potential for disease transmission as an assumption for analysis. This assumption was never challenged and continues to be used in this process.

Sample Public Comment for 130.27

This situation is not unique to the State of Idaho. Surrounding states also have domestic sheep grazing on public land, and have an overlap with bighorn sheep territory. The Forest Service needs to examine and take into consideration the lack of disease transmission in these other states as well as the scientific evidence showing no diseases transmission between the two species. (DSEIS Ltr #12475)

Concern Statement 130.28

The Forest Service should consider the telemetry studies that have been conducted over the last five grazing seasons. (PC 5. h)

Response to Concern 130.28

All of the available data for the herds was utilized in the analysis—not just for the last five years—to review and document patterned behaviors. Therefore, the more years of information used results in more accurate results.

Sample Public Comment for 130.28

It should consider the telemetry studies over the last five grazing seasons and an unbiased view of the science involved in disease transmission between bighorn and domestic sheep. (DSEIS Ltr #52)

Concern Statement 130.29

The Forest Service should expand the discussion of risk of contact because the DSEIS is unclear and it is difficult to understand what a 2 percent risk of contact means. (PC 7. b)

Response to Concern 130.29

The risk of contact referred to here is the expected number of contacts per year. A contact rate of 0.02 means that at current population levels, an average of 0.02 contacts occur in a given year, an average of about one contact every 50 years. Also, contacts per year translates approximately but not exactly into the average number of years between contacts because in some years there can be more than one contact. For example, if the average number of contacts per year is one, in some years there will be one contact, in some years two or three contacts, and in other years zero contact. Therefore, the average number of years between contacts will be slightly more than one.

Sample Public Comment for 130.29

The only two alternatives to ensure viable populations for bighorn sheep are 7H and 7E. The level of risk of contact is acceptable to me for only these two alternatives. I would be very surprised if any bighorn sheep biologist would accept the risk you have outlined in 7G (with mitigations) as meeting viability. It is hard to understand what this 2% risk of contact really means. Is it once in 50 years and at what scale? I suggest you use some examples to clarify what a 2% risk of contact really means. (DSEIS Ltr #13495)

Concern Statement 130.30

The Forest Service should consider using adaptive management strategies to manage interactions between bighorn sheep and domestic sheep. (PC 24. q)

Response to Concern 130.30

The Payette National Forest plans on utilizing adaptive management strategies to manage risk of disease transmission between domestic sheep and bighorn sheep. The final Forest Plan Amendment addresses this concern.

Sample Public Comments for 130.30

The DSEIS does not propose to implement any adaptive management used in other forests to manage interaction between Bighorns and domestic sheep. (DSEIS Ltr #13674)

We appreciate the refined data on behavior of bighorn sheep, modeling of potential contact with domestic sheep and relative ranking of alternatives based on modeled contact. While this information is extremely useful, the document stresses multiple times that it is critical to avoid contact in order to reduce the spread of disease. Under “Management Recommendations” (pg 5) the SEIS states that, “separation, either spatially, temporally, or both of bighorn sheep from domestic sheep has been recommended by leading bighorn sheep disease experts.” We acknowledge the difficulty in balancing the need to manage land for multiple use and protect natural resources. From our review, we understand that a high probability of contracting disease (namely bacterial pneumonia) occurs from contact of bighorn sheep with domestic sheep and the SEIS notes that the spread of these bacteria has been reported as the number one cause for bighorn sheep population declines throughout North America. Because of this threat we continue to have concerns with alternatives that could result in population decline of individual herds. We have rated this updated SEIS Environmental Concerns (EC). Based on our review, we believe that a high level of protection is needed to promote the viability of bighorn sheep populations and support avoiding contact between bighorn sheep and domestic sheep. We believe it will be extremely important to continue research and collect site specific monitoring data if an alternative is selected that maintains a level of risk of contact. We recommend that Forest Service utilize adaptive management as more data becomes available on bighorn sheep behavior and disease occurrence. (Update to DSEIS Ltr# 20085)

Concern Statement 130.31

The Forest Service should consider that the assumption that the bighorn sheep population must exist and be expanded to provide more opportunities for hunting by Tribal members and the public is flawed. (PC 35. d)

Response to Concern 130.31

Viability requirements in NFMA ask for adequate habitat to be well distributed across the planning unit and available to bighorn sheep. The habitat should also be contiguous to allow for reproducing individuals to come into contact. Tribal governments have requested bighorn sheep populations be available in areas they historically occupied so

that Treaty Rights can be exercised. This is part of the Forest Service response to Tribal Treaty Trust responsibilities.

Sample Public Comment for 130.31

The DSEIS states, in multiple places, that the goal is to expand the bighorn populations (contribute to positive population growth) and provide more harvest opportunities for tribal members (and potentially other citizens). The DSEIS has been constructed with a presumption that bighorn populations must exist and be expanded in all regions of the Payette National Forest, and that domestic sheep grazing must be eliminated in order to accomplish this objective. This goal of population growth and expansion is contrary to the NFMA, HCNRA Act, the Multiple-Use Sustained Yield Act, and the purpose and need for agency action. The alternatives and analysis in the DSEIS, which are built around this premise, is therefore flawed. The proposals would sacrifice domestic livestock grazing in an attempt to expand bighorn sheep numbers and range. (DSEIS Ltr #12943)

Concern Statement 130.32

The Forest Service should consider that the proposed amendments to the Payette Forest Plan are based upon a flawed DSEIS and therefore, are similarly flawed. (PC 37. a)

Response to Concern 130.32

The analysis conducted is prepared in accordance with Federal Law and responds to the appeal direction received from the Appeal Reviewing Officer of the Forest Service. The Payette National Forest does not believe that the analysis is flawed.

Sample Public Comments for 130.32

The proposed amendments to the Payette National Forest's Land and Resource Management Plan are based upon the flawed DSEIS and therefore are similarly flawed. (DSEIS Ltr #13614)

I also urge the Forest to adopt an adaptive management strategy so that you can continue to protect the herds if their populations increase and expand their ranges. (Update to DSEIS Ltr# 20073)

Concern Statement 130.33

The Forest Service should comply with the Forest Service Open Space Conservation Strategy in the DSEIS, as it has currently failed to do so. (PC 35. I)

Response to Concern 130.33

This analysis is prepared as a supplement to the FEIS for the 2003 Forest Plan for the Payette National Forest. The Forest Plan analysis contained disclosure regarding Open Space. The Open Space analysis was not challenged. No instructions to supplement the open space documentation were received from the Appealing Officer for the Chief of the Forest Service.

Sample Public Comment for 130.33

The DSEIS fails to comply with the Forest Service Open Space Conservation Strategy.
(DSEIS Ltr #13550)

Concern Statement 130.34

The Forest Service should provide other documentation to justify their pertinent findings and preferred Alternative G in the DSEIS because the Western Association of Fish and Wildlife Agency's Wild Sheep Working Group Report (WAFWA) and Payette Principles report that were used have been barred from use by a Federal district court order or they were created in reliance upon illegal reports.

Response to Concern 130.34

For the FEIS, Alternative 7G is not found as pertinent because of the WAFWA Guideline, the Payette Principles, and the 2006 Risk Assessment. The Payette National Forest has moved from the 2006 qualitative risk analysis to a quantitative risk analysis supported by the existing data on bighorn sheep movements and use patterns of the landscapes in and around the Payette National Forest. Therefore, reliance on the previously noted documents does not occur.

Sample Public Comment for 130.34

On July 1, 2009, U.S. District Court Judge B. Lynn Winmill issued a decision in *Idaho Wool Growers Association and Dr. Marie S. Buigin v. Ed Shaffer, et al.*, 08-cv- 394-S-BLW (D. Idaho). Plaintiffs challenged the Forest Service's establishment and use of these two committees and their reports as violations of FACA, NFMA, and the APA. Judge Winmill entered an order granting plaintiffs' motion for summary judgment. In so doing, Judge Winmill wrote "The issue here is whether the Forest Service's Committees violated FACA's and NFMA's procedural requirements and, if so, whether the Committees' reports should be utilized for any future Forest Service Decisions." *Id.* at pages 15-16. The Court ordered that "The Committees' findings and/or conclusions are not to be relied upon by the Forest Service with respect to any future agency decisions." *Id.* at 23. This includes any future decisions to issue a Final SEIS or revise the Payette LRMP. Additionally, the Payette National Forest is relying upon another committee's report that in turn relied upon the Risk Assessment and Payette Principles committees and reports. This additional committee's report must likewise be disregarded. Specifically, the Payette National Forest is relying upon the Western Association of Fish and Wildlife Agency's Wild Sheep Working Group Report and Recommendations dated June 21, 2007. The DSEIS acknowledges that the WAFWA working group concurred with the statements in the Payette Principles report and that those statements formed the foundation for WAFWA's report and recommendations. DSEIS at 3-14. Clearly, since the WAFWA Working Group used the illegal Payette Principles report as the foundation for its recommendations, the WAFWA Working Group's recommendations in turn must not be used by the Forest Service in the Final SEIS or subsequent decisions on the LRMP. The WAFWA June 21, 2007 report and the Payette Principles report featured so prominently in the DSEIS that they earned specific and exclusive discussion under the heading "Pertinent Findings" within the DSEIS' s Introduction. See DSEIS at pages xiii and xiv. They are similarly referenced in the Introduction as the basis for the "management recommendations" at page xv. The WAFWA report is referenced repeatedly in the DSEIS, is included in the list of references at page R-10, and was utilized by the Forest (page 2-3). Any other scientific reviews on disease transmission referenced by the Payette National Forest in its DSEIS that rely upon the illegal reports must similarly be disregarded. In summary, the Pertinent Findings used by the Payette National Forest to justify the DSEIS are either specifically barred from use by the federal district court's Order or were created in reliance upon the illegal reports and recommendations. In the absence of these "findings," the Payette National Forest must provide other reasons to support its final environmental analysis and ultimate record of decision on revision of the LRMP for the Payette National Forest. The Forest Service must abandon its management recommendations and the agency's preferred alternative 7G developed in reliance on the illegal findings. (Update to DSEIS Ltr# 20001)

Concern Statement 130.35

The Forest Service should consider the following regarding the use of scientific reports, include this information in the FSEIS, and/or delay the final decision for a five year period to allow time for the research effort to address the bighorn sheep health issue:

- A) Evidence linking disease outbreaks to domestic sheep is inconclusive*
- B) Studies documenting disease transmission between the two species have been done in controlled environments*
- C) Not all disease events can be attributed to contact with domestic sheep bacteria and viruses are carried and transmitted by other animals and bighorn sheep*
- D) Stress could be a precursor to the onset of sickness*
- E) The presence of bighorn sheep in the vicinity of domestic sheep grazing allotments is unsubstantiated.*

Response to Concern 130.35

In response to item (A): The SEIS recognizes uncertainty associated with these issues, and specifically responds to them in Chapters 2 and 3. The disease review sections of this document, particularly Chapter 3, consider a large body of peer reviewed and published literature spanning several decades that redresses most of these statements. While there clearly are gaps in the knowledge base on the causal factors and mechanisms of bighorn sheep die-offs and disease transmission between these species, the vast majority of literature supports the potential for disease transmission between the species, documents bighorn sheep die-offs near domestic sheep, and supports the management option of keeping these species separate to prevent disease transmission. Furthermore, there is no peer reviewed literature that suggests bighorn sheep can be grazed with domestic sheep without concern for disease transmission between the species. Scientists from both sides of the issue also recommend that the species be kept separate until the disease transmission science is better understood. The analysis conducted in this document recognizes these uncertainties but clearly focuses on the Forest Service's responsibility to provide habitats that support viable populations of bighorn sheep, particularly given the risks that the species currently faces relative to the impacts of disease on population persistence.

In response to item (B): Evidence of transmission comes from many different sources, and inoculation and pen studies are only two types. Carefully controlled experimental conditions in such studies are needed to demonstrate that Pasteurellaceae transmitted from domestic sheep to bighorn sheep really is the cause of sickness and death in bighorn sheep. Evidence that transmission actually does take place outside of the lab is necessarily more circumstantial and less controlled, taking the form of observations of contact or proximity of the species prior to die-offs, or correlational studies relating the distance between the species to the probability of die-offs or extirpation.

In response to item (C): The Forest Service does not pretend that contact with domestic sheep is the only source of disease or die-offs in bighorn sheep, but rather only that it is one source of risk. Even though other events may lead to die-offs of bighorn sheep, the Forest Service still has a responsibility to address the risk of disease posed by its management decisions relating to domestic sheep grazing.

In response to item (D): Even if other factors (e.g., stress, harsh weather, dust, or endemic disease organisms) also contribute to bighorn sheep disease susceptibility, the Forest Service still needs to address the additional or interacting risk posed by the possibility of contacts with domestic sheep.

In response to item (E): As discussed in the document, the Forest Service has analyzed an extensive database of telemetry locations of bighorn sheep. Bighorn sheep have been observed in many of the allotments on the Payette National Forest, and the foray analysis calculates the risk that bighorn sheep will reach other allotments.

Sample Public Comment for 130.35

The documents included in the 2010 DSEIS seem to be one sided reports. The only documents listed in the findings and reports appear to show that the spread of pasteurella or shared pasteurella diseases between Domestic Sheep and Bighorn Sheep only comes from the Domestic Sheep in controlled experiments in controlled environments. Why were other documents that show other causes for the onset of the pasteurella left out of the DSEIS? (Update to DSEIS Ltr# 20037)

Concern Statement 130.36

The Forest Service should assess Best Management Practices that are currently working on other forests, such as the Humbolt-Toiyabe in California.

Response to Concern 130.36

In 2007, two of the Payette National Forest permittees developed 13 additional management practices and implemented them that grazing season. One of the permittees has continued to implement the 13 additional management practices willingly. The Forest Service has monitored these additional management practices and found them mostly successful in providing separation between domestic sheep and bighorn sheep, but not 100 percent successful. Wolves scattered a band of domestic sheep and two of the ewes were discovered four months later (after the grazing season) wandering in Hells Canyon, which proves the additional measures are inadequate. The implementation of these 13 additional management practices was taken into consideration when developing all alternatives. The Payette National Forest recognizes other Forests have isolated populations of bighorn sheep that may be separated from domestic sheep more effectively, however there is proven connectivity between the herds of bighorn sheep on the Payette National Forest.

The Humboldt-Toiyabe National Forest authorized domestic sheep grazing in a portion of two allotments that are in proximity of the endangered Sierra Nevada Bighorn Sheep through the 2008 grazing season. Therefore, grazing was not authorized on the two allotments in 2009. Because of the consultation with U.S. Fish and Wildlife Service,

several minimizing measures were required by the permittee. The Forest Service did not analyze the effectiveness of minimizing measures as they applied to maintaining separation between the domestic sheep and wild sheep. However, the Forest Service determined that the permittee could implement the minimizing measures on the allotments.

Sample Public Comment for 130.36

Why did Mr. Tim Schoomer's report on "Best Management Practices" only show what he thinks will not work and did not include the practices that are in fact working on other USFS lands and in California on the Humbolt-Toiyabe where domestic sheep herders have been allowed to return to grazing on the National Forest with BMP's? The BHS there are a listed ESA species. The BHS in Idaho at question here are not. Mr. Schoomer's report should list all the National Forest that BMP's are being used on. It should also include the Environmental Officer or Range Officers reports from those forests using BMP's on how those specific BMP's are being used and their effectiveness or ineffectiveness in those specific instances. (Update to DSEIS Ltr# 20037)

Concern Statement 130.37

The Forest Service should collaborate with universities throughout the western United States and the domestic sheep industry to form a Bighorn and Domestic Sheep Research Center that collates all the data and in turn the most current data is used in your analysis.

Response to Concern 130.37

According to the court order received from U.S. District Court Judge B. Lynn Winmill in Idaho Wool Growers Association and Dr. Marie S. Bulgin v. Ed Shaffer, et al., 08-cv-394-S-BLW (D. Idaho), the Payette National Forest cannot set up meetings and work with state employees in a setting such as that suggested without being in violation of FACA. Setting up such an approved advisory group is outside the scope of this project.

Sample Public Comment for 130.37

There are other documents in the science world that show this is not just Domestic Sheep causing the issue at hand. There are many other factors included in this biological occurrence. The science at WSU and the U of Idaho are exploring the tip of the iceberg if you will. I believe there is way more to what appears to be happening here than meets the eye. Much more. I have also recently discovered that a similar problem is occurring in Iran and Spain with Ibex Sheep. Science is being done on this issue at universities all over the west. Why doesn't the USFS team up with them all and make a BHS/Domestic Sheep Research Center to pull all the data together and team up with the Domestic Sheep Industry to find the answers to what is really happening here? (Update to DSEIS Ltr# 20037)

Concern Statement 130.38

The Forest Service should incorporate the findings of the following recently published, peer reviewed papers: Bibersteinia Trehalosi Inhibits Growth of Mannheimia Haemolytica by Dr. S. Srikumaran and Transmission of Mannheimia haemolytica from Domestic Sheep to Bighorn Sheep: Unequivocal Demonstration with Green Fluorescent Protein Tagged Organisms by Dr. S. Srikumaran, which shows that for transmission and then for disease to occur extensive contact is required.

Response to Concern 130.38

We have incorporated the findings reported in both of these manuscripts (Dassanayake et al., 2010, and Srikumaran, *in press*) in the FSEIS.

The first paper reports that *Bibersteinia trehalosi* outgrows *Mannheimia haemolytica* when the two are grown together in vitro. Within six hours of co-culture, *B. trehalosi* came to predominate to such an extent that *M. haemolytica*, while still present, was not detectable by conventional method based on colony morphology. The authors raise the possibility that their finding may help explain in part the puzzling inability of researchers to identify a single pathogen from the lungs of pneumonic bighorn sheep. While *M. haemolytica* is the only pathogen that has been shown to consistently cause fatal pneumonia in bighorn sheep, it is not consistently found in the lungs of field-collected bighorn sheep during die-offs. However, the authors' findings raise the possibility that even if *M. haemolytica* is the cause of disease, it may not be detected. As the authors indicate (p. 1011, Dassanayake et al. 2010):

Collectively, these findings suggest that it is possible that the failure to consistently detect *M. haemolytica* in BHS pneumonic lungs is due to both overgrowth of *B. trehalosi* and simultaneous reduction in cell density of *M. haemolytica*.

The second paper describes a pen experiment that was carefully designed to investigate if disease transmission can occur between domestic sheep and bighorn sheep. Using fluorescently tagged *M. haemolytica*, the researchers (Srikumaran et al., *in press*):

unequivocally prove[d] transmission of *M. haemolytica* from domestic sheep to bighorn sheep, resulting in pneumonia and death of the bighorn sheep

However, the study was not primarily designed to address the question of what degree of physical contact is necessary for transmission of disease from domestic sheep to bighorn sheep. Our disease model presumes that physical contact is necessary for transmission. Even if separation of 30 feet were enough to prevent transmission, nothing exists on the Payette National Forest to prevent animals that are within 30 feet of each other from walking up to and making direct contact each other.

Sample Public Comment for 130.38

The Payette needs to incorporate into their analysis two peer reviewed papers that have recently been published: 1) "Bibersteninia Trehalosi Inhibits Growth of Mannheimia Hamolytica" by Dr. S. Srikumaran and 2) Transmission of Mannheimia haemolytica from Domestic Sheep to Bighorn Sheep: Unequivocal Demonstration with Green Fluorescent Protein Tagged Organisms" by Dr. S. Srikumaran. The second paper demonstrates that, yes, disease transmission can occur when domestic and bighorn sheep are closely commingled. However, with separation of 30 feet transmission does not occur. When bighorn sheep and domestic sheep are placed with only a fence line between them transmission of Pasturella organisms did occur. However, this transmission did not result in disease within the bighorns. Dr. Srikumaran's work shows that for transmission and then for disease to occur extensive contact is required. (Update to DSEIS Ltr# 20040)

Concern Statement 130.39

The Forest Service should select an alternative that absolutely provides for "no contact", as this is the only solution and is supported by the references that are documented in the DSEIS.

Response to Concern 130.39

See response to Concern 100.40.

Sample Public Comment for 130.39

References listed in the DSEIS and the publications and testimony cited provide overwhelming documentation that nothing other than absolute "no contact" alternatives have worked elsewhere. (Update to DSEIS Ltr#20064)

Concern Statement 130.40

The Forest Service should document how the best available science was used in the planning process within the context of the issues being considered, and document that all the science was appropriately interpreted and applied.

Response to Concern 130.40

The disease review section of the document presents several lines of evidence supporting the conclusion that disease transmission from domestic sheep can pose a significant threat to bighorn sheep populations. The Forest Service is required to consider this threat in its management decisions. More generally, Chapter 3 and the Technical Appendix present the scientific evidence that the Payette National Forest has based its decisions.

The disease review does address other interpretations of the science and acknowledges that factors other than contact with domestic sheep can lead to disease in bighorn sheep populations. The fact that some bighorn sheep populations carry endemic disease or that other wildlife species might transmit disease to bighorn sheep does not, however, imply that the Forest Service does not need to manage the risk of disease transmission from domestic sheep.

Finally, bighorn sheep's lack of resistance to some diseases carried by domestic sheep cannot, at this time, be easily remedied. As a result, reducing the probability of contact between the species remains the Forest Service's main available means of reducing disease transmission risk.

Sample Public Comment for 130.40

Comment #12, pgs. 2-3 - 2-4, 2-13: The PNF should not rely on assumptions concerning disease transmission and must rely on best available science. The DSEIS states that “[o]ne key assumption carried over from the 2003 FEIS is that disease transmission from domestic sheep to bighorn sheep is a threat to the wild sheep species.” DSEIS at 2-3; see also DSEIS at 2-13 (“The severity of the outcomes from the disease model is largely dependent on assumptions . . .”). Why is the PNF basing management decisions on an assumption? What is the PNF doing to prove or disprove this assumption? The scientific research needs to document that disease transmission occurs between bighorns and domestic sheep. Forest Service regulations require that “best available science” be taken into account in planning. 36 C.F.R. § 219.11(a). In taking “best available science” into account, the Forest Service must “(1) [d]ocument how the best available science was taken into account in the planning process within the context of the issues being considered and (2) [d]ocument that the science was appropriately interpreted and applied.” Id. “Under the final planning rule there is no firm, established definition of what is best available science.” 73 Fed. Reg. at 21498. “It is important to realize there can be more than one source for science or more than one interpretation of the science.” Id. “What constitutes the best available science might vary over time and across scientific disciplines. The best available science is a suite of information and the suite of information does not dictate that something can only be done one way.” Id. In the DSEIS, the PNF makes the one-sided assumption that disease transmission from domestic sheep to bighorn sheep is a threat to the wild sheep species. This assumption does not rely on best available science, because, among other things, it fails to account for other interpretations of the science; it fails to account for the fact that bighorns already carry disease; it fails to account for the fact that other wildlife may transmit disease to bighorns; and it fails to account for the fact that the bighorns may have a reduced immunity to disease that can be improved. Thus far, the PNF has dictated that interpretation of the science must lead to separation of domestic sheep and bighorns on the PNF. The DSEIS fails to present baseline data on bighorn health. Here, the best available science does not dictate such an outcome. In the DSEIS, the PNF bases its decisions solely on its one-sided interpretation of the science on disease transmission from domestic sheep to bighorn sheep and ignores other aspects of decision-making. In the Final SEIS, the PNF must look to other factors including input from ranchers and the established grazing uses on the PNF, as well as the best available science, to make its decision on the preferred alternative. (Update to DSEIS Ltr# 20070)

Concern Statement 130.41

The Forest Service should not consider the testimony or research of Dr. Marie Bulgin, University of Idaho scientist at Canine Center in Caldwell because it has had limited review and contradicts research by many other scientists.

Response to Concern 130.41

Throughout this public comment process, the Payette National Forest has aimed to consider and weigh all relevant research. The Payette National Forest does not and will not exclude from consideration research carried out by any individual. The articles referenced in the FSEIS include many that are coauthored by Dr. Bulgin or other members of the Caine Veterinary Teaching Center (CVTC). Many other studies included in the Literature Cited section relied on the CVTC to perform isolation and characterization of *Pasteurella* spp. or other kinds of bacteria and viruses.

Sample Public Comment for 130.41

The 373-page PNF Update summarizes that "field observations suggest that bighorn sheep have a high probability of contracting fatal pneumonia following contact with domestic sheep, which has led to numerous independent experiments. The results of these experiments provided strong corroboration that bighorn sheep have a high probability of contracting fatal pneumonia following contact with domestic sheep." In contrast, Dr. Marie Bulgin, University of Idaho scientist at Caine Center in Caldwell, testified in April 2009 before the Idaho Senate Resources & Environment Committee that "there has been no scientific evidence that domestic sheep have caused the die-offs." Dr. Bulgin's position that "there has been no scientific evidence that domestic sheep have caused the die-offs" flies in the face of the great majority of scientific expertise on this subject and historic evidence of severe die-off and extirpation across much of the US. The very fact that there are no progeny of domestic and wild sheep unions after more than a century of exposure between these two theoretically compatible species should dramatically confirm the obvious—even causal exposure of bighorns to domestic sheep spells death for the former. In my opinion, the University of Idaho did a disservice to the State of Idaho when they conducted a very limited and narrow review of Dr. Bulgin's public stance and found her scholarly conduct satisfactory as a spokeswoman for their university and as a disinterested expert on public policy. (Update to DSEIS Ltr#20082)

Concern Statement 130.42

The Forest Service should reconsider the results of an unpublished scientific paper, which indicates that domestic sheep transmitted fatal disease to bighorn sheep because this research is flawed. A total of 16 bighorn sheep were found with domestic sheep and transported to the Wildlife Laboratory in Caldwell, Idaho between 1996 and 2003. Six of the 16 died of pneumonia, with only two of the bighorn sheep having similar organisms to the domestic sheep that were found with them.

Response to Concern 130.42

The Payette National Forest has not relied on or even referenced the findings reported in this unpublished manuscript.

Sample Public Comment for 130.42

During the summer of 2009, an unpublished paper surfaced which supposedly proved that domestic sheep transmitted fatal disease to bighorns. The paper, rejected by the Journal of Wildlife Diseases, reports on two separate bighorns captured in the company of domestic sheep and then transported to the Wildlife Laboratory at Caldwell, Idaho. Both animals were cultured as were some of the domestic animals with which they were found. Cultures showed they were sharing an identical organism with their domestic counterparts. Both died of pneumonia within 10 days of arriving at the Wildlife lab. However, the paper did not report the extreme stress experienced by the two BHS. One spent the entire time at the Wildlife Laboratory throwing herself at the fence until she finally died. The other animal was roped and tied to a tree for a day without food or water until Oregon Fish and Game found him and transported him to the Lab. A week later he died of pneumonia. Interestingly, those two were part of 16 other BHS found with domestic sheep and transported to the Laboratory in the period between 1996 and 2003 and studied by the Idaho Wildlife Lab personnel. A total of 6 died with pneumonia, only two had similar organisms to the domestic sheep they were found with. (Update to DSEIS Ltr# 20083)

Concern Statement 130.43

*The Forest Service should consider the published report by Ward AC, et. al. (1997) *Pasteurella spp. in sympatric bighorn and domestic sheep. Journal of Wildlife Diseases, 33(3): pages 544-557; and Dr. John Wehausen's study of the Sierra bighorn sheep herd, which indicated several instances where the domestic sheep comingled with bighorn sheep with no adverse affects, even when they shared the same organisms.**

Response to Concern 130.43

This paper describes research conducted after four instances in which one or more domestic sheep were known to have strayed into areas near bighorn sheep. The incidents took place in four different mountain ranges in Nevada, and in two of the cases one or two domestic sheep were actually observed with bighorn sheep. The paper describes in

detail the *Pasteurella spp.* bacteria isolated from domestic sheep and bighorn sheep in the four mountain ranges, characterizing them by species, biogroup, biotype, serotype, and results of restriction enzyme analysis and ribotyping of bacterial DNA.

In the two herds mentioned in this comment, the bighorn sheep herds did not show population declines following removal of the stray domestic sheep. The other two bighorn sheep herds examined in the article (in the Tobin and East mountain ranges) were extirpated within one to three years following removal of the domestic sheep. As tests of transmission, the analyses seem generally inconclusive and the authors conclude as much. The authors' results are consistent with, but do not either prove or rule out, transmission of disease-causing and non-pathogenic strains of *Pasteurella* from domestic sheep to wild sheep.

The authors conclude that:

although disease and transmission may not occur in all instances when bighorn sheep contact domestic sheep, recommendations for management of domestic sheep on or near bighorn range should be followed to prevent potential for transmission of diseases to bighorn sheep (Ward et al., 1997, p. 555).

The authors' conclusion is fully in line with the Payette National Forest's approach. The Payette National Forest's analyses do not assume that every domestic sheep and bighorn sheep contact results in transmission and a die-off because there is such uncertainty about the percentage of contacts that result in die-offs. Therefore, the Payette National Forest runs separate simulations in which that percentage ranges from 5% to 100%.

Sample Public Comment for 130.43

Then there was a published report by Ward et. al. (1997) *Pasteurella spp.* in sympatric bighorn and domestic sheep. *Journal of Wildlife Diseases*, 33(3): pages 544–57, which reviewed several instances where the domestic sheep comingled with bighorn sheep with no adverse affects, even when they shared the same organisms. In October 1992, a single castrated male lamb that stayed with bighorn sheep on the Granite Range did not cause a die-off of the bighorn sheep. The entire bighorn herd and the domestic lamb were captured and tested for *Pasteurella*.. Although the bighorn and domestic sheep tested positive for *Pasteurella* Biotype 3 organisms, the bighorn herd has increased rather than dying-off. In fact the herd has tripled in size. A similar event in the Desatoya Range was documented in 1992. Contact among a domestic ewe, her lamb, and a bighorn herd was witnessed. The entire bighorn herd and the domestic sheep were tested and found to have Biotype 3 *Pasteurella* organisms. The bighorn herd has continued to thrive. However, those bighorns were released, not stressed by being captured and transported hundreds of miles to a small enclosure close to human habitation and fed unfamiliar feed, as in many other captive studies. (Update to DSEIS Ltr# 20083)

Concern Statement 130.44

The Forest Service should obtain an objective review by an outside, independent expert scientist of all models and assumptions contained in the Update to the DSEIS.

Response to Concern 130.44

The Payette National Forest intends to have the processes and models utilized in this assessment peer reviewed and published. This effort has not been completed yet.

Sample Public Comment for 130.44

The Department urges responsible officials to secure an objective review of all models and assumptions contained in the Update as soon as possible. Objective review by independent outside experts may be critical to support any decisions resulting from this information and any legal challenges that may result. (Update to DSEIS Ltr# 20089)

Concern Statement 130.45

The Forest Service should consider the mortality counts taken from Annual Reports of the Hells Canyon Initiative, which indicate annual lamb mortality is the single most significant factor in the sustained downward trend decline in population throughout the region. The proposed alternatives which do not eliminate all risk of contact between the two species are assured to keep the risk of disease highly recurrent in the region metapopulation and should be considered in the final ROD.

Response to Concern 130.45

The effects of low lamb recruitment after a disease event was taken into account within our disease model to determine the persistence of the bighorn sheep herds for the various alternatives. The disease model variables were based on documented disease events and the lamb mortality after effects.

Sample Public Comment for 130.45

The DSEIS document makes reference to the seven major die-offs recorded in Hells Canyon since 1971 when the first bighorn transplant was made. Please take into consideration the following additional mortality counts taken from Annual Reports of the HELLS CANYON INITIATIVE. A review of the study can be found at the agency website www.fishandgame.idaho.gov, if you are not already aware of the findings of this long-term initiative. The annual lamb mortality is the single most significant factor in the sustained downward trend decline population throughout the region. This additional mortality data pertaining to the Hells Canyon Region, may prove relevant and worth further deliberation when making the final record of decision. It is important to note the referenced mortality counts are derived from four of the most recent years of the 15 years of study initiated since the 1995 major die-off in the Asotin, Washington area. The recurring low lamb recruitment is the condition contributing to the continual state of mortality events in the canyon. These documented losses were derived ONLY for lambs born of radio collared ewes which measures a small percentage of the overall population. We can reasonably ascertain, if the number of lambs born of non-radio collared ewes which died were measured, the incurred losses would be substantially higher. Further of note, in some years (2000) adult mortality of radio collard bighorns reached 23% (22 of 95 radio collared ewes and rams). During the most recent years of 2003, 2004 and 2006 there were 43, 43, and 48 lamb deaths respectively. The total lamb mortality for these four years alone reached 244. The largest number of lamb mortality to date, was an alarming count of 110, recently observed in 2009. The collective results found in the 14th year of the long term study confirms that once a metapopulation is subject to a die off, the impacts of disease are persistent, far-reaching and continue a cyclical pattern for an extensive period of time. The proposed alternatives which do not eliminate all risk of contact between the two species are assured to keep the risk of disease highly recurrent in the region metapopulation. For example, if the risk was only five percent and contact with domestic sheep was made only once every twenty years, the likelihood of disease continuing to kill a significant percentage of lamb production every year is all but guaranteed. (Update to DSEIS Ltr# 20096)

Concern Statement 130.46

The Forest Service should explain the difference between "viable" and "healthy" because viable populations of bighorn sheep may be unhealthy.

Response to Concern 130.46

Forest Service regulation specifies that habitats must be provided to support viable populations of native and desired non-native species (36 CFR 219.19). Viability can be measured in terms of population persistence, and this is a regulatory requirement of management. Health is a nebulous term which is much more difficult to define as a management metric. Obviously, healthy bighorn sheep herds are desirable, and may even be required for long-term persistence. Ideally, management should provide habitat conditions that reduce or eliminate disease outbreaks, which would lead to improved herd health and performance. Population recovery is an anticipated outcome. Although the literature indicates that bighorn sheep herds can recover from disease epizootics, long-term recurrent disease outbreaks have a high probability of leading to a population's extirpation. The disease model does evaluate factors that are considered useful in

assessing population recovery and persistence—such as contact frequency, probability that a contact results in a disease outbreak, implications of disease outbreaks on survival and recruitment rates, and a host of other factors. Although these factors are indicators of herd health, they are also used in assessing the likelihood of herd persistence.

Sample Public Comment for 130.46

Comment #16, pg. 2-1: The Final SEIS must explain the difference between “viable” and “healthy” populations of bighorns and consider that the bighorns on the PNF may be viable, yet unhealthy. As provided in the DSEIS at 2-1, the PNF is preparing to implement management strategies to provide for the “viability” of bighorn sheep on the PNF. The DSEIS emphasizes its concern for the “viability” of bighorns, but fails to point out the difference between “viable populations” and “healthy populations” of bighorns. Bighorn populations may be “viable,” yet “unhealthy” at times. Certain species of wildlife maintain “viable” populations despite periods of increased mortality due to disease. For instance, certain populations of rabbit, skunk and raccoon have regular intervals of substantial mortality due to disease, yet these populations remain “viable.” Bighorns exhibit similar population behavior. For instance, the Lostine River herd of bighorns experienced substantial mortality in the 1980s, but is now considered one of the most “viable”

bighorn populations. The example of the Lostine River herd illustrates that bighorn populations may experience periods when they are temporarily “unhealthy,” yet these populations remain “viable” in the long run. Similar to the Lostine River, bighorns on the PNF may experience periods of temporary ill-health. This is especially so where bighorns are adjusting to new habits. Because bighorns are experiencing ill-health for a period of time does not mean that a bighorn sheep population is “unviable.” The Final SEIS must explain the distinction between “viability” and “health” and explain how the bighorns on the PNF may only be experiencing a period of ill-health due to newly transplanted populations or other factors, rather than concluding that the bighorn sheep population on the PNF is “unviable.” (Update to DSEIS Ltr# 20070)

Concern Statement 130.47

The Forest Service should disclose the history of bighorn sheep transplants on and around the Payette National Forest and explain how transplanted bighorn sheep may be the ultimate cause of disease transmission amongst bighorn sheep on the Payette National Forest.

Response to Concern 130.47

The FSEIS does not include an expanded discussion of transplants as a source of disease for two reasons. Firstly, the Forest Service does not transplant or manage bighorn sheep. However, the Forest Service does manage domestic sheep permits and bighorn sheep habitat. The current analysis is designed and required to address the risk posed by contact with domestic sheep. Also, it is worth mentioning that planning documents of the Hells Canyon Bighorn Sheep Restoration Committee, which is responsible for reintroductions of bighorn sheep in Hells Canyon, lay out a protocol for disease testing of animals prior to transplantation (HCBSRC 2004).

Secondly, there is little evidence that transplants have been the source of most disease die-offs in the Hells Canyon metapopulation. One of the seven die-offs reported in the DSEIS was associated with disease introduced by transplanted sheep. This die-off in 1988 involved sheep in Cottonwood Creek on Washington state's Grande Ronde River and was attributed to drought and infection by scabies parasites introduced during a transplant of sheep from Idaho (HCSBRC 1997). Five bighorn sheep were circumstantially associated with contact with domestic sheep while the seventh bighorn sheep was possibly associated with contact with a goat (HCSBRC 2004).

Documents cited in the FSEIS (HCSBRC 1997; HCSBRC 2004) report the details of 40 bighorn sheep transplants in Hells Canyon that occurred between 1971 and 2002. Most animals came from outside of the Hells Canyon metapopulation but 11 of the releases involved animals from the Lostine population (9 transplants prior to the 1986-87 die-off and two others more than 12 years after the die-off). Except for the animals moved to Cottonwood Creek in 1988, none of these transplantations have been the source of a recognized disease outbreak.

Sample Public Comment for 130.47

Comment #30, pgs. 3-4 through 3-5: The Final SEIS must explain the history of bighorn transplants on and around the PNF and explain how transplanted bighorns may be the ultimate cause of disease transmission amongst bighorns on the PNF. The DSEIS, at page 3-4, discusses the history of bighorn sheep die-offs in the Hells Canyon area. The DSEIS reports that seven die-offs have occurred since bighorns were transplanted into Hells Canyon and that five of these die-offs have been “circumstantially linked to domestic sheep.” DSEIS at 3-4. What was the cause of the two other die-offs? And, what were the “circumstantial” links between the five die-offs and domestic sheep grazing? The PNF should provide greater detail regarding the cause of these die-offs in the Final SEIS. Further, the DSEIS indicates that Coggins reported in 1988 that die-offs were occurring within the Hells Canyon metapopulation. *Id.* If die-offs related to bighorn sheep transplants into the Hells Canyon area were occurring as early as 1988, why were transplants of bighorns continued well into the 1990s? Further, why were there no die-offs reported between 1988 and 1995? Prior to the “major die-off” in Hells Canyon reported in 1995 to 1996, see DSEIS at 3-4, bighorns from the Lostine Herd were transplanted in Hells Canyon. This population of bighorns had already experienced a die-off prior to being transplanted. Why were previously infected bighorns transplanted into Hells Canyon? What was the effect of transplanting previously infected bighorns into an area where bighorns may not have been infected? It appears that the Lostine Herd may have developed an immunity to certain diseases following the die-off within that population. However, by transplanting members of this previously infected herd into an area with bighorns without similar immunity, it appears that the act of transplanting bighorns actually may have caused a die-off amongst non-immune bighorns in the Hells Canyon area. The PNF must analyze and discuss in the Final SEIS how the transplantation of infected or disease-carrying bighorns has resulted in die-offs in the Hells Canyon metapopulation. Further, the PNF must acknowledge and discuss that bighorn die-offs may be caused by transplanting infected or disease-carrying bighorns amongst non-immune bighorns or by transplanting bighorns that are not compatible with the environment into which they are being transplanted. Bighorns may be dying because they have been infected by other bighorns or because they are not compatible with their new environment, not because of contact with domestic sheep. To determine the correlation between die-offs and bighorn sheep transplants, the PNF must provide a detailed explanation of all transplant activity that went on within the Hells Canyon area. This discussion should include details on where the bighorns were transplanted from, whether the transplanted bighorns came from populations with a history of disease, and whether the bighorns that were transplanted were tested for diseases, including *Pasteurella*. Further, the Final SEIS should discuss whether the transplanted bighorns were compatible with the habitat which they were being transplanted to. If transplanted bighorns were infected by disease or susceptible to stressors in their new environment, how were they to survive? The Final SEIS must consider that it is not domestic sheep that have caused bighorn sheep die-offs, rather disease transmission amongst bighorns themselves, or inherent susceptibility to habitat in Hells Canyon by the transplanted bighorns may have caused bighorn sheep die-offs. (Update to DSEIS Ltr# 20070)

160 CUMULATIVE EFFECTS ANALYSIS**Concern Statement 160.08**

The Forest Service should make sure that all potential linked activities are considered in the cumulative effects analysis of the final SEIS (PC 2. l). At a minimum, the following list should be considered:

- A) Competition from other wildlife for habitat, especially critical forage*
- B) Continued predation by existing and introduced predators*
- C) Use of recreational pack stock including goats and llamas, and other untested animals*
- D) Continued and increasing disturbance of bighorn sheep by recreationists during critical life periods*
- E) The inability to influence potential disease vectors arising from adjacent lands*
- F) Climate change effects*
- G) Effects of wildland fires and drought on bighorn sheep stress levels (PC 2. a, d, k)*
- H) Other potential disease vectors (e.g., snails transmitting lungworm) (PC 5. k)*

Response to Concern 160.08

While these activities have the potential to affect bighorn sheep, this analysis, as instructed, assesses the effects of disease transmission between domestic sheep and bighorn sheep. Many of these are considered outside the scope of this analysis and, therefore, are not included in the disclosure of effects. Effects from adjacent ownerships are uncontrollable influences and do not vary by alternative. Many of these items are discussed in the cumulative effects analysis.

Sample Public Comments for 160.08

In your letter soliciting review and comments of the document you asked what level of risk of contact is acceptable. If you truly evaluate the Forest Service's ability and desire to control what you have analyzed as risk elements to the viability of bighorn sheep elimination of domestic sheep grazing is a very minor step that does little to assure the viability of wild sheep. The cumulative risks that come from a host of other factors are overlooked. Competition from other wildlife for habitat especially critical forage; continued predation plus introduction of an additional predator; allowed use of recreational stock as potential vectors (goats, llamas and other untested animals); continued and increasing disturbance of bighorns by recreationists during critical periods; in-ability to influence potential vectors of diseases on included and adjacent lands; and desire to use sheep and goats to help the control of invasive plants and minimize fire potential and risk, these are but a few of the items that are not considered but dramatically influence your risk and viability assessment. Without property easements, agreements and other forms of control the removal of domestic sheep and the closing of allotments will not in any significant way alter the viability of bighorn sheep in either of the river drainage habitat areas. (DSEIS Ltr #11608)

There are some key factors (individual BHS translocation, habitat improvement, harvest, weather, nutrition, fire, inter species competition, and predation), some " that can be managed and some that cannot, that can influence bighorn sheep population viability. Why was this matter not addressed in the DSEIS? (Update to DSEIS Ltr# 20037)

Concern Statement 160.09

The Forest Service should clearly state the analysis area for project and cumulative effects. (PC 2. b)

Response to Concern 160.09

The Payette National Forest will review the analysis area discussions for the FSEIS and revise as needed. Cumulative effects are disclosed in Chapter 3.

Sample Public Comment for 160.09

My comments address two elements of the DSEIS. The first element is the cumulative impacts analysis. The second element identifies clarification of data depicted on various maps in the document. The Final Supplemental EIS (FSEIS) needs to be very clear that the document pertains exclusively to lands within the Payette National Forest, not to the other Ecogroup Forests or the surrounding National Forest or Bureau of Land Management (BLM) lands (page 2-9, paragraph 7 of DSEIS). The cumulative effects analysis needs to address the surrounding National Forest, BLM, State, and private lands. (DSEIS Ltr #14168)

Concern Statement 160.10

The Forest Service should be aware of the fact that the BLM Cottonwood Office is currently revising grazing permits for BLM lands within the cumulative effects analysis area of the bighorn sheep SEIS. (PC 2. c)

Response to Concern 160.10

The Payette National Forest recognizes any decision made to continue or discontinue domestic sheep grazing will have an impact on the BLM sheep allotments, as well as if the BLM decides to continue or discontinue domestic sheep grazing on BLM lands. The Payette National Forest will continue to coordinate with potentially affected parties and consider impacts of continued or discontinued BLM domestic sheep grazing in the cumulative effects analysis. The Payette National Forest recognizes there are tracts of private land adjacent to NFS lands in which the Forest Service has no authorization for management of domestic sheep grazing. These parcels of land with known domestic sheep grazing will be addressed in the Cumulative Effects analysis as well. The Payette National Forest is aware that the Nez Perce National Forest and the BLM are assessing their allotments in the Main Salmon River drainage.

Sample Public Comment for 160.10

The BLM manages three domestic sheep allotments (Partridge Creek Allotment, Marshall Mountain Allotment, and Hard Creek Allotment) that are adjacent to Payette National Forest Sheep Allotments. Two of the above allotments (Marshall Mountain and Hard Creek Allotments) are used in common with domestic sheep grazing occurring in the Payette National Forest. The BLM Marshall Mountain Allotment is used in common and interrelated with the Payette National Forest Marshall Mountain Allotment. The BLM Hard Creek Allotment is used primarily when domestic sheep are trailing to the Payette National Forest Grassy Mountain Allotment. Several domestic sheep trailing routes crossing BLM lands are critical for providing access to adjacent Payette National Forest Sheep Allotments. It should be noted that we are currently revising the Cottonwood Resource Management Plan that provides management direction for the entire Cottonwood Field Office. No decision has been made at this time as to domestic sheep grazing use on any allotments in the Cottonwood Field Office by BLM. (DSEIS Ltr #14168)

Concern Statement 160.11

The Forest Service should consider that domestic sheep have been known to swim the Snake River and this may be a potential source of infection of bighorn sheep on the Payette National Forest. (PC 2. f; PC 15. jj)

Response to Concern 160.11

Only the Payette National Forest has active domestic sheep allotments in Hells Canyon. The potential for contamination via bighorn sheep swimming the river was considered in the FSEIS. For the purpose of the home range and foray analysis the river was not considered a barrier.

The effect of domestic sheep outside of the Payette National Forest was analyzed in the cumulative effects section in the final document.

Sample Public Comment for 160.11

It will be necessary to eliminate domestic sheep on the other side of the Snake River if you are to protect the Idaho herd, as they apparently swim the river and infect each other. (DSEIS Ltr #7702)

Concern Statement 160.12

The Forest Service should consider the effects that predators and the reintroduction of wolves have had on the bighorn sheep. (PC 2. g, h, i)

Response to Concern 160.12

The effects of other pertinent animal species on bighorn sheep habitat and viability will be discussed in general terms in the Cumulative Effects analysis in the FSEIS. These impacts are not the focus of this analysis; disease transmission is the focus.

Sample Public Comment for 160.12

Since a stated purpose of this DSEIS is to conduct a bighorn viability analysis, a complete set of environmental factors must be considered. There is a failure of the DSEIS to present data and analysis associated with the current and future impact of predators on the bighorn population. Predator pressure causes stress in bighorns. Stress has been identified in a number of studies as a trigger for disease progression and bighorn die-offs. Predators are a significant contributor to stress in bighorns. With the large populations of predators in the Payette National Forest, particularly the now very large and growing wolf populations associated with all of what has been defined as the bighorn “source habitat,” the impacts (present and future) of these predators on the bighorn populations must be analyzed in this PEIS. (DSEIS Ltr #12943)

Concern Statement 160.13

The Forest Service should clarify the cumulative effects analysis area in the DSEIS and maps and discussion need to be improved in the FSEIS. (PC 2. j)

Response to Concern 160.13

Maps and diagrams are in the cumulative effects section of the FSEIS of chapter 3.

Sample Public Comment for 160.13

The Cumulative Effects Analysis is not clear about what area it is making decisions for causing confusion the the reader. Clean up the maps and expand on the discussion. (Internal Comment)

Concern Statement 160.14

The Forest Service should make every effort to protect the bighorn sheep by ensuring a genetically diverse mix of plants and animals that provides more opportunities when facing unforeseen future challenges such as climate change. (PC 15. γ)

Response to Concern 160.14

The project analysis includes a discussion on climate change and the potential effects on bighorn sheep in central Idaho. This section in Chapter 3 recognizes that species show greater adaptability to climate change effects if habitats are managed in a way that provides ecosystem resilience. Given the high amount of suitable source habitats for bighorn sheep, the connectivity of these habitats, and the projected climate change predictions for this part of Idaho, we believe that bighorn sheep are currently resilient to climate change impacts. The single greatest issue identified is related to potential contact with domestic sheep and disease outbreaks resulting from such contact. This contention is supported by a vast literature source, and therefore was the primary focus of the analysis.

Sample Public Comment for 160.14

We cannot predict all the ramifications of climate change we will be faced with in the future. What we do know is that the more diverse gene pools we have to draw from in both plants and animals, the better chance we have of survival. Allowing disease-ridden domestic animals to wipe out wild populations limits our opportunities to adjust to unforeseen challenges in the future. (DSEIS Ltr #12928)

Concern Statement 160.15

The Forest Service should coordinate with all management agencies in Idaho and the surrounding states and adopt management strategies to prevent further decline of the bighorn sheep. (PC 17. a, h, i, j)

Response to Concern 160.15

Though this comment has merit, a multi-agency plan is not the focus of this analysis. The Payette National Forest will provide habitat on NFS lands with the decision for this SEIS.

Sample Public Comment for 160.15

While the Forest Service is focusing on habitat, the animal's safety remains a huge concern since it is governed by different agencies. There is a great need to tie together all entities at all levels to create a comprehensive plan to protect the wild sheep. (DSEIS Ltr# 146)

Concern Statement 160.16

The Forest Service should monitor the use, both legal and illegal, of the Payette National Forest by domestic goats because they are also capable of passing disease to bighorn sheep. (PC 25. a)

Response to Concern 160.16

The private use of pack goats and other stock on the Payette National Forest is not the focus of this analysis. Illegal outfitter and guiding or grazing can be addressed through enforcement.

Sample Public Comment for 160.16

I have witnessed goat herders trailing up to 32 feeder and breeder goats to pasture on public lands illegally on the guise of traveling through. They also carry diseases that kill indigenous wild sheep. More scrutiny is necessary in the back country as well. (DSEIS Ltr #89)

Concern Statement 160.17

The Forest Service should consider that the Idaho Department of Fish and Game may ban domestic sheep grazing on lands, including private land, that border the Payette National Forest. (PC 27. a)

Response to Concern 160.17

The Payette National Forest does not have any authority to make decisions regarding private land and will not attempt to do so with this effort.

Sample Public Comment for 160.17

I am surrounded by federal ground. What concerns me is that the Federal Game Department of Idaho will do like Arizona-ban sheep from private land bordering National Forest. I love my home, have worked hard to live here. (DSEIS Ltr #150)

Concern Statement 160.18

The Forest Service should disclose the effects from hunting bighorn sheep over the past 10 years in the Salmon and Hells Canyon areas, and the data source from which these effects were derived in the Cumulative Effects analysis.

Response to Concern 160.18

Assessing the effects on bighorn sheep from hunting over the past 10 years is outside the scope of this analysis, which is focused on the impacts of disease transmission to bighorn sheep populations on the Payette National Forest. The Payette National Forest does not set the hunting levels or regulations on bighorn sheep. That responsibility lies with the Idaho Fish and Game.

Sample Public Comment for 160.18

In 2007, 30 Bighorn Sheep were hunted and killed in Idaho. What effect does this have on the "viability" study and the overall viability of the Bighorn Sheep in the Salmon and Hells Canyon areas? Was this data and that from the past 10 years to 2000 looked at from Idaho Fish & Game data? If not, why not. Does hunting have an effect on the viability of the Idaho herds in question here? Can the USFS stop hunting of BHS on USFS lands if the viability of BHS is truly a factor and hunting directly effects the long term viability of the Idaho BHS in these areas effected? (Update to DSEIS Ltr#20037)

Concern Statement 160.19

The Forest Service should analyze the viability of bighorn sheep considering the continuation of domestic sheep operations on adjacent private lands, even if domestic sheep grazing is eliminated on the Payette National Forest in the Cumulative Effects analysis.

Response to Concern 160.19

The Payette National Forest has conducted a cumulative effects analysis for the FSEIS as disclosed in Chapter 3 of the document. The effects analysis discloses the impacts to the bighorn sheep populations from private and public lands in and around the Payette National Forest. By law, the Payette National Forest must assess and disclose these impacts. The Payette National Forest is also aware that, as decided in a court of law, it cannot simply add to the negative effects on bighorn sheep but must instead provide habitat for a viable population even if the species is not present. Alternative 7E does not allow domestic sheep grazing on the Payette National Forest and does disclose what the cumulative effects would be from grazing on adjacent ownerships.

Sample Public Comment for 160.19

While the update for the Payette EIS refined the models for the herd home ranges and the source habitat maps on or adjacent to the Payette National Forest the document does not accurately reflect the persistence of bighorn populations in light of the Payette National Forest's inability to address domestic sheep populations on private lands adjacent to the Payette. If assessing viability of bighorn populations on the Payette National Forest is the goal of the Supplemental EIS then the Payette needs to analyze the persistence of bighorns in light of continuation of sheep operations on adjacent private lands even if domestic sheep grazing is eliminated on the Payette as part of the required "cumulative effects" assessment. This calls for a broader more comprehensive solution. The statement on page 3-67 clearly identifies the need for the Payette National Forest to look for a more comprehensive solution: "Domestic sheep are currently grazed on adjacent National Forests, the BLM, and private farm flocks. Therefore, disease could still be a factor for bighorn sheep populations on the Payette National Forest, regardless of how much domestic sheep grazing remains outside of the alternatives." (Update to DSEIS Ltr# 20040)

Concern Statement 160.20

The Forest Service should not limit the scope of the analysis for the preferred alternative in the Cumulative Effects analysis to the Payette National Forest. The discussion should include the interested land management agencies where bighorn sheep are found, particularly the Salmon River metapopulation.

Response to Concern 160.20

The Payette National Forest has included the disclosure of cumulative effects in Chapter 3 of the FSEIS, which include private and non-private ownerships.

Sample Public Comment for 160.20

The Tribes have an issue with the preferred alternative because of the scope of analysis is limited to the Payette. The Cumulative Effects analysis, notes land management strategies and private activities may have an impact on metapopulations. Although the Tribes realize the limited authority the Payette Forest wields over activities beyond its boundaries, there is a definite need to broaden the discussion to the interested land management agencies where bighorn sheep are found, in particular the Salmon River metapopulation. (Update to DSEIS Ltr# 20069)

Concern Statement 160.21

The Forest Service should analyze the effects from the sale of private lands and the potential for residential development on wildlife habitat in the Cumulative Effects analysis.

Response to Concern 160.21

In the cumulative effects analysis, the Payette National Forest is to include all reasonable foreseeable actions. The Payette National Forest is not aware of any potential land sales or residential developments scheduled in bighorn sheep habitat in the vicinity of the analysis area. The analysis regarding open space was conducted in the FEIS for the Forest Plan and was not reproduced for this effort as the situation had not changed nor was it challenged in the appeals to the Forest Plan FEIS.

Sample Public Comment for 160.21

Comment #41, pgs. 3-82 through 3-83; general: The PNF must analyze the impact of private land sell-offs and potential residential development on wildlife habitat. The DSEIS acknowledges that suitable rangeland for domestic sheep will be lost on the PNF and provides that “[t]his lost NFS rangeland may not be able to be substituted by private lands, and therefore qualify feed and lambing conditions may be reduced, potentially affecting the overall sheep production.” DSEIS at 3-83. This is an understatement of the impacts on domestic sheep production. Because most sheep producers rely heavily on NFS rangeland, the PNF is likely to force many sheep producers out of business. Further, a factor that needs to be considered in the Final SEIS is the possibility of private land sell offs by the sheep producers whose operations may heavily rely on the availability of Forest Service allotments. Is it possible that if sheep producers find it uneconomical to maintain their land without access to public grazing land, they may choose to sell their land, potentially giving way to real estate development in the form of low density residential or commercial development (which has been shown to be an important factor for wildlife habitat suitability)? (Update to DSEIS Ltr# 20070)

170 DESIRED FUTURE CONDITIONS (DFC)**Concern Statement 170.01**

The establishment of Desired Future Conditions (DFC) is the single most important input to the planning process. The DFC targets that were developed were based solely on interpretation of HRV and the intent of each alternative. The Forest Service should develop a DFC modeling process that is biologically sound and achievable, so monitoring results can be meaningful and serve the purpose of suggesting necessary adjustment to management, utilizing the adaptive management concept. DFCs should not be used in the planning process as a means to limit all multiple uses of forest resources for the next 500 years, which is the actual result under the DEIS. The establishment of the DFC should have been developed under a facilitated, structured process using the knowledge of stakeholders and all interested parties, so a balanced view of the final DFC could be established. DFC goals should undergo a full public review prior to any further development of the LMPs.

Response to Concern 170.01

Desired Future Conditions were established during the Forest Plan revision effort and remain that same for this analysis effort. Public scoping and need for change topics were developed using public input and legal requirements. Full public review of the DFCs occurred during the Forest Plan revision.

175 HISTORICAL RANGE OF VARIABILITY (HRV)

Concern Statement 175.03

The Ecogroup does not present any reasonable data ascertaining the HRV for any parameter or ecological process within the three forests. There is no scientifically established HRV for riparian areas and other aquatic resources, fish habitats, and fish populations that is based on credible statistical analysis of frequency data. Management based on HRV is unsupported by science and is, therefore, arbitrary.

Response to Concern 175.03

Scientific research was used in determining the HRV for vegetation. HRV is a concept not used for resources other than vegetation, thus is not used for fish populations, habitats, or other aquatic resources. A thorough discussion of HRV development and use for vegetation is provided in Concern Statement 175.02 (found in the 2003 Forest Plan FEIS, Appendix A).

200 MONITORING

Concern Statement 200.11

The Forest Service should include a rigorous monitoring plan to track population changes due to habitat changes. (PC 19. a, b)

Response to Concern 200.11

The Payette National Forest agrees that monitoring will be a critical tool in the implementation of the final Forest Plan Amendment. The Final Forest Plan amendment documentation includes a number of items to be monitored. However, tracking population changes is not the focus of the monitoring. The focus is on habitat use near or adjacent to permitted domestic sheep grazing on the Payette National Forest because the desire is to eliminate contact between bighorn sheep and domestic sheep.

Sample Public Comment for 200.11

The Forest Service should include a rigorous monitoring plan to track changes in bighorn populations and leave room for bighorn sheep restoration in suitable areas. (DSEIS Ltr #12596)

Concern Statement 200.12

The Forest Service should reduce the cost of monitoring by designing adequate buffers between the occupied habitat and domestic grazing allotments. (PC 19. a, c)

Response to Concern 200.12

The cost of monitoring the alternatives is a consideration included by the decision maker for selecting the final alternative.

Sample Public Comment for 200.12

Expensive monitoring outside of the GPR could be reduced if the Forest Service adopts the use of adequate buffers between the occupied habitat and the domestic grazing allotments. (DSEIS Ltr #13413)

Concern Statement 200.13

The Forest Service should monitor the movements of bighorn sheep outside the geographic population ranges identified in the FSEIS to determine if contacts with domestic sheep are occurring. (PC 19. d)

Response to Concern 200.13

The Payette National Forest will be monitoring high risk areas across the Forest

Sample Public Comment for 200.13

If bighorns start to re-populate areas outside the GPR, then the Forest Service can evaluate what actions to take should these recolonized areas increase the risk of contact with domestic sheep. The Forest Service will need to monitor movement of bighorns outside the GPR to ensure that contact with domestic sheep is detected. (DSEIS Ltr #13676)

Concern Statement 200.14

The Forest Service should monitor wildlife and domestic sheep on the allotments to see if they are interacting, and to determine the role wolves play in domestic sheep viability. (PC 19. e, f)

Response to Concern 200.14

Population viability regulations are germane to the management of wildlife habitats (36 219.19) and do not include domestic livestock as part of the concept. Monitoring efforts for the selected alternative are found in the Forest Plan amendment. Determining the role that wolves play in domestic sheep viability is beyond the scope of this analysis.

Sample Public Comment for 200.14

I do not see bighorns in the Forest when I work out there, only wolves. (Translated)
(Internal Comment)

Concern Statement 200.15

The Forest Service should monitor the effectiveness of the current pre-decisional Annual Operating Plan (AOP) management tools by placing two observers on each side of the Payette National Forest to see if current management is keeping the bighorn and domestic sheep separate. (PC 24. u; PC 28. r)

Response to Concern 200.15

It is outside the scope of this analysis to assess the effectiveness of best management practices.

Sample Public Comment for 200.15

[Suggestions for practices for maintaining separation] These practices need to be monitored and quantified, however, we have the 2009 grazing season to assess these practices and verify how effective they are in maintaining separation. Placing two observation coordinators on the Payette Forest, one on the east and one on the west side, to monitor for bighorns and to assess the effectiveness of on the ground separation strategies will provide valuable information to be used in a final decision. Herders - The bands of sheep on the Payette National Forest are herded at all times, but there is a need for an education program for herders on hazing bighorns away from domestic sheep if they should come within close proximity to domestic bands. Protocols to assess dangerous situations should be developed and contact numbers provided to the herders to report any bighorn sightings. (DSEIS Ltr #13547)

Concern Statement 200.16

The Forest Service should disclose how the monitoring standards listed under Rangeland Resources Standards (RAST) 10 through 12 will be implemented, including responsibility, methodology, and funding.

Response to Concern 200.16

The Forest Plan Amendment discloses the monitoring that will be conducted for implementation. The Payette National Forest will conduct monitoring. The funding sources are not identified because there is a standard in the amendment that states that domestic sheep grazing will not occur if monitoring is not conducted as planned.

Sample Public Comment for 200.16

In the Management Direction Chapter III, Rangeland Resources portion under standards there is a complete lack of discussion of whom and how the elements, RAST 10 thru 12 will be carried out. Monitoring is an element but who & how it will be carried out and what could influence actually carrying on the monitoring. How much notice could a permittee expect if monitoring was not capable of being carried out? Who will pay for the monitoring? (Update to DSEIS Ltr# 20031)

Concern Statement 200.17

The Forest Service should allocate funding to collaborate with the Nez Perce Tribe, BLM, Idaho Department of Fish and Game, and use permittees during monitoring.

Response to Concern 200.17

Allocation of funding for collaborative efforts is beyond the scope of this analysis. The Payette National Forest continues to work with permittees on gathering information regarding domestic sheep locations and observations on bighorn sheep.

Sample Public Comment for 200.17

RAST12 states “domestic sheep and goat grazing within areas suited for domestic sheep grazing may only be permitted when identified monitoring for bighorn sheep presence is conducted.” It is essential that the Forest Service allocate funds for the appropriate monitoring. It also is important to recognize the monitoring work that is currently being conducted in conjunction with the Nez Perce Tribe, BLM, and Idaho Fish and Game. The Forest Service also has the opportunity to work with permittees and their employees to gather additional on the ground information. Providing GPS units to each herder to record daily the band locations and comparing this information to the telemetry data and observation data gathered on bighorn locations would help ensure that separation is being maintained. (Update to DSEIS Ltr# 20040)

Concern Statement 200.18

The Forest Service should develop a more effective monitoring and evaluation strategy.

Response to Concern 200.18

The Payette National Forest has included an effective monitoring plan and strategy in the Final Forest Plan Amendment.

Sample Public Comment for 200.18

I was also disappointed to see that monitoring would only be done through an annually survey. To me this is not an effective monitoring and evaluation strategy. (Update to DSEIS Ltr# 20048)

Concern Statement 200.19

The Forest Service should consider collaborating with the Tribes for monitoring if Alternative 7E is selected.

Response to Concern 200.19

The Payette National Forest has developed a monitoring plan for Alternative E as it did for all of the alternatives that provide for some level of viability.

Sample Public Comment for 200.19

If 7E is selected, and conditioned on bighorn numbers increasing, there will be new risks to analyze. The Tribes, as a co-manager, would be willing to track the issue and provide management recommendations based on sound science, in the best interest of this special species. (Update to DSEIS Ltr# 20069)

Concern Statement 200.20

The Forest Service should develop a detailed and effective monitoring plan that documents the recolonization of new source habitat as bighorn sheep populations rebound and expand their range. The monitoring data should be used to alter domestic sheep grazing patterns to maintain long-term spatial separation between the two species. See the table in letter 20072, comment 30 for a conceptual matrix as an example for assessing management actions.

Response to Concern 200.20

The Forest Plan Amendment contains a monitoring section that outlines the effort that will be undertaken to observe occupation or use of areas within close proximity to domestic sheep grazing on the Payette National Forest.

Sample Public Comment for 200.20

Monitoring - A common misconception of the risk management approach is that increased monitoring can reduce the risk of contact. Although monitoring is vitally important for evaluating effectiveness of alternative implementation (effectiveness monitoring) to assure long-term spatial separation, it should not be relied upon to reduce the inherent risk of contact or rationale for adopting an alternative with unaccepted levels of risk. Because timely detection of bighorn sheep presence across the forest is realistically infeasible regardless of monitoring effort, monitoring should not be relied upon to reduce risk across the landscape. The ability to detect the presence of bighorn sheep in a timely fashion (prior to contact) wanes with increased proximity of domestic and bighorn sheep (with increased risk of contact). Monitoring may alert managers to potential comingling events, but documenting contact does not reduce the risk of contact. A recent example includes radio collared bighorn sheep R14. Despite being radio collared and increased monitoring by tribal, federal, state, and private personnel, this animal came into contact with domestic sheep and could not be removed despite daily efforts for 2 weeks. Increased monitoring did not reduce - the risk of contact to acceptable levels, separation could not be maintained, and the potentially infected bighorn sheep could not be removed from the population until he had comingled with the rest of his ram group for an extended period of time. Increased monitoring only alerted wildlife managers that contact had occurred. (Update to DSEIS Ltr# 20072)

Concern Statement 200.21

The Forest Service should subcontract the Hells Canyon portion of the monitoring program to the Idaho Department of Fish and Game, and the Salmon River portion to the Nez Perce Tribe.

Response to Concern 200.21

The Payette National Forest has outlined the intended monitoring effort in the Forest Plan Amendment. Assuring that the monitoring is carried out is the ultimate responsibility of the Payette National Forest.

Sample Public Comment for 200.21

I suggest that when the Monitoring Plan is developed that the Payette National Forest possibly subcontract the Hells Canyon portion of the monitoring to another agency like the IDF&G and the Salmon River portion to the Nez Perce Tribe. (Update to DSEIS Ltr# 20108)

Concern Statement 200.22

The Forest Service should consider the use of monitoring in conjunction with best management practices to attain long-term separation.

Response to Concern 200.22

Best management practices are not based upon science nor have they been tested for effectiveness of maintaining separation between the domestic sheep and bighorn sheep. Individual situations will make the best management practices more or less likely to succeed. Until the science is available that shows that best management practices are effective in maintaining separation, the Payette National Forest cannot use them as a sole basis for authorizing grazing in close proximity to bighorn sheep populations.

The SEIS analysis focused primarily on the likelihood of contact between the species as the primary metric for assessing probabilities for bighorn sheep persistence. BMPs and monitoring have been used in limited situations (e.g., Sierra Nevada bighorn sheep). This approach to management has not been prescribed in the literature to date and carries a high degree of uncertainty in its effectiveness. These limitations are exacerbated by the vast amount of source habitat in the Hells Canyon and Salmon River metapopulations (several hundred thousand acres), the severity of the terrain, and the wide distribution of bighorn sheep across that landscape. Although monitoring and BMPs may play a role in short-term management decisions, the cost and efficacy of long-term applications is unrealistic.

Sample Public Comment for 200.22

The conclusion (p 3-83) that eliminating domestic sheep grazing on the forest may prevent contact and disease transmission between the two species “in the-short term” because bighorn may expand into areas outside the forest is misleading. It implies a “what’s-the-use” attitude. If monitoring and best management practices are adopted, as the analysis suggests, then long-term separation may be assured as well. Best management practices could mean destroying any bighorns that leave their expanded safe ranges on the forest and other public lands. (Update to DSEIS Ltr# 20111)

250 PUBLIC INVOLVEMENT**Concern Statement 250.10**

The Forest Service should extend the comment period on the DSEIS because there has not been adequate time for all individuals to comment. Extension of the comment period will also allow time for the State to complete its Bighorn Sheep Management Plan. (PC 1. kk; PC 3. a, b, c).

Response to Concern 250.10

The comment period end date was extended from January 3, 2009 until March 16, 2009 in response to several requests from the public. The State Bighorn Sheep Management Plan will be considered if it is completed in a timely manner prior to review and update for the FSEIS. The Payette National Forest released the Update to the DSEIS, which again provided opportunity for interested parties to provide review and comment. As of the finalization of the FSEIS, the Payette National Forest had not received a collaborative recommendation from the group that had formed between the American Sheep Industry, the Wild Sheep Foundation, and the Nez Perce Tribe. Twenty months have elapsed since the issuance of the DSEIS.

Sample Public Comment for 250.10

Prior to the issuance of the DSEIS for public comment, our association joined in a collaborative effort with the Nez Perce Tribe and the Wild Sheep Foundation regarding the issues involving domestic sheep grazing on the Payette National Forest. This collaborative group plans to finalize recommendations that will be useful to the agency on the very issues that the agency is seeking public comment in the DSEIS. The 90-day extension is necessary for the collaborative discussions to yield recommendations for the agency. Additionally, as you know, there are state level collaborations underway that are to be available for submission as comments if the extension is granted. (DSEIS Ltr #1752)

Concern Statement 250.11

The Forest Service should allow the participation of stakeholder groups such as the American Sheep Industry, Idaho Woolgrowers, Idaho Farm Bureau, Idaho Cattleman's Association, and other sheep and cattle industry representatives to participate in the preparation of the SEIS. (PC 26. j).

Response to Concern 250.11

All stakeholder groups and stakeholders have been notified of comment periods on the DSEIS and the Update to the DSEIS to allow them to participate and provide their views and comments on the proposed action. Several public venues were offered to all interested stakeholders to obtain information and to provide feedback and comment.

Sample Public Comment for 250.11

The Forest Service must allow participation of stakeholder groups (such as American Sheep Industry, Idaho Woolgrowers, Idaho Farm Bureau, Idaho Cattleman's Association, other sheep and cattle industry representatives) in the preparation of the DSEIS, in accordance with the NFMA Section 14(b). (DSEIS Ltr #13766)

Concern Statement 250.12

The Forest Service should conduct additional public meetings prior to the comment period ending to assist reviewers in understanding the Updates to the DSEIS in order to make better informed comments.

Response to Concern 250.12

The Payette National Forest offered four public meetings in different locations across the western half of Idaho and everyone was invited to continue asking questions. Additionally, information was provided on the Payette National Forest Web site for interested parties to review.

Sample Public Comment for 250.12

The public meeting (I attended the Boise session) to introduce the DSEIS was well done and helpful. Although that meeting was not well attended, I think the agency should consider conducting follow-up meetings to answer questions (prior to the comment period ending) so that reviewers could make better informed final comments. (Update to DSEIS Ltr# 20111)

Concern Statement 250.13

The Forest Service should extend the comment period to allow more time for review of the Update to the DSEIS because this document is larger than the original DSEIS.

Response to Concern 250.13

The Payette National Forest offered a 45-day comment period for the Update to the DSEIS, four public meetings, and material posted on the Payette National Forest Web site. During the public meetings, a thorough explanation of what was included in the analysis and how the analysis was conducted was presented to all who attended in addition to an opportunity to ask questions.

Sample Public Comment for 250.13

The Idaho Wool Growers Association requests at least a 30 day extension of time for comments to be received by the Payette National Forest on the Update to the Draft Supplemental Environmental Impact Statement. This document is larger than the original Draft Supplemental Environmental Impact Statement issued in September, 2008. The 45 day comment period allowed for comment does not allow a thorough examination of this document. (Update to DSEIS Ltr# 20032)

270 SOCIAL AND ECONOMIC

Concern Statement 270.23

The Forest Service should consider all relevant input needed to determine the effects of the alternatives in the socio-economic analysis in the DSEIS. In addition, the analysis should also consider economic and social impacts to Tribal communities and effects to Treaty Rights, environmental index values, and the cost/benefit of administering the grazing program. (PC 1. m, n, o, p)

Response to Concern 270.23

While the DSEIS focused on community-level impacts, the geographic scope in the FSEIS has expanded to cover community, county, and regional levels of analysis. The economic effects from potential changes in the bighorn sheep population and allotment closures extend beyond the immediate vicinity of the Payette National Forest. Thus, the SEIS role within the larger region must be addressed while not masking potential change within counties and communities in the area. Therefore, area information is presented at the regional, county, and community level.

The Payette National Forest has solicited information from Tribal Governments for input to help develop an effects analysis. If information can be obtained on subsistence, traditional, and cultural uses, then an analysis strategy can be pursued with the appropriate indicators. Thus, the analysis is dependent upon the extent of information received. The Payette National Forest will quantify analysis based on the extent of information received, however qualitative analysis may be all that is attainable.

While implementation costs to government and permittees may vary amongst the alternatives, insufficient information exists for a complete cost comparison. While the extent of available AUMs may give some indication of the level of cost, increases in other associated costs (e.g., enforcement and allotment maintenance) are unavailable making assessment impractical at this programmatic level of analysis. Receipts received from livestock grazing were included in the financial analysis of the socio-economic portion of the Forest Plan (FEIS, 3-888). This analysis is not repeated here since no new information can be presented. In addition, changes in economic efficiency may result from the alternatives as non-market resources and values (e.g., value of natural resources such as soil, water quality, watershed health) are affected. These costs and benefits, not considered in the financial efficiency analysis, are by their nature very difficult to quantify. Direction in 40 CFR 1502.23 and the Forest Service Handbook 1909.15, (7/6/04) and 22.35 (01/14/05) provides for the use of qualitative analysis to evaluate the effects of these non-market values. Therefore, the non-market aspects of the alternatives are discussed qualitatively where appropriate and are also described in other resource sections of the SEIS and specialist reports.

Sample Public Comment for 270.23

The socio-economic impacts required by NEPA are poorly addresses in that the study into this type of impact as described in the draft EIS is geographically inadequate. (DSEIS Ltr #13689)

Concern Statement 270.24

The Forest Service should consider the relative value of hunting and tourism versus domestic sheep grazing to local economies in the socio-economic analysis in the FSEIS. (PC 15. 1)

Response to Concern 270.24

The FSEIS includes additional information on effects to local economies from changes to hunting use and wildlife viewing as a result of bighorn sheep population changes. Economic effects from different levels of grazing use are also examined under the alternatives. While these effects may be small on a regional and county scale, employment and labor income provided may be more important for smaller communities.

Sample Public Comment for 270.24

Hunting use generates many dollars to the local economy and far outweighs use by domestic sheep. (DSEIS Ltr #7)

Concern Statement 270.25

The Forest Service should not interfere in domestic sheep grazing because it negatively affects family financial welfare and communities. (PC 26. l, m)

Response to Concern 270.25

Permitted domestic sheep grazing on National Forest lands is managed by the Forest Service and can be adjusted due to resource concerns, including effects to bighorn sheep viability. Sheep grazing on federal land is a privilege and not a right. The FSEIS considers the economic and social effects of limits on domestic sheep grazing under the alternatives.

Sample Public Comment for 270.25

I am writing to let you know that I thoroughly object to the interference of the Federal Government disallowing domestic sheep grazing where Big Horns have been transplanted. Especially when it puts family financial welfare in jeopardy. (DSEIS Ltr #23)

Concern Statement 270.26

The Forest Service should not be persuaded by FNAWSto remove domestic sheep from Hells Canyon because there will be economic impacts in Washington County and the state of Idaho from such an action. (PC 26. bb)

Response to Concern 270.26

This concern is captured in a range of alternatives. The Payette National Forest supports multiple uses and has been tasked with providing habitat for viable bighorn sheep populations. A balance of species would be preferred. Economic analysis is conducted for both range and recreation. Social and economic consequences are just two factors of many taken into consideration for a decision providing habitat for viable bighorn sheep populations. The preponderance of scientific evidence is being utilized in this analysis to determine if the Payette National Forest is providing adequate habitat for viable bighorn sheep populations.

Sample Public Comment for 270.26

As a means of removing domestic sheep from Hells Canyon, the FNAWS and other environmental groups are using the big horns as the means to their goals. I was a past member and board member of the Idaho Chapter in the 1990's. In 1993 I harvested a trophy big horn ram. The bottom line is this, the FNAWS are a great group of guys who like to hunt and kill wild big horn sheep. Some of the members nationally have very deep pockets, and every other year try to out bid each other at the annual auction for a chance to kill a big horn in Hells Canyon. Their effort to promote the big horns is admirable, but their real desire would be to kill the biggest ram in the canyon. The FNAWS would lead the public to believe that the big horns in Hells Canyon are some type of exotic species of ovine. Actually the FNAWS pooled their money with other environmental groups and bought them from Canada about 40 years ago. Yes, Canada, where we buy the wolves, (that eat the sheep)! As a percentage, the number of people who hunt sheep in Idaho is very small compared to other big game species. I certainly do not believe this small group of well meaning people should persuade Payette National Forest to remove domestic sheep from Hells Canyon. To Washington County and the state of Idaho, the direct economic loss would be hard felt in difficult economic times. (DSEIS Ltr #13213)

Concern Statement 270.27

The Forest Service should realize that most of workers in sheep ranching are not from this country and therefore, most of the income goes to other economies rather than the local economy. (PC 28. j)

Response to Concern 270.27

Input-output modeling performed by EMSI considers leakage (i.e., the loss of income-related expenditures outside the impact area). While some workers spend less in the impact area, others spend their entire income in the area. For example, ranchers who live in the area likely spend a greater portion of their income in the area and make more than workers tending the herds. Therefore, the leakage of income-related expenses serves as a reasonable proxy for all labor-related leakage.

Sample Public Comment for 270.27

There is no community help from sheep ranching if all of the workers in the industry are not even from this country and are sending their money back to Peru. This sheep ranching business is one of the last vestiges of feudalism in the world. (DSEIS Ltr #8)

Concern Statement 270.28

The Forest Service should realize that the sheep ranching business is one of the last vestiges of feudalism in the world. (PC 28. q)

Response to Concern 270.28

The commentor is relating a political opinion about the role of grazing on public land and using feudalism as a pejorative; assuming the commentor is referring to feudalisms as a political system where a "ruling class" maintains power through control of land and a repressed lower class bound by servitude. Therefore, this comment is a protest of the

sociopolitical role of grazing in the area. This is outside the scope of our analysis since the scope of the FSEIS does not examine grazing as a viable use of public land but examines grazing's role in maintaining viable bighorn sheep populations. However, the FSEIS examines the social and economic consequences of decreases in grazing use.

Sample Public Comment for 270.28

This sheep ranching business is one of the last vestiges of feudalism in the world.
(Internal Comment)

Concern Statement 270.29

The Forest Service should reconsider the Socio-Economic analysis in the Update to the DSEIS because it does not account for profit maximizing behavior, it fails to address other components of social welfare, and is based on an input-output model which treats prices as fixed. The analysis should address more than the employment component of social welfare by adding consumer and producer welfare, and the real estate market.

Response to Concern 270.29

While input output modeling assumes fixed prices, changes in the level of grazing under the alternatives will not change prices of sheep and associated products since prices are regionally determined and the relative size of change is regionally insignificant (see discussion added to FSEIS in affected environment). As noted in the comment, profit maximizing behavior includes substitution when feasible. Information on the behavior of individual operators is beyond the scope of this analysis given a lack of site specific information at this programmatic scale of analysis. Detailed analysis will be undertaken as part of future site specific implementation. In addition changes in the level of grazing under the alternatives uses permitted grazing levels which represents the maximum potential effect since actual use cannot be projected. As a conservative estimate of effects this serves as an informative measure of effects of the alternatives relative to one another and does not claim to consider profit maximizing behavior of actual use and consequent effects to individual operators as this information is not available at this programmatic scale of analysis.

Other dimensions of social welfare mentioned by the commentor include consumer and producer welfare, and the real estate market. Consumer welfare will be maintained as local supply of sheep products is dependent on national and international markets. Efforts to maintain producer welfare have been undertaken by the Payette National Forest by offering substitute grazing arrangements and compensation to operators and will continue to be offered in order to mitigate effects. The degree to which the local real estate market is considered linked to the 4 operators dependent on grazing on the Payette National Forest cannot be determined. In addition, as stated above, projections of actual decreases are not included and the effects of site specific changes in net welfare is beyond the scope of this programmatic analysis; consequently the ranch value implications of the alternatives is not appropriate at this level of analysis. Future site specific planning will consider costs to operators that may have ranch value implications.

Sample Public Comment for 270.29

Comment #46, pgs. 3-89 through 3-130: The socio-economic analysis is flawed because it does not account for profit maximizing behavior and it fails to address other components of social welfare. The economic analysis is based on an input-output type of modeling which treats prices as fixed. Such models do not take into account price implications of alternative scenarios and do not take into account market substitution possibilities that come from maximizing behavior. The relationship between range availability and economically optimal herd size is not necessarily linear. How will producers adjust to grazing reductions? Such models are not based on profit maximization behavior and are not always applicable for simulating economic activities for scenario analysis. In fact, the analysis here only addresses employment component of social welfare. Other dimensions like consumer and producer welfare, real estate market, may be important to incorporate. (Update to DSEIS Ltr# 20070)

Concern Statement 270.30

The Forest Service should reconsider and fully analyze the social setting and people that are and will be affected in the future by the Payette National Forest's decision in the Social and Economic section in the Update of the DSEIS.

Response to Concern 270.30

Discussion has been added to the FSEIS examining the social consequences of changes in grazing under the alternatives.

Sample Public Comment for 270.30

Comment #44, pgs. 3-89 through 3-130: The DSEIS does adequately analyze the social settings and people that will be affected by the PNF's decisions. ASI Comments - page 36 The title of this section, "Socio-Economic Environment," is misleading. There is minimal, if any, analysis of the social settings and people that are being affected now, and will be further affected in the future, by the PNF's decisions. (Update to DSEIS Ltr# 20070)

Concern Statement 270.31

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS because a report not previously used was included that commented on the loss of jobs by foreign workers resulting from the reduction or elimination of domestic sheep grazing but not the quality of these jobs. In addition, specifics regarding the loss of welfare to the affected ranchers and any associated benefits from that loss need to be considered.

Response to Concern 270.31

Information on the degree to which the operations on the Payette National Forest are dependent on foreign workers is not available. While employment of foreign workers may be affected as a result of changes under the alternatives, the effects considered in this

analysis considers loss of employment from direct (operators), indirect (employees of operators that could include foreign workers, and other employment effects to other industries that supply factors of production to operators), and induced (effects from wage related spending). Information on the “quality” of these jobs is not explicitly discussed however unique qualities of these jobs, such as wages and expenditure patterns, are included in the input output model used to examine effects. The suggestion that analysis should include an assessment of net welfare loss or gain is beyond the scope of this programmatic level of analysis given a lack of site-specific information. Detailed analysis will be undertaken as part of future site-specific implementation.

Sample Public Comment for 270.31

There was an economic analysis that was included in this report that was not included in the others. This report, as I understood it, said there would be considerable loss of jobs in affected counties if sheep were removed but it did not comment on the quality of those jobs. The jobs lost would be mostly itinerant foreign sheepherders that send their wages out of the country. The loss of welfare to the five affected ranchers would be boon to country as it would destroy a special interest payoff that has damaged the country for decades. (Update to DSEIS Ltr# 20004)

Concern Statement 270.32

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS because the economic effects resulting from the reduction or elimination of domestic sheep grazing is too narrowly focused and the cumulative economic effects are global.

Response to Concern 270.32

Cumulative effects resulting from decreases in grazing under the alternatives are considered in the FSEIS. The effects on land use patterns are not discussed given incomplete information on the degree to which site-specific implementation will affect individual operators. Effects to individual operators are beyond the scope of this programmatic level of analysis given a lack of site-specific information. Detailed analysis will be undertaken as part of future site-specific implementation. Efforts to provide substitute grazing arrangements have been undertaken by the Payette National Forest. Detail on the importance of domestic sheep in cultural and spiritual practices of local ethnic groups has been added to the FSEIS.

Sample Public Comment for 270.32

The economic effect of removing domestic sheep from the National Forest reaches further than the economic discussion in the document. The wealth created through grazing of domestic livestock, in this case sheep, provides jobs and money to the producer. The money keeps the ranches from being subdivided, which saves the county money since subdivision are usually a cost to taxpayers based on the services requested. Indirectly imports are influenced so trade levels are influenced. Many ethnic communities of this country rely on domestic sheep for various celebrations as well as a protein source. As these organic flocks from these Forest flocks are lost countries like New Zealand and Australia are called upon to meet the demand. Asian countries where trade deficits often occur also export the lamb and mutton from the Forest flocks to meet their needs. The impacts of removing domestic sheep from productive suitable grazing lands of the National Forests have far greater impact than the licenses and guiding fees that support a few individuals and the fish and game department. (Update to DSEIS Ltr# 20031)

Concern Statement 270.33

The Forest Service should clarify economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS because there are inconsistencies in the DSEIS concerning the economic effects of Alternative 7E and the discussion of 7E's risk of disease transmission.

Response to Concern 270.33

The lack of employment and income associated with grazing in the regional and community level models is not inconsistent with the claim on page 3-67 recognizing that risk of disease transmission remains. Employment and income are only discussed as they relate to grazing levels on the Payette National Forest as stated in the first sentence of the section titled "Contributions from Sheep Grazing on the Payette National Forest". Thus, while Alternative 7E provides no jobs or income as a result of grazing on the Payette National Forest, domestic sheep grazing on other lands would still present a risk to bighorn sheep.

Sample Public Comment for 270.33

The SEIS states that alternative 7E would result in a complete loss of income from grazing and the jobs associated with it. However, on page 3-67 the document claims that a risk of transmission remains on the landscape due to private, state and BLM sheep grazing activities. A point of clarification is requested for this due to the seemingly inconsistent messages in the analysis. In one section the FS is claiming alternative 7E would fundamentally destroy the grazing industry in the region and in another the FS is clearly stating that grazing would continue, just on other lands, thereby modifying the economic impact of removing sheep allotments on the Payette; as laid out in alternative 7E. (Update to DSEIS Ltr# 20069)

Concern Statement 270.34

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS because the calculation of \$84.10 price per sheep is used as opposed to University of Idaho's gross revenue per ewe of \$138.80, thus it under estimates the reduction in output resulting from the Payette National Forest's choice of alternatives. In addition, the NASS sheep count for Canyon County needs to be included.

Response to Concern 270.34

The \$84.10 value is no longer cited in the FSEIS. In addition, the University of Idaho's gross revenue per ewe estimate of \$138.80 does not cite a source or explain a method by which their estimate was obtained. While Wilder is included in the community level of analysis given important economic connections to the sheep grazing industry, it is not directly affected since operators dependent on Payette National Forest forage are not located in Canyon County.

Sample Public Comment for 270.34

Concerning the income from sheep and lamb production in Idaho discussed in the DSEIS at page 3-92, the calculation of a "price per sheep" of \$84.1 is flawed and as used will tend to under-estimate the reduction in output resulting from the PNF's choice of alternatives. There is no possible way to validate this figure in the marketplace, nor does it reflect the lamb, sheep and wool markets, nor changes in them occurring over time. By comparison, University of Idaho cost of production studies for range sheep operations (available at: <http://www.cals.uidaho.edu/aers/PDF/Livestock/EEB%202004/EBB-SR1-06.pdf>) indicate gross revenue per ewe of \$138.81. How this compares to the "price per sheep" value of \$84.1 is anyone's guess? Further, the lack of a NASS sheep count for Canyon County is troublesome, given the fact that Wilder is one of the communities of interest in this analysis. (Update to DSEIS Ltr# 20070)

Concern Statement 270.35

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS because the analysis of grazing fees concentrates on gross revenue and ignores the fact that 25 percent of these fees are distributed per a mandated formula back to local governments.

Response to Concern 270.35

The commentor is correct. EMSI was instructed to only consider local share of contribution from fees. However, it is apparent this was not done and the correction has been made in the FSEIS.

Sample Public Comment for 270.35

The grazing fee analysis in the DSEIS concentrates on gross revenue from fees. This ignores the fact that Forest Service fees are distributed through a legislatively-mandated formula and contribute to local governments. Twenty-five percent of the fees on Forest Service lands are distributed back to the state/county government of origin. (Update to DSEIS Ltr# 20070)

Concern Statement 270.36

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS and must analyze the full socio-economic impacts of reducing sheep AUMs.

Response to Concern 270.36

Economic effects linked to changes in forage were estimated using established input-output techniques and did not use the “strait-line method” described in the public comment. See the methods section for more detail on methods used to examine the relationship between headmonths and employment. Commentor concern regarding exponential effects to production from the loss of Payette National Forest is also addressed in the FSEIS. Discussion has been added noting that in some cases, individual producers likely depend on Payette National Forest allotments for a larger portion of their forage than other producers. Thus, while decreases in available grazing would appear to impact a portion of all operations, the quality of life of individual operators could be impacted to a greater degree. In addition, the FSEIS also notes that private land may not be able to compensate for losses in NFS rangeland, and quality feed and bucking conditions may be reduced, potentially affecting overall sheep production for operators (Rangeland resources Section titled Acres Deducted due to Bighorn Sheep Habitat). Therefore, the potential for these effects is recognized qualitatively. However, the quantitative effects to individual operators are beyond the scope of this programmatic level of analysis given a lack of site-specific information. Additionally, the effects on land use patterns and ranch value are not discussed given incomplete information on the degree to which site-specific implementation will affect individual operators. However, detailed analysis will be undertaken as part of future site-specific implementation. Many of these potential effects may be mitigated by efforts undertaken by the Payette National Forest to provide substitute grazing arrangements to operators.

Sample Public Comment for 270.36

Comment #45, pgs. 3-95 through 3-100: The DSEIS does not adequately analyze the impact of reducing sheep AUMs. The socio-economic analysis in the DSEIS is faulty on several fronts. First, there is no indication of how the PNF estimated the ranch-level impacts that will drive the regional modeling effort. It appears that the PNF used a straight-line method of coming up with the impacts (i.e. $\frac{1}{4}$ of the forage lost translates into $\frac{1}{4}$ of the employment (probably) and/or gross revenue from the sheep producers). The reduction in sheep AUMs compared to employment or gross revenue is not a straight-line relationship. The summer forage that is being impacted by the PNF's decision is critical to the operations to a much greater extent than is included in the DSEIS. The Final SEIS must adequately analyze the exponential impact of reducing sheep AUMs on employment and/or gross revenue.

A critical assumption that the PNF makes is that head month estimates are directly related to jobs in the sheep production industry depend on grazing allotments. DSEIS at 3-93. It is unclear what this relationship is because the DSEIS does not explain it. The DSEIS should provide the relationship used between head month estimates and direct jobs used to calculate the direct effects and total effects of domestic sheep grazing per alternative. For instance, in Table 3-29, DSEIS at 3-95, how are these numbers on "total jobs per scenario" developed? To the extent the DSEIS uses a straight-line relationship similar to that employed in the 2008 DSEIS at 3-91 (assuming there is one worker per 900 head of sheep), it should be corrected to account for the realities of lost forage. Rather than using a straight-line method, a more appropriate method should be used, such as some sort of a step function. Loss of forage can be worked around to a certain point (some percent loss) and then whole-scale sell-off of sheep occurs, along with retirement of other grazing permits, loss of open space, etc. In other words, the ranch ceases to operate. There is no recognition of this in the DSEIS, nor is there anything on permit/ranch value impacts. For example, the effect to alternatives at DSEIS at 3-95 through 3-100, assume that jobs in the sheep production industry will continue to be supported in the event grazing allotments on the PNF are reduced. This fails to account for ranch closures and complete elimination of the sheep production industry, which is likely with large scale reductions in grazing allotments on the PNF. The Final EIS must analyze the full socio-economic impacts of reducing sheep AUMs. This includes exponential employment and gross value losses with reduction of sheep AUMs as well as broader impacts. The vast termination of sheep AUMs on the Payette NF as proposed in the preferred alternative may result in complete closure of ranching operations. This impact must be analyzed. Further, the impact of ranch closure and corresponding predictable subdivision of ranches should be reviewed. It is likely that the overall impact on wildlife, including bighorns, will be damaging if ranch land is developed for other uses than grazing. (Update to DSEIS Ltr# 20070)

Concern Statement 270.37

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS because consideration must be given to the potential effects that could happen if the permittees no longer have a viable business. The Forest Service should pay for improvements made to the allotment and provide for other grazing opportunities.

Response to Concern 270.37

The analysis for the Forest Plan FEIS include a review of the loss of open space. The Forest Service continues to look for other grazing opportunities to offer to the permittees and payment for grazing improvement is beyond the scope of this analysis.

Sample Public Comment for 270.37

Comment #48, general: The Final SEIS must address the concerns of the Soulen Livestock Company. The following section regarding the Soulen Livestock Company illustrates the problems with the DSEIS and the unwarranted effects a negative decision could have. Permittees on the Payette National Forest and elsewhere share many of the concerns raised in these comments and have their own perspectives to add. For example, the Shirts Brothers and Mick Carlson have been in prolonged discussion and litigation. The Forest Service should discuss the consequences if these permittees are run out of business—such as Mick Carlson’s opportunity for commercial development of large tracts of his private land in purported bighorn sheep range. Also, is the Forest Service prepared to pay for the permittee’s range improvements pursuant to FLPMA, 43 U.S.C. § 1752(g)? compliment their private holdings to create a year-round operation that would provide a sustainable ranching operation. (Update to DSEIS Ltr# 20070)

Concern Statement 270.38

The Forest Service should reconsider and clearly display their economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS because the analysis should focus on local versus county or state data; actual use versus permitted use; and compare economic benefits of sheep allotments to all costs, including program administration cost, environmental rehabilitation costs, and the loss of recreational tourism revenue in Oregon and Idaho.

Response to Concern 270.38

State-level information provided in the table on page 3-89 of the DSEIS has been condensed and is now included in the FSEIS to provide context for the employment, income and grazing payments specific to allotments on the Payette National Forest. In addition, both the DSEIS and the FSEIS include a discussion of actual use level associated with past levels of grazing relative to the differences in permitted use levels under the alternatives. Comparing the benefits and costs of sheep grazing and recreation under the alternatives is not feasible given a lack of site-specific information at this programmatic scale of analysis. Detailed analysis will be undertaken as part of future

site-specific implementation. In addition, a comparison of grazing and recreation cannot be made given unavailable information on the benefits of bighorn sheep-related recreation (e.g., wildlife viewing). Regardless, a qualitative discussion of these nonmarket values is included but it does not allow comparison with grazing costs or benefits. This qualitative discussion is consistent with Forest Service guidance as discussed in the second paragraph of the regulatory framework section which states:

Direction provided in 40 CFR 1502.23 and Forest Service Handbook 1909.15 (July 6, 2004) and 22.35 (January 14, 2005) provides for qualitative analysis to evaluate the effects of nonmarket values. Therefore, the alternatives' nonmarket aspects are discussed qualitatively where appropriate and are described in other resource sections of the SEIS.

Sample Public Comment for 270.38

The economic analysis of portion of the Update on beginning on p. 3-89, particularly that under the heading "Income, from Sheep and Lamb Production in Idaho," p. 3-92&94, while interesting, seems woefully inadequate, and/or irrelevant in many areas. The analysis needs to focus on the income (including income of the permittees), and taxes, derived from the use of the allotments in question, not on what comes from some counties or the whole state. It should also focus on actual use, not permitted use. It should compare the economic benefits of the sheep allotments to all the costs, including program administration cost, environmental rehabilitation costs, and to the loss of recreational tourist dollars in both Oregon and Idaho (among other costs), and show them clearly in a table, so that readers don't become lost in pages of seemingly irrelevant statistics. (Update to DSEIS Ltr# 20084)

Concern Statement 270.39

The Forest Service should reconsider and clearly display their economic conclusions in the Regional Socio-Economic Livestock/Range County Analysis in the Update of the DSEIS because the analysis does not consider the impacts the preferred alternative will have on the termination of the sheep industry and the associated history and culture.

Response to Concern 270.39

Information on the history and culture related to the domestic sheep industry has been added and is now included in the FSEIS. In addition, the effects of social factors have also been added.

Sample Public Comment for 270.39

Comment #47, pgs. 3-89 through 3-130: The Final SEIS must discuss and address impacts on the cultural, historical and social interests of ranchers and the domestic sheep industry. The PNF's DSEIS points out the historical and cultural significance of the bighorn sheep to the Nez Perce Tribe, as well as the Tribe's reserved treaty rights. But the DSEIS fails to acknowledge the rich history, unique culture and permitted rights of the domestic sheep industry. The sheep industry played an important role in the settlement of the United States. On September 4, 1565 Admiral Pedro Menendez de Aviles anchored off the mouth of the St. Johns River with a fleet of eleven ships. The next day he sailed down the coast to an inlet he christened St. Augustine. Amongst his cargo were six hundred sheep and lambs, and thus launched the sheep industry in that section of the country. Three hundred years later sheep were trailing through Idaho on their way to the mining camps of California, Oregon, and Montana. The 1870's saw small flocks establishing in Idaho. The 1880's was a period of growth for the sheep industry in Idaho with an estimated 357,712 head of sheep in 1890. The next several decades lead to the establishment of large commercial flocks with a census of over 2.7 million head of sheep in Idaho at one time.

The Idaho Woolgrower's Association was formed in 1894 in Mountain Home, Idaho. The list of past presidents and leaders in the industry reads like the book of "Who's Who." Indeed, many of the long time families in Idaho can trace their roots back to the sheep industry. As Louise Shadduck's book, "Andy Little, Idaho Sheep King" states, "Idaho's sheepmen have made many contributions to our state. Among the heads of the Idaho sheep business are great men of American history, captains of industry and leaders of our nation." One of the more famous among them is Senator Len Jordan. Senator Jordan and his wife owned the Kirkwood Ranch in Hell's Canyon. A campaign advertisement highlighting his ranching background, a picture which clearly The sheep industry in Idaho is a shadow of its former self. In 1915 the PNF permitted 174,445 head of sheep to graze, today, the permitted numbers are only around 19,000 head with much of the PNF closed to grazing. The preferred alternative in the DSEIS will essentially put the remaining four permittees on the PNF out of business, and another important chapter in Idaho's history will be closed. The Final SEIS must account for the end of the sheep industry on the PNF and the termination of the culture of the sheep industry on and around the PNF. No discussion is provided in the DSEIS of the acute impacts that the preferred alternative will have on the history and culture on and around the PNF. (Update to DSEIS Ltr# 20070)

Concern Statement 270.40

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Non-market Recreation County Analysis in the Update of the DSEIS because an assessment of the revenue generated from hunting bighorn sheep when their population has recovered is needed.

Response to Concern 270.40

The number of tags auctioned by state agencies managing the affected population is determined by state policy and will not change with changes in the population level of bighorn sheep (personal communication with Idaho Department of Fish and Game (IDFG), Washington Department of Fish and Wildlife (WDFW), and the Oregon Department of Fish and Wildlife (ODFW)). A comprehensive financial efficiency

assessment of costs incurred and revenues received under the alternatives is not feasible at this programmatic scale of analysis given a lack of site-specific information. However, information presented in the DSEIS has been revised to demonstrate the potential for increases in recreation-related employment and income under Alternative 7E.

Sample Public Comment for 270.40

In 2005, over 19,000 domestic sheep grazed on the PNF. Last year, the grazing fee for one sheep was 27 cents monthly. Combined gross income from 2008 sheep and lamb production in Idaho and Washington Counties was nearly \$1.7 million; statewide production neared \$20 million. Additionally, an estimated 46 jobs are supported in the region by sheep industry. In 2008, bighorn sheep hunting brought in slightly more than \$0.5 million and provided 25 jobs in the same counties with predicted growth in areas where bighorns thrive. A tag to hunt bighorn sheep in Idaho averages \$74,000 at auction. Loss of domestic sheep grazing will likely and sadly cost the region some jobs and may deprive some ranchers of their generational occupations. Historic sheep raisers will have to retool their operations to survive on private land. However, the number of jobs associated with bighorn sheep viewing and hunting will likely increase with larger numbers of wild sheep. (Update to DSEIS Ltr# 20082)

Concern Statement 270.41

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Non-market Recreation County Analysis in the Update of the DSEIS because it underestimates the recreational revenue generated from bighorn sheep.

Response to Concern 270.41

Information presented in the DSEIS has been revised to demonstrate the potential for increases in recreation-related employment and income under Alternative 7E. Regardless, the overall regional role economic employment relates to recreation associated with bighorn sheep potentially affected by grazing changes on the Payette National Forest is still small. As discussed in the existing condition section titled “Contributions from Hunting and Viewing Wildlife”:

Contributions from hunting and viewing wildlife account for less than 1 percent of total employment and labor income in the recreation impact area. All jobs and the income attributable to recreation on the three National Forests contribute less than 1 percent of total employment and labor income in the recreation impact area... Additionally, only a portion of these contributions can be attributable to bighorn sheep hunting and wildlife viewing.

Regardless, it is stated throughout the social and economic section of the document that employment and income associated with bighorn sheep-associated recreation can be more important at the local level.

Sample Public Comment for 270.41

The analysis summary of Recreational Socio-Economics that "...it is likely the regional area will not experience a significant economic effect from the alternatives" and "the role bighorn sheep play in local recreation economics could remain stable or increase" (p 3-130) are both understatements. One could argue that return to near historic numbers of bighorns on the Payette National Forest would have significant economic effects. (Update to DSEIS Ltr# 20111)

Concern Statement 270.42

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Non-market Recreation County Analysis in the Update of the DSEIS because the comparison of livestock production economics with recreational willingness to pay estimates associated with bighorn sheep were derived using different approaches and are not comparable. However, if they don't reconsider, the Forest Service should discuss in the preface of the Recreational Socio-Economic's section in the FEIS.

Response to Concern 270.42

No willingness to pay estimates are included in the analysis as discussed in second paragraph of the regulatory framework section which states:

Direction provided in 40 CFR 1502.23 and Forest Service Handbook 1909.15 (July 6, 2004) and 22.35 (January 14, 2005) provides for qualitative analysis to evaluate the effects of nonmarket values. Therefore, the alternatives' nonmarket aspects are discussed qualitatively where appropriate and are described in other resource sections of the SEIS.

In addition, no comparison is made between livestock production value with recreational value per the Forest Service policy guidance cited above.

Sample Public Comment for 270.42

Of greatest concern with the analysis in the DSEIS is the apparent mixing of “apples and oranges” associated with livestock production economics and recreational willingness to pay (WTP) estimates associated with the bighorns. Recreational WTP estimates of benefits dwarf the production losses from the basic industries affected by this decision. The implication being that recreational benefits associated with the bighorn sheep will overcome the costs associated with the loss in domestic sheep production. This ignores the fact that these estimates were derived using very different approaches and are not comparable. The recreational opportunities have no direct ties to market systems as do livestock production systems. By the same token, there are minimal (if any) estimates of WTP for range livestock forage. If it is the desire of federal managers to make this comparison, then efforts should be made to put the economic estimates on the same yardstick. This can be done by either surveying recreational service providers on visitor services, rates, etc., associated with activities related solely to bighorn sheep. The other alternative would be to develop willingness to pay estimates for rangeland livestock forage. Past efforts involving WTP estimates for livestock forage have failed due to response bias from ranchers (see for example, Hof, J.G., J.R. McKean, R.G. Taylor, E.T. Bartlett, Contingent valuation of a Quasi-market good: An exploratory case study of federal range forage, USDA Forest Service, Rocky Mountain Station, Fort Collins, CO, Research Paper RM- 283, 1989) which resulted in “all or nothing” bids by buyers and sellers of federal livestock forage in Colorado. At the very minimum strong disclaimers should preface the Recreational Socio-Economics section, which begins on page 3-100 of the DSEIS. (Update to DSEIS Ltr# 20070)

Concern Statement 270.43

The Forest Service should reconsider their economic conclusions in the Regional Socio-Economic Non-market Recreation County Analysis in the Update of the DSEIS because data indicates that ranching jobs provide more economic stability and benefit than tourism-based jobs.

Response to Concern 270.43

Employment and income gains are not compared between domestic sheep grazing and recreation-related to bighorn sheep. While information on employment and income are presented in the analysis, no direct comparison is made given differences in the analysis areas examined and unavailable information on the full range quantitative effects.

Sample Public Comment for 270.43

The assessment of recreational socioeconomics is inaccurate and benefits are overstated. Bighorn revenues will never be significant to the communities and will never come close to those revenues lost through the reduction or elimination of domestic sheep grazing on the Payette. (Update to DSEIS Ltr# 20093)

Concern Statement 270.44

The Forest Service should evaluate the direct economic impact to communities such as Lewiston, McCall, and Boise, and the American Sheep Industry from the loss of domestic grazing on public lands in the Social and Economic analysis of communities section of the Update of the DSEIS.

Response to Concern 270.44

As noted by the commentor, the analysis considers economic effects of loss in wage related spending but the DSEIS did not consider social benefits, such as community identity and youth education supported by local sheep grazing. Additional social and community benefits related to the role that sheep grazing plays in the area has been added to the FSEIS.

Sample Public Comment for 270.44

During lambing season, Ron Shirts and Frank Shirts hire several teenagers and neighborhood children to help with docking. That money certainly finds its way back into the local economy, or goes towards those youngsters' educational savings accounts. They also attend area county fairs, bidding on and purchasing youth 4-H and FFA project animals, again contributing to those kids' future educations, or immediate financial needs, like paying the project feed bill at the local feed store. In 20+ years of involvement with the Washington County Fair, I haven't noticed the same contribution from the recreational sector. I'm sure the economist has already factored the retail operating expenses paid out by the operations and how they filter on through the economy. (Update to DSEIS Ltr# 20003)

Concern Statement 270.45

The Forest Service should support their decision with the Environmental Justice Section and Regional Economic analyses for Non-Market Recreation in the Socio-Economic section to the Update of the DSEIS.

Response to Concern 270.45

Along with information from other resource sections, this information will be used by the line officer to make an informed decision amongst the alternatives. It should not be viewed as a complete answer, but considered alongside effects articulated in other resource sections of the FSEIS.

Sample Public Comment for 270.45

Environmental Justice. The new section on Environmental Justice added to the economic analysis is complete and adequate. The expanded non-market value economic analysis is also sufficient to support a decision. (Update to DSEIS Ltr# 20094)

Concern Statement 270.46

The Forest Service should consider the economic impacts to the Peruvian shepherders who are employed by the permittees under the guest worker program in the Environmental Justice section of the Update to the DSEIS.

Response to Concern 270.46

The environmental justice section recognizes that environmental justice populations, as defined by the Council on Environmental Quality (CEQ), exist in the analysis area. Furthermore, the effects section notes that while minority and low income populations may be affected, these effects will be distributed amongst all segments of the population. Therefore, a disparate effect to these populations is not anticipated.

Sample Public Comment for 270.46

The Environmental Justice section of the document speaks to the minority populations of the local areas, but does not take into account the impacts to the Peruvian shepherders who are employed by the permittees on the Payette National Forest. Under the guest worker program the Peruvian herders come over to work for three years at a time, sending their hard earned money home to support and educate their children. Many of the herders have been with their employer for several decades. These jobs are the difference between relative prosperity in Peru and poverty. (Update to DSEIS Ltr# 20040)

280 MANAGEMENT INDICATOR SPECIES (MIS)

Concern Statement 280.09

The Forest Service should consider the designation of bighorn sheep as a sensitive or management indicator species. (PC 15. dd)

Response to Concern 280.09

The Regional Forester designated the bighorn sheep an R4 Sensitive Species on July 29, 2009. Designation of management indicator species was done in the Forest Plan FEIS (USDA Forest Service 2003) and this list will be updated with the Wildlife Conservation Strategy (WCS) process that is currently underway.

Sample Public Comment for 280.09

We also request that the following issues be considered and analyzed in the context of this SEIS process: Sensitive Species Status designation for bighorn sheep, including bighorn sheep as a Management Indicator Species for the Forest. (DSEIS Ltr #13676)

340 FUNDING AND BUDGET CONSTRAINTS

Concern Statement 340.01

The achievement of future forest conditions will not be achieved without full funding.

Response to Concern 340.01

The Payette National Forest modeled attainment of desired condition for vegetation using two different methods. The first method ran the model unconstrained by budget to set the benchmark for timber harvest levels. This run is required by the National Forest Management Act and illustrates what harvest levels could possibly be reached if there were no limitations on the amount of funding appropriated by the U.S. Congress. The second method ran the model utilizing a realistic budget level as a constraint to the models efforts to try and achieve desired vegetative conditions. In this case, desired conditions are achievable over a long period of time (i.e., 150 years). The vegetative diversity section of the FEIS discusses this topic further. This concern was also addressed by a sensitivity run that limited the budget to 90 percent of the current budget. Since the length of time to achieve DFC took longer, fire hazard and insect hazard were reduced at a slower rate. If future budget levels drop, it will take longer to achieve desired future conditions. Attainment of desired condition is also dependent on many factors other than appropriated budget levels. The same holds true for reaching desired future condition tied to bighorn sheep viability. Without adequate funding to conduct needed monitoring, domestic sheep grazing may not continue to be permitted on the Payette National Forest.

380 SOILS

Concern Statement 380.05

The Forest Service should consider the effects on erosion that result from domestic sheep trails.

Response to Concern 380.05

An evaluation of erosion effects from domestic sheep grazing is outside the scope of this analysis so it was not covered in this assessment. Also, the effects to soils were covered in the FEIS for the Forest Plan.

Sample Public Comment for 380.05

Erosion: if you have seen where the domestics carve trails through woods and through springs to watersheds in general, we need not sell out our national forests for the sake of domestic sheep. (Update to DSEIS Ltr# 20034)

520 VEGETATION MANAGEMENT) DIVERSITY, INVENTORY, RESTORATION, HABITAT, BOTANICAL)

Concern Statement 520.27

The Forest Service should actively restore native plants and riparian areas, which have been damaged by past livestock grazing. (PC 1. s)

Response to Concern 520.27

The restoration of native plants and riparian habitat is outside the scope of this action. However, the FEIS for the Forest Plan did contain a thorough analysis of riparian areas which resulted in considerable direction in the Forest Plan for management of native plants and riparian areas.

Sample Public Comment for 520.07

The plan also fails to address the active restoration needed to restore native plants and riparian areas decimated by over 100 years of intensive sheep grazing. (DSEIS Ltr #1578)

540 NOXIOUS WEEDS (NON-NATIVE PLANTS)

Concern Statement 540.03

The Final EIS must fully disclose the role and significance of ground-disturbing activities and use associated with timber harvest, road construction, road maintenance, grazing, and fire suppression in the spread of noxious or exotic weeds. The Final EIS must also include data or data summaries describing the impacts of such activities on noxious weed dispersal and the specific amount of current infestation that can be attributed to each activity at a sub-basin or watershed level. A more comprehensive and aggressive weed control plan must be developed that includes greater focus on prevention (includes reducing forest activities) and monitoring and creates more effective mitigation measures. The plan should address chemical, biological, and cultural control methods that will not adversely affect human health and the environment. The Forest Service should restrict the use of aerial and broadcast methods as much as possible to avoid deleterious effects on non-target plants and wildlife.

As part of the weed control plan, the Ecogroup forest must incorporate a monitoring program to continuously detect and monitor noxious weed infestation.

Response to Concern 540.03

The effects of noxious weeds and the activities and contribute to their spread was fully analyzed in the LRMP FEIS.

570 WILDLIFE HABITAT**Concern Statement 570.27**

The Forest Service should make every effort to ensure the protection and survival of bighorn sheep: (PC 15. a, b, c, d, e, m, u, v; PC 16, e)

- A) Providing a safe, disease-free environment (PC 15. f, g, h, j; PC 16. c; PC 17. e)*
- B) Ensuring their survival into future generations (PC 15. M, ee)*

Response to Concern 570.27

- A) This analysis is focused on developing alternatives which will ensure bighorn sheep viability on the Payette National Forest with the effects of several of these alternatives disclosed in Chapter 3 of the FSEIS.
- B) Viability analysis is contained in the document, as is disclosure of the population persistence over time.

Sample Public Comments for 570.27

As a life member of the Wild Sheep Foundation I urge you to please take whatever steps are necessary to ensure that our wild bighorn populations remain a viable and huntable resource. (DSEIS Ltr #35.)

I was relieved to learn that you will take steps to protect the bighorn in this area. Too often wild species are crowded out of their natural environment by people staking claims to the same land for the upkeep of domestic animals. I feel that we have already lost or endangered too many species in our attempts to turn all the available land to the benefit of humans and their pursuits. (Update to DSEIS Ltr#20002)

Concern Statement 570.28

The Forest Service should make every effort to ensure the protection and survival of bighorn sheep because the value of a healthy herd of wild bighorn sheep is substantial. (PC 15. i, x)

Response to Concern 570.28

The SEIS contains additional information on the bighorn sheep's value found in this document's Social and Economic section. This includes estimating the importance they play in the local economy and their value from both a market and non-market perspective. The value of resource goods traded in a market can be obtained from information on the quantity sold and market price, however markets do not exist for some resources, such as recreational opportunities, environmental services, or the value some place on wildlife like bighorn sheep. Bighorn sheep-related non-market values include recreation, hunting, subsistence, traditional, and cultural. Recognizing these values is important, since without estimates, these resources may be implicitly undervalued and decisions regarding their use may not accurately reflect their true value to society. Non-market values by their nature are difficult to quantify. Direction provided in 40 CFR

1502.23 and the FSH 1909.15, (7/6/04) and 22.35 (01/14/05) provides for the use of qualitative analysis to evaluate the effects of these non-market values. Therefore, the non-market aspects of the alternatives are discussed qualitatively where appropriate and are also described in other resource sections of the SEIS and specialist reports.

Sample Public Comments for 570.28

The value of a healthy herd of wild bighorn sheep is substantial and if allowed a pristine habitat, the sheep will increase in number and value over time. (DSEIS Ltr #36)

Genetic Viability-Native plant restoration, noxious weed removal, stringent ORV management, botanical climate change dynamics and the elimination of domestic sheep disease infestations should all be priorities in the framework of the final EIS. Scientific data has documented Bighorn fecundity is negatively affected for years after infection by domestic carriers of numerous pathogenic bacterial pneumonias. One can only surmise the positive influence on the bighorns ability to survive repeated bacterial infection brought about by an improved native plant community, following stringent native plant management and less grazing. (Update to DSEIS Ltr#20036)

Concern Statement 570.29

The Forest Service should make every effort to ensure the protection and survival of wild bighorn sheep because their presence benefits many including hikers, wildlife watchers, nature photographers, and hunters, as opposed to sheep grazing which only benefits the permittee's business. (PC 15. k, l, w)

Response to Concern 570.29

The SEIS will include additional information on effects to local economies as a result of changes to sheep grazing while also adding information on the value of bighorn sheep. This includes estimation of the importance they play in the local economy and their value from a market and non-market perspective. The value of resource goods traded in a market can be obtained from information on the quantity sold and market price, however markets do not exist for some resources, such as recreational opportunities, environmental services or the value some place on wildlife like bighorn sheep. Bighorn sheep related non-market values include recreation, hunting, subsistence, traditional, and cultural. Recognizing these values is important, since without estimates, these resources may be implicitly undervalued and decisions regarding their use may not accurately reflect their true value to society. Non-market values by their nature are difficult to quantify. Direction provided in 40 CFR 1502.23 and Forest Service Handbook 1909.15, (7/6/04) and 22.35 (01/14/05) provides for the use of qualitative analysis to evaluate the effects of these non-market values. Therefore, the non-market aspects of the alternatives are discussed qualitatively where appropriate and are also described in other resource sections of the SEIS and specialist reports.

Sample Public Comment for 570.29

I have sympathy for the sheep grazers in these areas as it is probably their livelihood. Unfortunately, their profits from the public's lands benefit only them. The presence of bighorn sheep benefits wildlife watchers, nature photographers, hunters, and those who view their presence as an environmental plus. (DSEIS Ltr# 7)

Concern Statement 570.30

The Forest Service should manage bighorn sheep to return them to their historic range. (PC 15. n)

Response to Concern 570.30

This analysis is focused on developing alternatives which will ensure bighorn sheep viability on the Payette National Forest through provision of adequate habitat.

Sample Public Comment for 570.30

Wild Sheep are a wonderful animal to see in the wild and I would very much like to see them returned to their historic range. I believe the vast majority of forest users would rather see wild sheep than domestic sheep in the forest and that this opportunity is being removed to placate the interests of only four permittees. (DSEIS Ltr #8)

Concern Statement 570.31

The Forest Service should manage bighorn sheep habitat with a buffer to prevent contact between domestic and bighorn sheep. (PC 15. o, t)

Response to Concern 570.31

A variety of alternatives have been developed and analyzed for their effectiveness in providing for no contact. Through development of alternatives, straight distance buffers were reviewed but found to not be as effective as more strategically placed area to remove from domestic sheep grazing. These strategic areas included areas of high risk for contact between domestic sheep and bighorn sheep.

Sample Public Comment for 570.31

The needs of the bighorn sheep should clearly supersede those of sheep growers on the Payette, and the domestic sheep allotments should be allowed to remain only where there is clearly a sufficient geographic buffer to reliably prevent disease transmission. (DSEIS Ltr #13004)

Concern Statement 570.32

The Forest Service should recognize that the habitat occupied by bighorn sheep currently is much smaller than it would be if domestic sheep had not grazed on the Payette National Forest, and therefore the Forest should manage for larger blocks of habitat than that which is currently occupied. (PC 15. p, q)

Response to Concern 570.32

The analysis does include the potential for population growth and expansion of habitat use. The Forest Plan amendment language allows for herd expansion.

The analysis includes the potential for population growth and expansion. Forest Plan direction accounts for the event should it happen. Deference is given to the bighorn sheep as “no contact” is the desired future outcome.

Sample Public Comment for 570.32

[O]ccupied habitat at this time” for bighorns is smaller than it would be if domestic sheep had not grazed on the PNF. Because the current populations at issue here are depressed and acknowledged by bighorn biologists to be below viable levels, the PNF must provide habitat necessary to sustain the larger, viable populations and therefore must provide more habitat than just the habitat occupied at this time. (DSEIS Ltr #13216)

Concern Statement 570.33

The Forest Service should recognize that the Salmon River Mountain metapopulation is especially important, because it is native, has never been extirpated, and provides a significant genetic resource. (PC 15. p, s)

Response to Concern 570.33

The Payette National Forest is aware of this and brought it to everyone’s attention. This is also disclosed in the SEIS.

Sample Public Comment for 570.33

The agency now needs to proceed with a decision and management direction that ensures the viability of bighorn sheep in Hells Canyon, the main Salmon River Canyon, and the Payette National Forest. (DSEIS Ltr #13676)

Concern Statement 570.34

The Forest Service should recognize the value of all native species including predators and bighorn sheep (PC 15. z; PC 39. a)

Response to Concern 570.34

This assessment is not focused on an all-species analysis. This assessment is focused on providing for bighorn sheep viability by offering adequate habitat that is free of domestic sheep on the Payette National Forest.

Sample Public Comment for 570.34

Our society cannot survive in the long run unless we do all we can to insure the survival of other native species. The top predators come first...Big Horn Sheep come in just under the top predators like Grizzlies and wolves and Mountain Lions. Sheep survival and expansion bodes well for the entire ecosystem. (DSEIS Ltr #9491)

Concern Statement 570.35

The Forest Service should recognize that the extirpation or extinction of bighorn sheep would have a chain reaction in the ecosystem. (PC 15. aa; PC 38. g)

Response to Concern 570.35

The impacts on other species from the extirpation of bighorn sheep on the Payette National Forest were beyond the scope of this effort and thus not analyzed. This analysis is focused on providing adequate bighorn sheep habitat on the Payette National Forest to provide for a viable population of the species.

Sample Public Comment for 570.35

Please continue to help save the Bighorn sheep population. The possible extinction of the Bighorn sheep can and will have a chain reaction affect on many other species. (DSEIS Ltr #10987)

Concern Statement 570.36

The Forest Service should recognize that the Payette National Forest population of bighorn sheep is important because it provides a significant genetic resource and can be used for transplants to other areas. (PC 15. bb)

Response to Concern 570.36

The SEIS recognizes the importance of bighorn sheep populations on and adjacent to the Payette National Forest. The Salmon River metapopulation is the only native extant herd in the state of Idaho, and therefore represents a valuable genetic and historic resource. The Hells Canyon populations reflect repeated transplant endeavors from several source populations and, due to the size of the existing population, may be an important source for reintroductions into other western U.S. habitats where the species has been extirpated.

Sample Public Comment for 570.36

These bighorns represent an irreplaceable source of genetic diversity that will be important to future transplants and population augmentation efforts in Idaho, Washington and Oregon. (DSEIS Ltr #1)

Concern Statement 570.37

The Forest Service should maintain the geographic population range management areas over time to protect the bighorn sheep and its ecosystem. (PC 15. cc; PC 38. f, g)

Response to Concern 570.37

The concept of the Geographic Population Area is still tied to Alternative 7G but this alternative does not provide for the viability of bighorn sheep on the Payette National Forest. However, the Payette National Forest developed alternatives that better remove a variety of levels of high-risk contact areas.

Sample Public Comments for 570.37

I have read and studied the SEIS concerning Bighorn sheep. You must never shrink the GPRs [geographic population range]. The Bighorn sheep is an ecological indicator. When they are well the ecological systems are well. (DSEIS Ltr #89)

It is my believe that the Forest Service has all ready selected Alternative 7E, but is portraying Alternative 7G as the agency preference. The basis for that statement is found in Appendix H which updates the management direction and plan implementation. Interpreting that direction simply prolongs the period during which any domestic sheep may be grazed to 5 possibly 15 years. Ultimately the plan appears to be to remove them through inferences associated with bighorn sheep. This is especially conceivable if the management focus remains on separation of bighorn sheep and domestic sheep without any determination of the limits of that expansion for the wildlife species. This is especially true since Idaho Fish and Game has never complied with the original multiple agency agreement when bighorns were being introduced into Hells Canyon. Without some discussions about habitat extent for some wildlife species wildlife management agencies will continue to foster expansion because these commodities provide their livelihood. The Forest Service has no vested interest because most commodities from their managed lands seldom provide any budgetary support or sustenance for them. Any loss of resources tends to be minimized for them but the greatest loss is to the U.S. Treasury and dependent communities.(Update to DSEIS Ltr# 2031)

Concern Statement 570.38

The Forest Service should restore bighorn sheep populations. (PC 16. a, b, c, f, g, h)

Response to Concern 570.38

The Forest Service manages wildlife habitat and is conducting the analysis to determine how much habitat the Payette National Forest should provide to ensure viable populations of bighorn sheep. State Fish and Game and the Fish and Wildlife Service Agencies manage the population and are directly responsible for population management efforts, including translocation of populations.

Sample Public Comment for 570.38

Please take successful measures to humanely and respectfully restore bighorn populations. (DSEIS Ltr #766)

Concern Statement 570.39

The Forest Service should manage for significant numbers of bighorn sheep in the breaks of the Salmon River up through the Secesh, Needles, French Creek, Cottontail Point, Patrick Butte, and Rapid River roadless areas. This habitat connects occupied habitat in the Frank Church River of No Return Wilderness and the Hells Canyon National Monument. (PC 16. a, c, d, f)

Response to Concern 570.39

The Payette National Forest is analyzing the amount of connected habitat needed to provide for viable populations and prevention of contact with permitted domestic sheep on the Payette National Forest. We will monitor current bighorn sheep populations and areas of concern for new populations. The monitoring requirements for this effort are designed to document bighorn sheep use of the landscape and allow for increased use of the area.

Sample Public Comment for 570.39

As you might imagine, the Secesh Wildlands Coalition and CIRC [Central Idaho Recreation Coalition] prefer to see significant numbers of bighorn sheep living in the stretch of land along the breaks of the Salmon River and the land that reaches south through the Secesh, Needles, French Creek, Cottontail Point, Patrick Butte, and Rapid River roadless areas where bighorn sheep originally roamed in the absence of livestock. This habitat connects the occupied habitat in the Frank Church River of No Return Wilderness with that currently occupied habitat in Hells Canyon National Monument. It is the critical landscape for migration of bighorn sheep and many other animals up and downstream on the Salmon River and up and down the slopes of adjacent mountain ranges. (DSEIS Ltr #14052)

Concern Statement 570.40

The Forest Service should develop a comprehensive bighorn sheep health policy. (PC 20. a)

Response to Concern 570.40

Agency policy is not developed at the Forest level. The health of the animals is managed by Idaho Department of Fish and Game, and the U.S. Fish and Wildlife Service.

Sample Public Comments for 570.40

The Forest Service lacks a comprehensive bighorn health policy. (DSEIS Ltr #13713)

Comment #19, pgs. 2-3 through 2-9, general: The PNF should develop and the Final SEIS should provide for a comprehensive bighorn health policy. The PNF should develop a comprehensive bighorn health policy which has population immunity and agreed upon nutritional standards at its center. A bighorn health plan should include agreed upon nutritional standards (which are applied to habitat choices for translocation or population growth goals), disease surveillance, appropriate quarantine with diagnostics before translocation and vaccination. Should there be needs in terms of diagnostics, nutritional unknowns and vaccinations, clearly defined research should be developed. (Update to DSEIS Ltr#20070)

Concern Statement 570.41

The Forest Service should develop a plan to expand the Geographic Population Range (GPR) area for the future because as populations of bighorn sheep grow, the GPR will need to expand. The Forest Service should also not reduce the GPR after five years because of the low population numbers and low reproduction rate of the bighorn sheep. (PC 1. U, v; 21. a, b, c; PC 22. a.)

Response to Concern 570.41

The analysis for the FSEIS is designed to allow for differing population sizes to be analyzed for their risk of contact and effects. The concept of a GPR is not carried into the decision for this analysis except for as a simple alternative boundary outline for Alternative 7G.

For the FSEIS, the GPR is defined by risk of contact. Options for the risk will include no decline in current populations. This language is not contained in the final Forest Plan language.

Sample Public Comment for 570.41

An option I would like to see is not to reduce the GPR after the first 5 years for wild sheep because of their low numbers and low reproduction rate. The GPRs adopted in this plan are done with these low numbers of bighorn sheep that the US Forest Service agrees are not viable. (DSEIS Ltr #34)

Concern Statement 570.42

The Forest Service should acknowledge that domestic sheep have infected bighorn sheep with disease. (PC 24. l, m, o)

Response to Concern 570.42

The possibility is an assumption for this analysis that has been carried forward from the FEIS for the 2003 Forest Plan for the Payette National Forest. This issue was identified as a need for change topic in Forest Plan revision and as a significant issue in the FEIS.

Sample Public Comment for 570.42

I talked to Idaho Fish and Game officials at the time and they suspected that a disease from domestic sheep had wiped out the herd. (DSEIS Ltr #8)

Concern Statement 570.43

The Forest Service should allow the bighorn sheep to live without intervention and without changing domestic sheep permits. (PC 26. d)

Response to Concern 570.43

Natural consequences may require the removal of the non-native human induced effects, such as domestic sheep grazing. This would eliminate the possibility of future contact and potential disease transmission, not including any contacts already made between the two species. Domestic sheep are permitted if the effects to other resources are within management requirements.

Sample Public Comment for 570.43

I feel that the bighorn sheep should be left to the natural consequences of their environment. (DSEIS Ltr #13190)

Concern Statement 570.44

The Forest Service should move the bighorn sheep elsewhere rather than moving the domestic sheep. (PC 26. f)

Response to Concern 570.44

See Response to Concern 530.38. The Forest Service is responsible for managing habitats and does not manage the populations of species occurring on its lands. Wildlife populations, including bighorn sheep, are the responsibility of the state wildlife agencies, in this case the Idaho Department of Fish and Game. The state has the purview over species transplant efforts. Therefore, this concern is beyond the scope of this document.

Sample Public Comment for 570.44

In all your studies, you have not proven that domestic sheep pass on diseases that cause bighorn sheep to die. [If] they can't survive in that area then they should be moved somewhere else. Therefore, we feel that no domestic sheep allotments should be eliminated in the Payette National Forest. (DSEIS Ltr #12914)

Concern Statement 570.45

The Forest Service should consider that the bighorn sheep had been extirpated from Hells Canyon because the habitat does not meet all their requirements. (PC 26. f, x)

Response to Concern 570.45

Historically, there were large populations of native bighorn sheep in Hells Canyon and there are large quantities of quality habitat in the canyon. The Payette National Forest disclosed in the document that the reason for their extirpation was threefold: (1) disease transmission from domestic sheep, (2) forage competition due to the large number of domestic sheep grazing in the canyon, and (3) overhunting. The Payette National Forest

is not assessing what habitat is missing for bighorn sheep viability, it is assessing if the Payette National Forest is providing for it. The two species prefer and share similar habitat and if domestic sheep are using the habitat, it is not available to bighorn sheep.

Sample Public Comment for 570.45

The bighorns were not in Hell's Canyon for a reason. Plain and simple, the habitat is missing something that they require. (DSEIS Ltr #107)

Concern Statement 570.46

The Forest Service needs to protect the bighorn sheep because there are so few left. (PC 38. e)

Response to Concern 570.46

The Payette National Forest is analyzing and determining the amount of habitat needed to ensure viability of the bighorn sheep on the Payette National Forest.

Sample Public Comment for 570.46

Now that there are only an estimated 2,000 bighorns statewide, we need to ramp up our efforts to protect them for our families, for our future. (DSEIS , Ltr #13218)

Concern Statement 570.47

The Forest Service should consider that human beings are the most powerful species on the planet and should use this power to protect other living species. (PC 39a)

Response to Concern 570.47

The Payette National Forest is analyzing and determining the amount of habitat needed to ensure viability of the bighorn sheep on the Payette National Forest.

Sample Public Comment for 570.47

It is our duty as the most powerful species to exist on this planet to use our might to protect the integrity of our life support systems for the benefit of all living things. (DSEIS Ltr #11674)

Concern Statement 570.48

The Forest Service should recognize that the emphasis on the development and industry expressed in the government policies of the last eight years has been rough on wildlife and populations should recover if we allow them to. (PC 38. e; PC 39. b; PC 40. a)

Response to Concern 570.48

The Payette National Forest is analyzing and determining the amount of habitat needed to ensure viability of the bighorn sheep on the Payette National Forest. Recognizing the effects of politics on wildlife species is beyond the scope of this analysis.

Sample Public Comment for 570.48

The damage that has been done to the wildlife of the USA over the last eight years is tragic. It is time to correct the [imbalance] in nature that the avarice of industry has done. (DSEIS Ltr #12664)

Concern Statement 570.49

The Forest Service should acknowledge that if we don't change our ways by the end of this century, there will be no animals left in the wild larger than a bread box. (PC 41. a)

Response to Concern 570.49

The Payette National Forest is analyzing and determining the amount of habitat needed to ensure viability of the bighorn sheep on the Payette National Forest. Determining if only small animals will be left by the end of the century is beyond the scope of this analysis.

Sample Public Comment for 570.49

I have repeatedly read predictions that, if we don't change our ways, by the end of this century there will be no animals left in the wild other than those that are about the size of a bread box or smaller. (DSEIS Ltr# 10632)

Concern Statement 570.50

The Forest Service should consider that ranchers and hunters should not dictate management of our remaining large mammals. (PC 41. b)

Response to Concern 570.50

The Forest Service manages wildlife habitat. The State of Idaho and US Fish and Wildlife manage the animals. This comment refers to matters outside the scope of this analysis. Federal laws direct the Payette National Forest to provide for adequate habitat that will provide for a viable population of bighorn sheep on the forest.

Sample Public Comment for 570.50

We cannot afford to allow ranchers and hunters to continue to dominate what we do with the remaining large mammals. (DSEIS Ltr# 10632)

Concern Statement 570.51

The Forest Service must continue to manage for wildlife habitat, not just domesticated animals. (PC 41. c)

Response to Concern 570.51

This analysis focuses on management of bighorn sheep habitat. Management of habitat for other species is outside the scope of this analysis.

Sample Public Comment for 570.51

There must be room on this continent for the wild things. (DSEIS Ltr# 10632)

Concern Statement 570.52

The Forest Service should establish policy that landowners adjacent to NFS lands should shoot any wildlife that enters their property to protect their animals from disease. (PC 42. a)

Response to Concern 570.52

The Payette National Forest only manages NFS lands, thus this comment is outside the scope of this analysis as the Agency cannot dictate what will happen on non-Forest Service lands.

Sample Public Comment for 570.52

If domestic livestock are kicked off federal lands, then we must protect our livestock from the disease ridden wildlife that trespasses on our private land. All wildlife found on private land are to be shot on sight. That includes wolves that may carry rabies and sage hens that may be carriers of the avian flu. (DSEIS Ltr #13090)

Concern Statement 570.53

The Forest Service should include local government representation in wildlife management decisions, such as relocation. (PC 43. a)

Response to Concern 570.53

This action is not proposing or analyzing relocation of bighorn sheep, therefore this comment is outside the scope of the analysis.

Sample Public Comment for 570.53

What suggestions are there to improve implementation of standards and guidelines? Local governments should be involved in the decision to relocate animals such as bighorn sheep. (DSEIS Ltr #2883)

Concern Statement 570.54

The Forest Service should not treat bighorn sheep as though it is an endangered species. (PC 45. b)

Response to Concern 570.54

This analysis is not treating bighorn sheep as an endangered species, but it is considering the bighorn sheep's current sensitive species status. The analysis is responding to concerns about bighorn sheep viability as discussed on pages 1-4 and 1-5 in the FSEIS. On July 29, 2009, the Region 4 Regional Forester designated the bighorn sheep as a sensitive species. The analysis in the FSEIS will reflect this designation as the population has declined approximately 90 percent in the last 100 years and 50 percent in the recent past.

Sample Public Comment for 570.54

The bighorn is not an endangered species - however the Forest Service is treating it as such in this DSEIS. (DSEIS Ltr #12943)

Concern Statement 570.55

The Forest Service should realize that bighorn sheep on the Payette National Forest is in immediate threat of extirpation due to the presence of domestic sheep within areas that have been delineated as occupied bighorn sheep habitat. (PC 41d)

Response to Concern 570.55

The Payette National Forest is acutely aware of the situation and is modeling and analyzing the effects of a variety of management strategies. The risk for contact between bighorn sheep and domestic sheep allotments on the Payette National Forest has been analyzed. Effective disease transmission rates have been calculated at a variety of levels to account for field conditions. Bighorn sheep population persistence has also been calculated and displayed in the FSEIS for each of the action alternatives.

Sample Public Comment for 570.55

Policy must be adjusted to see to the survival of our wild heritage. (DSEIS Ltr #10632)

Concern Statement 570.56

The Forest Service should ensure that adequate coordination occurs between Idaho Department of Fish and Game, the Forest Service, and Tribal Governments because of the inter-related management issues of various wildlife species (e.g., wolves and bighorn sheep). (PC 48. a)

Response to Concern 570.56

The Forest Service is conducting coordination within the bounds of legal requirement. Consultation with Tribes is being conducted to abide by our Tribal Trust Responsibilities and briefings are being conducted with States, as requested. Several briefings have

occurred with other Forest Service units, the Bureau of Land Management, the States and Congressional Staffers. Numerous tribal consultations have been conducted.

Sample Public Comment for 570.56

In the draft supplement you indicate that part of the effort to enhance the bighorn sheep viability and expand both numbers and occupied habitat were to meet tribal desires based on their treaties. A similar tribal concession was made by IDFG [Idaho Department of Fish and Game] in their wolf management plans. In fact, the tribe was provided concessions in harvest and management level of the wolf population. This was not part of the discussion in dealing with viability of the bighorn sheep population. Yet as I have pointed out above this predator can substantially alter the viability and use of habitat by the bighorn. It would appear that this lack of management coordination is entirely political in nature and a solution should be made clear before any decisions are made that would influence grazers on the Payette Forest. (Internal Comment)

Concern Statement 570.57

The Forest Service should build upon the success of the Pittman-Robertson Act of 1937 which restored the bighorn sheep to many areas in the west. (PC 36. a)

Response to Concern 570.57

This act is discussed in the legal compliance section of the FSEIS.

Sample Public Comment for 570.57

Wild sheep were introduced on many areas in the west as a result of funding under the Pittman-Robertson Act of 1937. That was a tremendous wildlife restoration effort with state wildlife agencies and funds contributed by the Wild Sheep Foundation. This has been a very successful program and we can ill afford to jeopardize this valuable resource with domestic sheep grazing. (DSEIS Ltr #13082)

Concern Statement 570.58

The Forest Service should disclose how removing domestic sheep could lead to a loss of quality forage in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.58

The SEIS analysis discloses the methods used to define source habitats potentially suitable for bighorn sheep. Habitats in the Hells Canyon and Salmon River drainages are considered highly suitable for this species. The primary concern affecting habitats important to bighorn sheep is the potential for disease transmission resulting from contact with domestic sheep. This is the primary premise in the EIS and SEIS, and is well-supported by the published literature. Although habitat quality is important, it was not identified as a limiting factor in this analysis.

Sample Public Comment for 570.58

An interesting and perhaps erroneous perception is that by reducing or eliminating domestic sheep grazing suitable rangeland and a loss of quality forage will occur (p 3-83). The rangeland will remain and very likely the forage quality could be improved by removing domestic sheep. Nothing in the description of the current condition or affected environment documents how removing domestic sheep would lead to loss of forage quality. (Update to DSEIS Ltr# 20111)

Concern Statement 570.59

The Forest Service should include areas like the Little Salmon and the South Fork of the Salmon in the Core Herd Home Range Analysis section of the Update to the DSEIS as these areas are occupied by bighorn sheep based on the judgment of the professional wildlife managers assisting in this analysis.

Response to Concern 570.59

The areas of the Little Salmon and the South Fork of the Salmon River are accounted for in the analysis as “Areas of Concern”. The “Areas of Concern” are not given the same weight as a full herd because there are only occasional observations of bighorn sheep in those areas. Animals in the Little Salmon are effectively included in the disease model as a satellite population of the Main Salmon/South Fork herd, as described in Chapter 3 and the Technical Appendix. The determination will be changed when and if there is more information to determine that those areas contain bighorn sheep herd.

Sample Public Comment for 570.59

The weakness of the analysis is the areas where you apparently have insufficient data. I believe the Payette National Forest, in the UDSEIS, in an attempt to have a quantitative analysis has possibly tried to exclude professional judgment from the analysis wherever possible. While I applaud the effort to make the maximum use of the data I have contributed funds to help obtain, the problem is you do not have data regarding all the bighorn sheep populations on your forest. Having developed the best quantitative analysis you possibly can, I feel you need to once again consider the direction of the Chief of the Forest Service in his directions in the remand. Separation of the species is the key to ending disease transmission on the forest. This means that you need not only to keep the domestic sheep separate from the bighorn sheep populations you have radio collared data regarding their movements and habitat selection, you need to use the professional judgment of the Wildlife Managers from the States and Tribes, that are among the Cooperators supporting the development of the USDEIS, to help you devise additional protections for the bighorn sheep that were documented in the Little Salmon and the South Fork of the Salmon River. I believe that now that you have used the data as much as you can, you need to add extra protection for the areas where you know there are bighorn sheep, but you do not have sufficient data to describe their year round movements or apply the risk of contact model you have developed. I believe that is an appropriate use of expert opinion and I suggest you develop areas that are not Core Herd Home Ranges, but are areas that are occupied by bighorn sheep, based on the judgment of the professional wildlife managers assisting you in this analysis, especially for the little Salmon and the South Fork of the Salmon. (Update to DSEIS Ltr# 20108)

Concern Statement 570.60

The Forest Service should not include private land holdings in the core herd home range nor should those lands be part of a separation buffer in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.60

The areas within the core herd home range that are not administered by the Payette National Forest are accounted for in the cumulative effects section in the final document.

Sample Public Comment for 570.60

The new definition of herd home range also includes significant private land holdings, which the Forest Service does not control, but does not account for in its analysis of proposed alternatives that would include those lands as part of the “buffer” created by the alternative between domestic and wild sheep. And there are already domestic sheep on many of these private lands. (Update to DSEIS Ltr# 20093)

Concern Statement 570.61

The Forest Service should clarify the basis for the Foray Model and differentiate movements between resident and transplanted bighorn sheep in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.61

All of the new models are fully explained in the technical reports.

Sample Public Comment for 570.61

The Update presents a number of newly developed models for source habitat, forays outside of source habitat, and risk of disease transfer. For the reader to understand and critically evaluate these models, each model and the data on which it is based must be clearly described, as must any changes from data presented earlier. Similarly, the basis for the “Foray Model” (e.g., the number of individuals and animal-years on which the model is based) should be clarified. Were there differences in movements between resident and translocated animals? (Update to DSEIS Ltr# 20089)

Concern Statement 570.62

The Forest Service should clarify the definition and use of the terms "foray" and "wandering" in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.62

At the beginning of the Foray Analysis section, forays are defined as “any short-term movement of an animal away from and back to its herd’s core herd home range”. In the same section, foray movements are presented as a normal and characteristic behavior of

bighorn sheep. Foray movements put bighorn sheep at particular risk of contact with domestic sheep, even at some distance from the bighorn sheep's core herd home range.

There is no implication or understanding by the Forest Service that animals engaging in foray movements are aberrant, nonessential, or subject to removal. In fact, foray movements are understood to be an important adaptation of bighorn sheep to their environment. Whatever term is used to describe them, exploratory movements outside of their core herd home ranges are an important component of bighorn sheep's use of the landscape, and need to be considered as a possible source of contact between domestic sheep and bighorn sheep.

The Forest Service recognizes that some movements outside of the core herd home range will result in colonization of new areas. The habitat, foray, and disease models do not attempt to model recolonization, but the Forest Plan will include directions for adjusting management decisions should herds become established in new areas.

Sample Public Comment for 570.62

Use of Term "Foray" and "Wandering" -: The term "Foray" implies exploratory and/or infrequent or aberrant movements outside areas normally used by individuals. In addition, the UDSEIS was referred to "bighorn sheep travelling outside of their home ranges" again implying aberrant movements (UDSEIS, page 3-84). The Tribe feels it is important to clearly define these terms, as aberrant movements, are usually associated with individual sheep that are thought to be expendable or nonessential to the health of their herd, because they are removed from and no longer closely associated with their herds, are found outside of typical bighorn sheep habitat, and likely pose management risks making them subject to removal. Many times aberrant movements are associated with young dispersing bighorn sheep which are no longer or loosely tied to their herd as opposed to resident bighorn sheep which are closely tied to the herd. The Tribe is concerned, by characterizing all movements outside of a CHHR as forays, gives the impression all bighorn sheep located outside of CHHR are expressing aberrant movements, are therefore nonessential to their herd, may pose a management risk, and may or should be subject to management action including removal. This line of thought will preclude meaningful opportunities for bighorn sheep restoration and range expansion. Although we understand the Foray Model tries to capture such movements, we feel describing all movements outside the CHHR as forays is misleading in a way that dismisses the importance of; (1) resident bighorn sheep found outside the 95% volume contour, but still within their normal herd home range, to the health of their herd, and (2) bighorn sheep recolonizing new source habitats as herds expand. More clearly and accurately characterizing movements of bighorn sheep outside of CHHRs would be helpful in the ROD. We suggest the PNF avoid describing bighorn sheep movements as forays or identifying bighorn sheep as wandering sheep, unless these terms specifically refer to bighorn sheep that are exhibiting aberrant movements. (Update to DSEIS Ltr# 20072)

Concern Statement 570.63

The Forest Service should include a qualitative analysis that recognizes the documented presence of uncollared bighorn sheep in the Little Salmon and Main Salmon South Fork herds in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.63

See Response to Concern 570.59

Sample Public Comment for 570.63

Paucity of Radiotelemetry Data and Sightings of Uncollared Bighorn Sheep - Modeled results for the Little Salmon and Main Salmon South Fork herds may further be underestimated because of the paucity of available radio telemetry data and inability to model documented sightings of uncollared bighorn sheep. The Tribe suggests there is not sufficient radiotelemetry data to fully understand bighorn sheep distribution within the ranges of these two herds. Given the paucity of radiotelemetry data for these two herds, the documented presence of uncollared ewes in areas outside those currently used by radio collared animals is particularly important in understanding the potential risk for contact within these two herds. The Tribe requests the PNF assess the possibility of augmenting the UDSEIS analysis to include a qualitative approach that recognizes and accounts for the documented presence of uncollared bighorn sheep in the Little Salmon and Main Salmon South Fork herds. (Update to DSEIS Ltr# 20072)

Concern Statement 570.64

The Forest Service should use the information in the Core Herd Home Range Analysis section of the Update to the DSEIS in the decision making process as it is scientifically sound.

Response to Concern 570.64

The Forest Service agrees that the core herd home range analysis is scientifically sound and is being used in the final decision.

Sample Public Comment for 570.64

After review, we believe the home range analysis and foray modeling is scientifically sound, represents a best approximation of bighorn sheep movements based on available data, and provides an improvement over the approach in the DSEIS. (Update to DSEIS Ltr# 20082)

Concern Statement 570.65

The Forest Service should reevaluate foray movement because it is not uniform and is most likely determined by topography, landscape, and the location of other herds in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.65

Our foray analysis does take into consideration the distribution of source habitat in estimating the probability of foray movements reaching different areas. As described in Chapter 3 of the FSEIS in the section titled “Probability a Bighorn Sheep will Intersect an Allotment”, analysis of all telemetry points found outside of the core herd home ranges (CHHRs) shows that bighorn sheep are more than 34 times more likely to be found in a given area of source habitat than in an equal area of non-habitat, and nearly 6 times more likely to be found in source habitat than in connectivity area. The probability of a foray reaching a given area is a combination of the area’s distance from the CHHR, its suitability as bighorn habitat, and the distribution of habitat and non-habitat at the same distance in other directions from the CHHR. Figure W-0m in the FSEIS, which illustrates the probability of foray movements to areas surrounding the Upper Hells Canyon CHHR, shows a case in which foray movements are modeled as much more probable in some directions (colored with various shades of blue) than in others (colored green and yellow).

The definition of source habitat incorporates topographic and landscape factors so the effects of these factors are accounted for in our habitat model. Similarly, to the extent that other herds are found in areas with a large amount of source habitat and connectivity areas, foray movements will be modeled as being more likely to occur toward those herds.

More detailed treatments of the directionality of foray movements, including cost surface analysis, were considered but rejected due to the limited amount of data on foray movements that were available, even in the extensive telemetry data set that was available to us.

Sample Public Comment for 570.65

Comment #25, pgs. 4, 2-3, 3-8 - 3-13, 3-19, 3-24: The PNF must obtain additional information and include it in the DSEIS. The DSEIS appears to assume that foray movement occurs uniformly in every direction from core herd home range, hence foray movement is mapped according to “concentric rings that emanated from core herd home range areas.” DSEIS at 3-24. This foray analysis overestimates the potential from contact between domestic sheep and bighorn sheep. It is highly unlikely that bighorns foray beyond core herd home range at random, in every direction. Rather foray movement is likely determined by factors such as topography, landscape and the location of other herds. The DSEIS states that bighorn sheep occupy certain source habitat, see DSEIS at 3-12 through 3-14, but ignores the fact that bighorn sheep occupy this habitat when employing the foray analysis. The foray analysis should be based on the actual movements of bighorn sheep. (Update to DSEIS Ltr# 20070)

Concern Statement 570.66

The Forest Service should reassess the foray distance, data source, and telemetry locations used in the detection and documentation of individual foray events and reassess this separately for the Hells Canyon and the Salmon River herds, in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.66

A discussion of systematic biases in the collection of the telemetry data has been added to the FSEIS. The foray analysis clearly does underestimate, to some extent, the frequency and distances of foray movements.

The telemetry data set includes 140 radio-collared rams, from whom 5,010 locations were collected over 12 years, with 212 of the telemetry locations outside of the home range. Although one ram was observed at a distance of 32.4 km from the boundary of its home range, none of the other individuals was ever located more than 26 km beyond the CHHR. While bighorn sheep in other places have been observed to travel greater distances, the fact that none have been observed in a data set as comprehensive the one analyzed here indicates that such movements are at least quite rare.

The movements cited in the article by Akenson and Akenson (1992) include a large migratory component, with animals moving up to 40 to 50 km between wintering and lambing grounds. In the current analysis, such regular movements would be captured by the home range, falling within the 95th isopleth of habitat utilization.

Sample Public Comment for 570.66

Sampling bias associated with the detection and documentation of individual foray events is not discussed but may dramatically impact foray analyses. From experience, bighorn movements through forested areas complicate monitoring efforts due to line of sight issues, signal bounce, signal interference, and time constraints. Field personnel more often fail to document collared individuals in these circumstances. Also, it is misleading to limit the maximum foray distance to 35 km (the maximum observed in the data) unless there is evidence to suggest that individual was observed at its maximum foray distance. A more appropriate and defensible maximum distance would be 75 km, the maximum observed for bighorn in this area previously (Akenson and Akenson 1994). Sampling limitations and assumptions such as these may significantly bias foray analyses, underestimating the frequency and distance of foray events and overstating the degree to which contact risk is minimized. (Update to DSEIS Ltr# 20046)

Concern Statement 570.67

The Forest Service should reevaluate resource selection or preference in the foray analysis because animal movement through low quality habitat weakens the applicability of models that incorporate habitat selection information, in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.67

Like the commenter, the modelers expected that the resource selection function of animals on forays would be different than those moving within the core herd home range; animals on forays are likely to be more willing to cross areas of non-habitat, and may thus spend more time outside of mapped source habitat than animals within the CHHR. Thus, as described in the FSEIS, they calculated resource selection functions for telemetry points within the CHHR, and for points found outside of the CHHR. That analysis found that animals moving outside of the CHHR did in fact have higher “preference” for non-habitat and connectivity areas. Consequently, the resource functions used in the foray analysis were the ones fitted to actual observations of animals moving outside of their CHHRs, and took into account the characteristic behavior of animals on exploratory movements.

Sample Public Comment for 570.67

The foray analysis has several shortcomings which greatly limit its applicability and utility. Most generally, attempting to incorporate resource selection or ‘preference’ in a foray analysis is problematic because forays, by definition, involve unexpected animal movements and atypical habitat selection. During exploratory or even migratory movements, individuals of many big game species often move through extensive and contiguous low-quality habitat, weakening the applicability of models incorporating habitat selection information. (Update to DSEIS Ltr# 20046)

Concern Statement 570.68

The Forest Service should reevaluate the smoothing parameter (Href) and potentially use cross-validation or at least squares cross-validation, which would more accurately identify home range core areas, in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.68

In the exploratory stage of the core herd home range analysis, several methods of determining kernel bandwidth were explored. Unfortunately, the telemetry observations for individual animals are highly non-independent, and CVh and LSCVh resulted in bandwidths that were unrealistically small.

If there had been only one individual per herd or if data points for all individuals had been lumped together in the calculation of a single value of hRef, the analysis would have missed the multimodality of the bighorn core herd home ranges.

Instead, the core herd home range analysis was completed by creating a home range for each individual on a seasonal basis. Then, those individual home ranges were aggregated together to generate a herd level result. Since bighorn sheep are social and individuals in a herd use the same general areas, the composite of the individual home ranges created a fairly detailed multimodal map of habitat utilization for most herds (see Figures 1 to 15 in the *Modeling and Analysis Technical Report* [Appendix L]). For rams, whose movements are of most concern, 4.4 percent of telemetry points were located beyond the 95th isopleths, indicating that oversmoothing was not severe.

Finally, because foray distance was modeled separately from the core herd home range boundaries, predicted contact rates with active allotments were fairly insensitive to the particular method used to fit the bandwidth. Had bandwidths been selected so that core herd home ranges were a bit smaller, forays would have been modeled to be correspondingly longer and more likely. Therefore, contact rates would have remained basically the same.

Sample Public Comment for 570.68

Core Herd Home Range Analysis The smoothing parameter (Href) used for home range calculations is inappropriate for the analysis. Href oversmooths multimodal distributions which are common in bighorn populations (Seaman et al. 1999). An approach based upon likelihood cross-validation (CVh; Horne et al. 2006) or least squares cross-validation (LSCVh; Silverman 1986, Worton 1995) would more accurately identify home range core areas. (Update to DSEIS Ltr# 20046)

Concern Statement 570.69

The Forest Service should reconsider that the Salmon River study indicates that bighorn sheep are using the Salmon River Canyon on the Nez Perce National Forest and are not moving up on the allotments on the east side of the Payette National Forest. In addition, Soulen's fall allotments are those that are the furthest away from the core herd home ranges and the domestic sheep are off the Payette National Forest by October 15.

Response to Concern 570.69

The quantitative risk analysis is primarily based upon the Hells Canyon telemetry and observation dataset. The reason for this basis is because this data has been collected for more than 12 years and has monitored approximately 400 individuals. The habitats between Hells Canyon and the Salmon River area are not much different and the behaviors of bighorn sheep would be expected to be very similar. The data that has been collected for the Salmon River has only been collected for two years with only approximately 30 individuals. Given these statistics, it is prudent to use the larger dataset from Hells Canyon as the basis of the analysis. Also, the analysis is designed to look specifically at the behaviors of bighorn sheep during the permitted season of domestic sheep use on the Payette National Forest and when the longer range foray behaviors are exhibited during the bighorn breeding season.

Sample Public Comment for 570.69

Page 39 of the technical report states, “Most bighorn sheep, in most years, never move beyond the core herd home range.” The Upper Hell’s Canyon Summer herd home range and the Main Salmon and South Fork Summer herd home range models show no overlap with the domestic sheep allotments on the east side of the forest. The technical report also states, “The rut occurs in November/December and produces relatively frequent and long distance exploratory forays by rams.” Did the Payette National Forest take into consideration that Soulen Livestock’s fall allotments are those that are the farthest away from the core herd home ranges, and that the sheep leave the forest by October 15th? The latest telemetry information from the Salmon River study shows that the bighorns are utilizing the Salmon River Canyon and moving up and down the canyon and onto the Allison-Berg allotment on the Nez Perce National Forest, but the bighorn sheep are not moving up onto the Payette National Forest’s allotments on the east side of the forest. (Update to DSEIS Ltr# 20040)

Concern Statement 570.70

The Forest Service should consider the last four steps in the sequence of events for disease outbreak, as indicated on page 38 of the technical report, to accurately assess the potential for disease transmission in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.70

The last four steps were modeled together by the parameter called “Probability of effective contact between bighorn sheep and domestic sheep within an allotment”. The explanation of that parameter’s role was unclear in the UDSEIS and has been expanded in the FSEIS. Because so little information is available to estimate the probability of several of these steps, the disease model was run with a range of probabilities of effective contact and a subsequent herd level outbreak given cohabitation of a bighorn sheep and domestic sheep in an open allotment. The values used range from 5 percent to 100 percent and have allowed the Forest Service to explore the consequences of each alternative under a range of different probabilities of die-off given that a bighorn sheep reaches an active allotment.

Sample Public Comment for 570.70

On page 38 of the technical report the sequence of events for a disease outbreak to occur resulting from contact of a bighorn sheep with a domestic sheep is outlined in seven steps. The next paragraph states that the foray model covers steps 1-3 of the process, leaving out the remaining four steps. The last four steps: 1) bighorn sheep must come into contact with domestic sheep in the allotment, 2) contract the disease from the domestic, 3) the infected bighorn must make its way back to the core herd home range, and 4) transmit the disease to other members of the herd, are critical step in evaluating the level of risk that a foray presents. By not considering the last four steps in that process the Payette National Forest has overstated the potential for a wandering bighorn to transmit disease back to the herd and cause a die off. (Update to DSEIS Ltr# 20040)

Concern Statement 570.71

The Forest Service should consider the benefits from forage utilization by domestic sheep and clarify assumptions concerning foray distances in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.71

The methods and assumptions used in the analysis are documented in Chapter 3 of the SEIS and in the technical reports in the appendices. The primary concern for the Salmon River and Hells Canyon bighorn sheep populations is the potential for contact between domestic sheep and bighorn sheep, and the implications for disease transmission and disease outbreaks in bighorn sheep populations. This premise is clearly stated in the document and is the primary focus of the analysis. See Response to Concern 570.68

Even in cases where exposure to Pasteurellaceae eventually results in death, the incubation period between exposure and disease and death is not necessarily short (i.e., often longer than a month). As a result, our model allows the possibility that bighorn rams may contract disease and bring it back to their home herd before they themselves die of the disease.

The disease model in no way assumes that contact will only occur between bighorn rams and domestic ewes during the estrus of those ewes, nor does the model assume that domestic sheep have monthly estrus. Contact is possible between bighorn rams or ewes and domestic sheep of both sexes whenever both are found in the same allotment during the same season.

Sample Public Comment for 570.71

Forage utilization by domestic sheep has been identified as increasing palatability and availability of forage for the more abundant wildlife ungulates, deer and elk, and helping to reduce the frequency and duration of wildfires. There is not much discussion about this in the document and the influence on elk, Idaho Fish and Game's featured species of management. One statement on page 3-13 that is questionable in the context of the areas being considered is the carrying capacity and predation statement made and attributed to Beecham, et.al. That interesting statement is based on the definition of suitable bighorn sheep habitat and the need for sight distance. Another statement about fire suppressed stands creating barriers between winter and summer range is also questionable. This is particularly so if a person looks at the number and extent of wildfires that have occurred in the recent past in the large river-break landtypes where the desired cliffs, scree slopes and rock outcrop extents of desired bighorn sheep suitable habitat are present.

In the discussion on bighorn sheep forays and elsewhere in the document there is an inference of exposure equaling a rather straight line lethal influence when contacting domestic sheep. If the studies indicate a rapid lethal result why would contacts on forays not be as rapidly lethal as the assumption therefore foray distances that equal herd infections should be for only short distances and the bighorn, especially rams would be very likely to then only expose the ram band which is relatively small in size and has only little influence on the ewe bands, except during the breeding season. The apparent rationale for the bighorn ram interaction with domestic sheep is the monthly estrus of those sheep. (Update to DSEIS Ltr# 20031)

Concern Statement 570.72

The Forest Service should consider the Snowslide/Maki Trail by Lick Creek as bighorn sheep habitat in the Core Herd Home Range Analysis section of the Update to the DSEIS.

Response to Concern 570.72

As more information about the Snowslide/Maki area is collected it will be incorporated into our adaptive management strategy for future reference.

Sample Public Comment for 570.72

We saw tufts of white woolly fur trapped on various branches along the Snowslide/Maki trail by Lick Creek. Didn't see any bighorns in person though! (Update to DSEIS Ltr# 20029)

Concern Statement 570.73

The Forest Service should clarify in the SEIS that lands within the Secesh, Needles, Caton Lake, Patrick Butte, and Cottontail Point Roadless Areas are to be considered for potential future habitat in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.73

The Secesh, Neddles, Caton Lake, Patrick Butte, and Cottentail Point roadless areas all have mapped bighorn sheep source habitat and the possibility to support some level of bighorn sheep habitat usage. These areas will be monitored for current or possible future habitat use.

Sample Public Comment for 570.73

But to say that the Secesh and Needles have always lacked bighorn sheep would be untrue and would not allow SWC to protect the habitat or potential occurrence of these animals in this superb wildlife habitat where they, and mountain goats, deserve to live in the future. The UC Davis analysis and the USFS DSEIS failed to define the historic viable and occupied habitat where bighorn sheep once lived within the Secesh Wildlands Coalition's area of influence. This key habitat for SWC includes the Secesh and Needles proposed Wilderness areas and the adjacent South Fork of the Salmon River; these areas are characterized by rocky cliffs and promontories mostly recommended by the USFS as Wilderness areas in its Forest Plan. They are areas that bighorn sheep have used in the past and domestic sheep continue to use in the present. The agency's reasons for failing to define this historic habitat are understandable as the data are inconclusive, scarce, expensive to collect, and would be debated endlessly by ranchers. The additional data collection would tie up the analysis for many years without a clear winning strategy for bighorn sheep on the Payette. We do not have many years for the bighorns to live in the absence of gaining protection for their current habitat. SWC will not challenge the USFS on this failing but we ask that the USFS explicitly state in its Final SEIS that the conclusions that bighorns have not lived or do not now live in the Secesh, Needles, Caton Lake, Patrick Butte or Cottontail Point roadless areas are, at best, unclear. The USFS' own data show that any conclusion about historic occurrence of bighorn sheep is not clear at the present and that these lands should be considered potential habitat for the future. (Update to DSEIS Ltr# 20112)

Concern Statement 570.74

The Forest Service should identify a realistic habitat for bighorn sheep in areas that are not suitable or accessible for domestic sheep production in the Habitat Model section of the Update to the DSEIS. In addition, consider the possible adverse affect on bighorn sheep from lack of fire suppression or forest management.

Response to Concern 570.74

The quantitative risk analysis is specifically designed to look at the risks of using a spatial and temporal separation of the two species on the landscape. The analysis took into account where the habitat is on the landscape, how bighorn sheep use the habitat, and where and how domestic sheep use the landscape. The Payette National Forest was specifically tasked to perform a viability analysis for bighorn sheep centered on the issue of disease transmission from domestic sheep to bighorn sheep on the Payette National Forest.

See Responses to Concern 570.58 and 570.71. The primary focus of this analysis is related to the potential for contact and disease transmission between domestic and bighorn sheep, and the implications for disease outbreaks in the latter species. The Payette National Forest encompasses substantial suitable habitats for bighorn sheep, which are also currently suited for domestic sheep grazing. The Forest Service does not control bighorn sheep populations, but does manage resources that can potentially impact their habitats, including domestic sheep grazing. Therefore, the spatial context of the analysis is logically at the intersection (potential overlap) in bighorn sheep habitats and

domestic sheep allotments. Furthermore, the Forest Service only has the purview of managing domestic sheep grazing; not manipulating bighorn sheep populations. The alternatives reflect opportunities to manage domestic sheep in light of bighorn sheep home ranges and movements. The priority in the SEIS assessment is to ensure habitats are provided that support viable populations of bighorn sheep.

Sample Public Comment for 570.74

A more realistic bighorn sheep zone should be identified. Encourage bighorn populations in areas not suitable or accessible for domestic sheep production. Keep all domestic sheep, goats and llamas out of those areas except on private property where you have no control. Manage fires in the bighorn sheep zone to optimize bighorn sheep habitat. How many bighorn sheep were lost in the 2007 fire season? How was their habitat affected? How many were made more susceptible to disease because of the smoke from the fires? Fire management practices should take into consideration the possible adverse affect on bighorn sheep. If we are to tolerate no risk to their health from domestic sheep, we should also tolerate no risk to their health based on fires that might be controllable either by suppression or management of the forests to reduce the risk of large uncontrollable fires. (Update to DSEIS Ltr# 20090)

Concern Statement 570.75

The Forest Service should include data that confirms the relatedness of individuals within the named herds used to define a population in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.75

The source of the original vegetation data in the original model has been corrected in the technical report for the final. The statement on the composition of a population was not intended to infer any level of relatedness between the animals other than their spatial correlation.

Sample Public Comment for 570.75

In Appendix B (p. 3) it was reported that the Hells Canyon Initiative habitat model used the National Land Cover Dataset to map vegetation types suitable for bighorn sheep. In fact, vegetation information was obtained from a supervised classification of TM satellite imagery (Hells Canyon Bighorn Sheep Restoration Plan 1997, p. 5). Additionally, the statement was made that “A population is based on the entirety of the breeding individuals independent of shared range.” This statement suggests that there is some measure of the relatedness of animals used to define a population, and while such an assumption may be plausible, no data to confirm the relatedness of individuals within the named herds was presented or available. (Update to DSEIS Ltr# 20089)

Concern Statement 570.76

The Forest Service should clearly explain and justify any changes from the DSEIS models versus the models used in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.76

See Response to Concern 570.61

Sample Public Comment for 570.76

The Update presents a number of newly developed models for source habitat, forays outside of source habitat, and risk of disease transfer. For the reader to understand and critically evaluate these models, each model and the data on which it is based must be clearly described, as must any changes from data presented earlier. For example, the Update describes changes made to the “Source Model” concerning escape terrain and winter habitat models that adjusted predicted habitat by 2% and 18%, respectively. These changes need a more thorough description and justification to allow the reader to understand improvements made to the model. Other changes such as increasing the minimum mapping size should also be explained more explicitly, rather than stating that they did a “better job of habitat mapping” (p. 4). (Update to DSEIS Ltr# 20089)

Concern Statement 570.77

The Forest Service should consider the close proximity bighorn sheep have to domestic sheep in the fall along the Main Salmon River Canyon and examine the risk of contact and potential for disease transmission in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.77

The SEIS analysis does assess the effects of several alternatives relative to the potential for contact and probabilities for disease transmission between domestic sheep and bighorn sheep. The proximity of bighorn sheep core herd home ranges and the likelihood of bighorn sheep forays into domestic sheep allotments are key analysis processes in the document.

It is not clear from the comment which particular domestic sheep are being referenced and which months are included in “fall”. However, as explained in the document, summer foray movements occur between May and October when domestic sheep are out on active allotments. Therefore, the disease model assesses the probability of contact with domestic sheep on all allotments of the Payette National Forest between May and October. The cumulative effects analyses also include the risk of contact with domestic sheep on private lands and allotments falling outside of the Payette National Forest. Therefore, the cumulative effects analyses assess the risk of contact with all known domestic sheep along the Main Salmon River Canyon.

Sample Public Comment for 570.77

TWS, HCPC, and ICL agree with the Forest Service that the bighorn sheep Source Habitat Model is an improvement over the Geographic Population Range developed earlier analyses. The Source Habitat model better demonstrates the connectivity of individual bighorn herds and the larger meta-population. The connectivity also demonstrates the need to protect the entire meta-population of bighorns on the Payette from contact with domestic sheep. However, there is concern with the statement that the Update “focused primarily on summer source habitats, as domestic sheep are mostly present on the Payette National Forest and in close proximity to bighorn sheep source habitats during this period” (pg. 3-44). Bighorns are in close proximity to domestics in the fall on the Payette along the Main Salmon River canyon, and the Update should examine the risk of contact and potential for disease transmission from that situation as fully as it has summer source habitats. (Update to DSEIS Ltr# 20088)

Concern Statement 570.78

The Forest Service should assess the value of accessible winter habitat and consider winter feeding for the bighorn sheep, rather than focusing on removing the domestic sheep in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.78

The primary concern in this analysis is the potential for contact between domestic and bighorn sheep, and the probabilities of disease transmission between the species that could lead to a disease outbreak in the latter species. Winter source habitats were mapped and are an important part of the total habitat for bighorn sheep on and adjacent to the Payette National Forest. However, wintering habitat is not currently considered a primary factor limiting bighorn sheep populations.

Sample Public Comment for 570.78

Why did the BHS die this year? It has been warmer than usual. It's been a great winter, lots of snow, good skiing--at least for us humans. However, ask the livestock producers. It has been inordinately wet in the valleys, with lots of mud. The high country had plenty of wet, heavy snow that doesn't blow off to leave uncovered forage. It has rained and froze. The resultant crust is difficult to dig through. It has been windy and wet. Wind chill cause much more energy expenditure. Huge amount of energy is expended to keep wet animals warm. Pregnancy exacerbates the situation. Just how much feed do you think is available if it has to be dug out of the snow? On a dry mountain side? Near escape terrain? In the rocks? Thus, winter feeding would, undoubtedly, be far more useful for improving the health of BHS than removing domestic sheep from Forest allotments. This winter's die-offs are pretty good proof that winter stress is far more dangerous than domestic sheep. (Update to DSEIS Ltr# 20083)

Concern Statement 570.79

The Forest Service should use the information found in the Habitat Model section of the Update to the DSEIS in their decision as it is scientifically sound.

Response to Concern 570.79

The Forest Service agrees that the habitat model is scientifically sound and is being used in the final decision.

Sample Public Comment for 570.79

Population Models. The refined models in the Update are scientifically sound. They are based on best available scientific information: telemetry data from bighorn sheep populations utilizing habitat on or adjacent to the Payette National Forest. (Update to DSEIS Ltr# 20094)

Concern Statement 570.80

The Forest Service should reevaluate their methods of analysis that use the GPR model, which relies upon telemetry data to define boundaries and to designate lands as unsuitable for domestic sheep grazing in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.80

The Payette National Forest is no longer utilizing the GPR as it relates to the Risk Analysis for Disease Transmission Between Bighorn Sheep and Domestic Sheep on the Payette National Forest. The GPR is simply another area on the map designated as not suited for domestic sheep grazing for Alternative 7G. Alternative 7G is one of several alternatives considered for this analysis as providing for a range of effects.

Sample Public Comment for 570.80

The DSEIS states at page 3-80 that - Alternative 7G (Agency Preferred Alternative in DSEIS) In the DSEIS, populations of bighorn sheep were identified using the Geographic Population Range (GPR) model. The GPR was developed in part, utilizing the 2006 Risk Analysis that is no longer in effect for the FSEIS. This Alternative 7G utilizes the GPRs simply as a boundary and designates all land within the Hells Canyon and Salmon River GPRs as unsuitable for domestic sheep grazing. Permitted domestic sheep grazing is allowed within the herd home ranges for bighorn sheep. The risk for contact between the two sheep species is very high. The following allotments are affected by this Alternative: Smith Mountain, Curren Hill, Boulder Creek, Price Valley, Shorts Bar, Hershey-Lava, French Creek, Bear Pete, Marshall Mountain, Vance Creek, Little French Creek, Josephine, Victor-Loon, Twenty Mile, Fall/Brush Creek, North Fork Lick Creek, and Lake Fork. This alternative leaves no trailing routes open within the GPRs. The remaining allotments have no change to suitable acres for domestic sheep grazing. Bold emphasis supplied (as to the domestic sheep allotments on the western side of the Payette National Forest or otherwise in what the DSEIS designates at the Hells Canyon GPR). What is apparent from the foregoing statement is that the USFS relies upon a GPR model, which from other text in the DSEIS relies upon telemetry data to define boundaries and to designate "all lands within the Hells Canyon and Salmon River GPRs as unsuitable for

domestic sheep grazing.” See Exhibit “C” (which is a Map of the Payette National Forest, divided by the Hells Canyon GPR on the westside and the Salmon River GPR on the eastside). This modeling is flawed for the reasons stated in (1) above, as well as for the reasons stated in the comments below. While the DSEIS and DA purport to be issued to update “work ... with population and disease modeling” (as stated in the Forest Supervisor’s letter dated January 25, 2010), the DSEIS and DA continue to ignore that any such modeling is flawed with the given reality that bighorn sheep do not exist on the domestic sheep grazing allotments on the western side of the Payette National Forest. The USFS’s own mapping and other data confirms this reality. See Exhibit “D”, which are Maps from 2004-2009, disclosing no bighorn sheep on the western side of the Payette National Forest. The point being that any model, however valid or invalid, assumes that the species-in-question exists on the westside of the Payette National Forest. Here, the species-in-question do not exist on the westside of the Payette National Forest. The Ninth Circuit recently stated in *Native Ecosystems Council v. Tidwell*, 06-35890, at page 3720 (<http://www.ca9.uscourts.gov/datastore/opinions/2010/03/09/06-35890.pdf>) that - “We do not share our dissenting colleague's perception that the Forest Service can meet its obligations to the environment by naming a virtually non-existent species to serve as a proxy for critical habitat in the targeted area. Far from usurping the agency's role, our opinion holds the agency to its statutory responsibility to fully study the effects of the planned agency action, and "to maintain viable populations of existing . . . species." 36 C.F.R. § 219.19 (emphasis added). It is unfathomable how the Forest Service could meet its responsibility to maintain existing species by selecting as a proxy a species that is virtually non-existent in the targeted area. A "report of two sage grouse being taken illegally from the project area [of 48,000 acres] in 2002," see Dissenting Opinion, p. 3730, just doesn't cut it. What is compelling about this statement by the Ninth Circuit in *Native Ecosystems Council v. Tidwell* is the reality that the present situation is even more “unfathomable”. Here, the USFS does not attempt to use a “proxy of a species that is virtually non-existent in the targeted area”, but attempts to maintain the viability of a species that has been “virtually non-existent in the targeted area” since 2004. This effort is not permitted by the law. The DSEIS and DA cloaks itself in a determination that domestic sheep is “unsuitable for domestic sheep grazing” within Shirts allotments (both on the westside and eastside). However, this is really a determination “to devote the lands covered by (Shirts’) permit(s) ... to another public purpose”, namely, bighorn sheep. 43 U.S.C. 1752(g). To accomplish such an objective, the USFS is required to provide the permittees, like Shirts, “reasonable compensation for the adjusted value ... of his interest in authorized permanent range improvements ... on lands covered by such permit.” 43 U.S.C. 1752(g). Here, the USFS continue to refuse to commit to this legal obligation and to propose to pay such compensation, all in violation of the law. (Update to DSEIS Ltr# 20075)

Concern Statement 570.81

The Forest Service should include information regarding the effect global climate change and fire management has on source habitat on the Payette National Forest, in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.81

A section is added to the SEIS in Chapter 3 that discusses the implications of climate change on bighorn sheep and their habitats on the Payette National Forest.

Sample Public Comment for 570.81

Comment #25, pgs. 4, 2-3, 3-8 - 3-13, 3-19, 3-24: The PNF must obtain additional information and include it in the DSEIS. The DSEIS discusses source habitats for bighorn sheep. DSEIS at 3-12 through 3-13. How is global climate change affecting source habitats on the PNF? The PNF should discuss the impacts on global climate change on source habitats. Also, the DSEIS states that post-fire habitats can benefit bighorn sheep. Id. How is the PNF's fire management affecting bighorns? The PNF should discuss the impacts of its fire management on source habitats. (Update to DSEIS Ltr# 20070)

Concern Statement 570.82

The Forest Service should disclose the procedures for changes to grazing allotments if monitoring indicates bighorn sheep are expanding their home ranges, in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.82

A permit "modification" is the revision of one or more grazing permit terms and conditions made in accordance with 36 CFR 222.4(a)(7) or (a)(8). The authorized officer should discuss proposals to modify a term grazing permit with a permittee prior to implementation Under 36 CFR 222.4(a)(7). The authorized officer may modify the permit immediately if the purpose of the modification is to bring the livestock grazing activity into conformance with current situations brought about by changes in law, regulation, executive order, forest or grassland plan, allotment management plan, or other management needs. Where the modification is the result of concerns about the condition of rangeland resources, 36 CFR 222.4(a)(8) requires the authorized officer to provide the permittee with advance notice one year prior to implementing the modification. However, this one year advance notice requirement can be waived in "emergency" situations.

As rangelands are classified as unsuitable for domestic sheep grazing, bighorn sheep may begin utilizing the vacated acreage suitable for their habitat without the immediate risk of contact. As the bighorn populations increase because their vulnerability to disease transmission is reduced, they may enter into new source habitats they have not recently utilized that are occupied by domestic sheep. As suitable bighorn sheep summer source habitat availability increases and populations grow, bighorn sheep are expected to roam or foray more and may come into contact with domestic sheep on lands outside the Payette National Forest.

The Forest Service will continue monitoring (refer to the Monitoring Plan in the Appendix) the domestic sheep allotments for bighorn sheep presence and continue providing separation between the two species.

Sample Public Comment for 570.82

Habitat Expansion. What if monitoring indicates bighorns are expanding their home ranges? What procedures are in place to make rapid changes in domestic sheep grazing and to perhaps change grazing allotment boundaries? I would very much like to see a discussion on this, in the final EIS. (Update to DSEIS Ltr# 2061)

Concern Statement 570.83

The Forest Service should consider and include geographic considerations that provide habitat connectivity, while maintaining spatial separation from domestic sheep grazing, in the Habitat Model section of the Update to the DSEIS.

Response to Concern 570.83

The connectivity of the habitat and the bighorn sheep herds has been accounted for in the disease model in the analysis for the final. The inter connectivity of the bighorn sheep herds was one of the inputs into the disease model to determine the probability of the bighorn sheep herds' persistence.

See responses to comments 570.58, 570.71, and 570.74. Bighorn sheep are highly mobile animals that are capable of long-distance movements across severe topographical terrain and capable of pioneering these habitats as populations expand. The source habitat model displays the extent and suitability bighorn sheep habitats on the Payette National Forest. Similarly, telemetry data were used to assess the likelihood of bighorn sheep movements across these landscapes. This analysis is coupled with the location of current domestic sheep allotments. Alternatives were developed to reflect potential management options using this information. The goal of these alternatives is to explore possibilities to minimize interspecies contact relative to domestic sheep grazing allotments. Due to agency mandates and responsibilities, the Forest Service only has the purview of managing domestic sheep grazing; not manipulating bighorn sheep populations.

Sample Public Comment for 570.83

Habitat Connectivity-This DSEIS should include geographic/landscape considerations that provide connectivity of bighorn habitats. This connectivity of habitats should be spatially separated from and thus uninfluenced by risks associated with domestic sheep grazing. Managed as one unit the Oregon and Idaho portions of the HCNRA provide habitat connectivity to the Salmon River and Frank Church Wilderness populations of bighorn. Bighorn are known to cross the Snake River and this natural migration will likely infect the Oregon population through cross contamination either between bighorn sub-groups or by new contact with the domestic sheep that currently graze the Idaho side of the canyon. This fact alone is alarming when you recognize that taxpayer dollars have been used numerous times (to no avail) as repeated bacterial infections are spread to several bighorn bands along differing locations across a wide geographic area. (Update to DSEIS Ltr# 20036)

Concern Statement 570.84

The Forest Service should not consider private lands within and adjacent to the Payette National Forest that support domestic sheep or cattle as source habitat or home range in the Habitat Model section of the Update to the DSEIS. These lands should be evaluated and developed under a different category for the potential as suitable range for bighorn sheep. If a separation policy has been established, then source habitat should be reconsidered.

Response to Concern 570.84

The Forest Service is required to look at all of the lands around the Payette National Forest to assess how they might affect the resource. The cumulative effects analysis looks at how domestic sheep presence on private, State of Idaho, BLM, and other National Forests effect bighorn sheep populations.

Sample Public Comment for 570.84

In identifying the bighorn sheep as a sensitive species the Regional Forester has created an issue that is separate yet linked to the evaluation of viability of bighorn sheep in the Hells Canyon National Recreation Area (HCNRA). The issue of habitat becomes different issues while the potential for disease linkage are actually common. Your assessment defends the approach that the common problem in the HCNRA, as well as the other Forest areas, is that domestic sheep are principle link for an epizootic disease, pneumonia casing pathogen that is passed along to the bighorn sheep which when contacted would result in bighorn sheep die-off risks to that species. Your modeling effort, in a variety of ways tries to verify and assess habitat and home range based on that. It appears appropriate based on the information you use for your model to assume that Idaho's bighorn sheep in some situations within the Payette National Forest (PNF) boundary a portion of the HCNRA has a high allowed potential for interaction or potential disease exposure. That comes from exposure the U.S. Forest Service. As a manager of the National Forest land, only has limited capability to control. And since the bighorn itself, managed by the State as part of its sovereign responsibility for wildlife management, is uncontrolled each has a limited capability on the HCNRA. Interior to the decreed National Forest boundary, however, are numerous large and small tracts of private lands. Those landowners have the capability to utilize the lands in variety of ways for variety of purposes, including the grazing of domestic sheep. These lands because they are not administratively controlled as to their use, as the National Forest and HCNRA are through plans formulated by rules and laws, can strongly influence where suitable or source habitat can or should be defined for bighorn sheep if disease transmission and your thesis of viability is a concern. While the PNF is surrounded to East, West, and North by adjacent National Forests in other administrative Forest Service Regions. it is unclear if those Regional Foresters have declared bighorn sheep a sensitive species. The concern for source habitat that could influence the bighorn sheep is not clear. also. It is clear that private land inholdings, without some kind of easement of other legal constraint can be used by domestic sheep. Using other maps, not available with the document, it is clear that these potential non-source habitats should influence the home range displays of the bighorn sheep the Forest Service identifies, especially if viability is a measure. Several examples of farm flocks, or large sheep ranches are within or directly adjacent to the PNF and within identified home range and inferred source habitat for bighorn sheep. In other cases the land is managed for cattle which the bighorn sheep

avoid (OSEISpg.3-13). For the above stated reasons I believe you really have to evaluate habitat for bighorn sheep and its suitability and capability in two ways. As your document defines source habitat it may or may not have bighorn sheep populations, but the source environment must have all the elements to support persistent populations by maintaining viability. Private lands within and adjacent to the PNF that support domestic sheep or cattle should not be identified as source habitat or home range and should be evaluated and developed under a different category for the potential as suitable range for bighorn sheep. If the agency has a policy of some sort assuring bighorn sheep separation then source habitat could be reconsidered. (Update to DSEIS Ltr# 20031)

Concern Statement 570.85

The Forest Service should select an alternative that maintains viable bighorn sheep habitat to maintain or improve the sensitive species listing so as to not have the species listed as threatened or endangered.

Response to Concern 570.85

The Payette National Forest has developed and analyzed several alternatives. Four of the alternatives provide for some level of viability and two of the alternatives provide for some level of restoration.

Sample Public Comment for 570.85

The second opportunity that SWC sees is for a petition to be sent to the US Fish and Wildlife Service seeking that the Bighorn sheep be designated as a threatened or endangered species. The relevant information has been made readily available over the past few years to us and it could be presented by SWC to the FWS. The inclusion of environmental justice concerns would assure that these issues are well represented, regardless of opposition by many significant organizations in a variety of consensus groups that deal with the various kinds of sheep. The classification of the bighorn sheep as a “sensitive species” is heartening and the commitment by the USFS to maintain viable habitat is very valuable. However, it remains unclear whether the bighorns in the region of interest for SWC will be included in this classification. SWC will continue to monitor the outcome of bighorn sheep to decide if declining numbers warrant sending a petition to the FWS, recognizing the significant backlog of work on the FWS. (Update to DSEIS Ltr# 20112)

Concern Statement 570.86

The Forest Service should reassess their determinations for Alternatives 7M and 7P in the Sensitive Species section of the Update to the DSEIS because the probability of the trend toward Federal listing and loss of bighorn sheep viability is a high risk.

Response to Concern 570.86

Effects of the alternatives are discussed in the Environmental Consequences section of Alternative 3. There were minor changes in bighorn sheep life history requisites that had minor effects on the outcome of the disease model. The source habitat and contact

models remain unchanged. The overall analysis uses the outcomes of all three models to assess alternative implications on bighorn sheep habitats and the likelihood of bighorn sheep population persistence.

Sample Public Comment for 570.86

Bighorn sheep are listed as a Sensitive Species within Region 4 of the U.S. Forest Service. As such, each action alternative is evaluated whether implementation would contribute to a trend towards federal listing or loss of viability. This evaluation appears to be inconsistent in the UDSEIS. The PNF determined alternatives N and O, considered to have similar influences on bighorn sheep viability and similar risks of contact (0.13 and 0.09 respectively), would not contribute to sensitive species concerns. The UDSEIS states "these alternatives may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species" (UDSEIS, page 2-13). Likewise, the PNF determined alternatives M and P had similar influences on bighorn sheep viability, similar levels of risk of contact (0.28 and 0.21 respectively), and also would not contribute to sensitive species concerns. The Tribe finds the PNF determination that these two alternatives would not impact sensitive species status of bighorn sheep inconsistent with results of presented analysis. Alternatives M and P leave substantial and unacceptable amounts of risk on the landscape (double that of alternatives N and O) and the analysis indicated under implementation of these alternatives the Little Salmon, Main Salmon South, Fork and Upper Hells Canyon herds may not persist. Referring to these two alternatives the UDSEIS states "The disease model suggests that the Little Salmon, Main Salmon South Fork and Upper Hells Canyon may not persist under these alternatives" (UDSEIS, page 2-13). And yet the UDSEIS, on page 3-13 refers to alternatives M and P as the "middle ground alternatives". The Tribe suggests the PNF reassess their determinations for alternatives M and P as the analysis in the UDSEIS indicates these alternatives would likely contribute to a trend towards federal listing and loss of bighorn sheep viability on the PNF. (Update to DSEIS Ltr# 20072)

Concern Statement 570.87

The Forest Service should consider the Sensitive Species designation of bighorn sheep in its decision making process.

Response to Concern 570.87

Sensitive species designation and the requirements associated with such designation are considered during the decision making process for this effort.

Sample Public Comment for 570.87

Sensitive Species designation. This is an excellent addition, not only to the document, but to R4 Forests as well. It gives the Forest Service much stronger decisional muscle when making hard choices between resource uses. It also puts the Forest Service on record as recognizing that the viability of bighorn herds is threatened; that bighorn numbers are down; and one of the greatest threats to bighorns is disease transmission from domestic sheep and goats. (Update to DSEIS Ltr# 20061)

Concern Statement 570.88

The Forest Service should disclose the criteria that will be used to remove bighorn sheep as a sensitive species and what would cause domestic sheep removal from allotments when bighorn sheep are sighted in the Sensitive Species section of the Update to the DSEIS.

Response to Concern 570.88

The process for listing and delisting species from the sensitive species list are found in FSM 2670. Criteria for listing bighorn sheep as a sensitive species are disclosed in a letter from the Regional Forester to the Forest Supervisors in the Intermountain Region (7/29/2009). It is logical to assume that if these criteria change, the species' status would be reevaluated. However, the primary reason for the SEIS is in response to the Chief's remand of the Forest Plan for the Payette National Forest in 2005. The Chief cited concern over the Payette National Forest providing for habitat that would support viable populations of bighorn sheep, primarily as a result of disease transmission between domestic sheep and bighorn sheep. This predated the sensitive species listing for bighorn sheep. The concerns over interspecies contact, and disease transmission leading to bighorn sheep disease outbreaks is a significant concern in the literature, and was a proximal factor in listing the species as sensitive in this region.

Sample Public Comment for 570.88

What is inferred but not stated is how the expansion of bighorn sheep into other National Forest and adjacent areas will be handled and what will satisfy the issue of bighorn sheep as a sensitive species and remove it from the listing? I have to conclude that as more monitoring for bighorn sheep occurs and with new bighorn sightings in areas with domestic sheep allotments that the Forest Service will remove domestic sheep from those allotments. That process is unclear as is the criteria that would cause domestic sheep removal. Also unclear is the process for retaining the identity of the existing allotments that have or will potentially have all of the domestic sheep or part of the sheep excluded from use. This is of some concern because of the 90% occupancy of permitted numbers requirement. (Update to DSEIS Ltr# 20031)

Concern Statement 570.89

The Forest Service should reexamine the listing and the authority to do so of bighorn sheep as a sensitive species in the Sensitive Species section of the Update to the DSEIS.

Response to Concern 570.89

See response to Concern 570.88. It is the Regional Forester's responsibility to designate species as sensitive for the specific regions that they oversee (FSM 2670).

Sample Public Comment for 570.89

An area that really raised many questions for me is probably one that you may have had little to do with, the Region 4 listing of bighorn sheep as a sensitive species in 2009. The rationale for such action was supposedly based on population declines from disease. If population levels and the lack of occupancy of suitable historic range are such problems why wasn't the bighorn sheep recognized as a sensitive species in the early 1980's by the Region when Forest Plans were being developed. During that time the historic range of the bighorn especially some sub-species were far less occupied and at lower population levels than they were in 2008 and 2009. Several areas of historic range had bighorns re-introduced beginning in the late 1970's' and it has continued to the present. In Utah alone, at least 5 populations' of Rocky Mountain Bighorn sheep Were re-established, and supplemented with excess bighorns from several states and Canada. The populations have populations of sufficient size to be hunted, unlike the levels of the 1980's. In addition the Hells Canyon population has continued to re-occupy the entire canyon including the portion within Region 4. In the Salmon, Idaho area bighorn sheep populations near Leadore have grown to hunt-able levels from being absent in the early 1980's. In fact I was part of a group that helped survey the extirpated home range. So also have population levels expanded in the Middle Fork of the Salmon River and the Upper Salmon River above Salmon and Challis. In addition California Bighorn Seep levels in parts of Idaho and Utah have expanded. Based on the above it is hard to understand what has changed so much that the bighorn sheep should be listed now as species of Forest Service, Region 4 concern when the same concerns were not apparent with earlier population levels during the planning process and responses to the Endangered Species Act. Even harder too reason is the fact that domestic sheep allotments and numbers on them on the National Forests in Region 4 have plummeted as well as other federal lands. This listing by the Regional Forester hardly passes the smell test for appropriateness; in fact it seems both arbitrary and capricious. (Update to DSEIS Ltr# 20031)

Concern Statement 570.90

The Forest Service should correct the misrepresentation of information cited from Cassirer and Sinclair in regards to contact between domestic and bighorn sheep.

Response to Concern 570.90

Reference to the information of concern has been removed from the FSEIS.

Sample Public Comment for 570.90

As the source for much of the bighorn data used, the Department is particularly sensitive to misrepresentation of that information. For example, on page 4 of the Update the statement is made “Hells Canyon Bighorn sheep populations that are disconnected from other bighorn sheep core populations appear to perform better than interconnected populations that have potential contact with bighorn sheep” referencing the Hells Canyon Bighorn Sheep Restoration Plan Cassirer 2004) and “Dynamics of Pneumonia in a bighorn sheep metapopulation” (Cassirer and Sinclair 2007, Journal of Wildlife Management 71:1080-1088). In fact, neither report presents data relating the amount of contact with domestic sheep or connectivity among populations with population performance. What was reported was that in Hells Canyon “the potential exists for all populations (including those that had no pneumonia-caused mortalities) to have contact with domestic sheep or goats” and that “...pathogens might have been transmitted among populations by movements of sheep, especially males. We documented such movements during the study” (Cassirer and Sinclair p. 1086). (Update to DSEIS Ltr# 20089)

Concern Statement 570.91

The Forest Service should support and clarify, with published data, assumptions made in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.91

Chapter 3 and Appendix L of the FSEIS explain the assumptions used in the disease spread model, including reference to published data and statistics.

Sample Public Comment for 570.91

The Update presents a number of newly developed models for source habitat, forays outside of source habitat, and risk of disease transfer. For the reader to understand and critically evaluate these models, each model and the data on which it is based must be clearly described, as must any changes from data presented earlier. Assumptions underlying the “Disease Model” are unclear and should also be stated explicitly and supported by reference to published data. (Update to DSEIS Ltr# 20089)

Concern Statement 570.92

The Forest Service should clarify the rationale used for the range and classification of the values used for modeling probability of disease transmission sheep in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.92

The range of 0.05–1.00 is the probability of effective contact and subsequent herd die-off given that a bighorn sheep reaches an active allotment. It represents the compound probability that a bighorn sheep that reaches an allotment will 1) come into contact with domestic sheep in the allotment, 2) contract disease from the domestic sheep, 3) make its way back to the core herd home range, and 4) transmit the disease to other members of the herd, setting off a die-off. The probability of disease transmission given contact with a domestic sheep is only one part of this probability.

The UDSEIS was confusing on this point, giving some readers the false impression that the model employed two ranges of probabilities: a probability of contact with domestic sheep given co-habitation on an allotment and a probability of disease transmission given contact. As described above and in the FSEIS, only one range of probability is used, which incorporates the probability of contact given co-habitation and the probability of disease transmission given contact (as well as two other steps necessary for an outbreak to occur).

Sample Public Comment for 570.92

Disease Transmission Rate Estimates - Values used for modeling probability of disease transmission given contact can significantly influence model outcomes. The Tribe questions the rationale for the range and classification scheme used for values of this parameter as the rationale was not clearly presented in the UDSEIS. Both the range (0.05-1.00) and classification (low = 0.05, moderate = 0.25, and high = 1.00) (UDSEIS, page 2-12) appear to imply extremely low disease transmission rates. We understand the uncertainty surrounding this parameter, but wonder why the disease model did not use the same approach as the foray model when addressing similar uncertainty surrounding the risk of contact given presence of a bighorn sheep within an active allotment (range 0.25-1.00). If no data existed for estimating this parameter or for suggesting its propensity one way or the other, it would seem appropriate to use a non-skewed classification scheme such as 0.25, 0.50, 0.75, etc... The skewed classification scheme used in the disease model suggests there is some rationale for inferring low disease transmission rates however the UDSEIS does not provide a rationale for this inference. Although the UDSEIS does not include references to studies of disease transmission rates from domestic to bighorn sheep in the wild, it does mention penned experiments from which transmission rates can be calculated. Based on penned experiments it appears disease transmission rates given contact can be quite high. Elsewhere in the UDSEIS, the PNF infers, based on the scientific literature, that disease transmission rates are more than likely higher rather than lower supporting results of penned experiments. The PNF states "A principle assumption from the published literature is that direct contact between domestic sheep and bighorn sheep results in a high likelihood of disease transmission to bighorn sheep and disease outbreaks in local bighorn herds" (UDSEIS, page 3-7); and "... field observations suggest that bighorn sheep have a high probability of contracting fatal pneumonia following contact with domestic sheep, which has led to numerous independent experiments. The results of these experiments provided strong corroboration that bighorn sheep have a high probability of contracting fatal pneumonia following contact with domestic sheep" (UDSEIS, page 3-11). The Tribe suggests available data indicates disease transmission rates should be skewed higher rather than lower. Using a rate of 0.05 is contrary to available information on this subject and falsely implies disease transmission is not a significant management issue for bighorn sheep. Skewing disease transmission rates downward also appears inconsistent with the available data presented in the UDSEIS. The Tribe suggests if available data were insufficient to venture inferences regarding the true probability of disease transmission given contact, an appropriate classification would be 0.25, 0.50, and 0.75 as low, medium, and high respectively. On the other hand, if available data suggesting a high likelihood of disease transmission were deemed sufficient to make reasonable inferences, as the PNF has suggested in the UDSEIS, a skewed classification favoring higher probabilities of transmission such as 0.5, 0.75, and 1.00 for low, medium, and high transmission rates respectively would be appropriate. (Update to DSEIS Ltr# 20072)

Concern Statement 570.93

The Forest Service should consider that with an increased population of bighorn sheep that have a weaker immunity for the disease, and the potential of increased contacts within bighorn sheep populations, there is a serious threat for population survival, in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.93

The Forest Service recognizes that contact with domestic sheep is not the only factor that might lead to disease in bighorn sheep populations. It is possible that disease-causing organisms may be endemic to some bighorn sheep populations or that the organisms may be transmitted to bighorn sheep by species other than domestic sheep. Likewise, the bighorn sheep's resistance to disease may decrease due to a larger population size. To the extent that such factors play a role in disease, the factors are sources of risk in addition to, and not instead of, the risk posed by contact with domestic sheep, which is the focus of this analysis.

The disease model does produce in an increased risk of disease as population size grows due to the greater probability that at least one animal will make a foray that results in contact, disease transmission, and a die-off event. In addition, some density dependence of population growth that is attributable to any number of factors is incorporated in the model, with the growth rate slowing as populations approach their Interim Herd Level.

Sample Public Comment for 570.93

Comment #37, pgs. 3-31 through 3-73: The DSEIS does not address the issue of decreased population immunity. The alternatives analysis in the DSEIS does not discuss the potential for immunity in bighorn sheep populations to decrease with reduced or eliminated contact with domestic sheep (like in alternative 7E). How important is this issue? More research is needed to assess the viability of the population of bighorns with reduced immunity (in case of eliminated contact with domestic sheep) and occasional exposure to potential carriers of the disease. It needs to consider whether a potentially increased population of bighorn sheep, with weaker immunity for the disease and accompanying increased contacts within bighorn sheep populations (as well as wild goats, llamas and other wildlife), presents a serious threat for population survival. Empirical investigation is needed to see how likely is the possibility that an increased population could collapse because of possible exposure to the disease and increased susceptibility as a result of reduced immunity. (Update to DSEIS Ltr# 20070)

Concern Statement 570.94

The Forest Service should include the findings of the Council for Agricultural Science and Technology (CAST) Report and discuss the development and implementation of methods that decrease the occurrence or severity of pneumonia and pasteurellosis in domestic or bighorn sheep, including the development and use of vaccines, immunostimulants, or long-acting therapeutic agents, in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.94

In this analysis, the Payette National Forest is attempting to assess the risks to bighorn sheep population persistence posed by alternatives that differ in the amount and distribution of grazing by domestic sheep that they permit. The current risk of disease transmission is not affected by the possible future development of “vaccines, immunostimulants, or long-acting therapeutic agents” that is recommended by the CAST report. Even if such agents were available, it is not clear whether their administration to wild populations of bighorn sheep living in country as inaccessible as the Payette National Forest would be either feasible or desirable.

Nonetheless, the Payette National Forest is not the agency responsible for management of bighorn sheep populations. That responsibility belongs to state wildlife agencies Idaho Department of Fish & Game and Oregon Department of Fish & Wildlife, the states in which bighorn sheep herds overlap the Payette National Forest.

Sample Public Comment for 570.94

Comment #32, pgs. 3-8 through 3-11: The PNF should include the findings of the CAST Report in the DSEIS, and discuss developing methods that decrease the occurrence or severity of pneumonia and pasteurellosis in either domestic or wild sheep, including the development and use of vaccines, immunostimulants, or long-acting therapeutic agents. The DSEIS fails to discuss and analyze scientific findings indicating that pasteurellosis epidemics in bighorn sheep are not caused solely by disease transmission from domestic sheep to bighorns. See Council for Agricultural Science and Technology (CAST), *Pasteurellosis Transmission Risks between Domestic and Wild Sheep* (“CAST Report”), CAST Commentary QT2008-1 (2008). Not all pasteurellosis epidemics in bighorn sheep can be attributed to contact with domestic sheep. CAST at 5. The CAST Report found that “[p]asteurellaceae have been isolated from both healthy and pneumonic wild sheep” and that “both endemic and introduced pathogens are believed to contribute to contemporary pasteurellosis epidemics in bighorn sheep.” CAST Report at 3 (citations omitted).

As the CAST Report states, “[b]ecause some potentially pathogenic Pasteurellaceae and other pathogens are endemic in some wild sheep populations, wildlife managers should examine the implications of interactions between different herds of wild sheep. In doing so, the benefits of outbreeding and genetic diversity must be weighed against the increased risk of disease transmission.” CAST Report at 5. The Final SEIS should examine the implications of interactions between different herds of wild sheep. This examination should weigh the benefits of outbreeding and genetic diversity against the increased risk of disease transmission. The CAST Report concludes that “[f]urther work is needed to understand better the magnitude of potential risk to wild sheep arising from interactions with domestic goats, cattle, and other wild ruminant species, as well as potential influences of seasonal and environmental factors on these risks.” CAST Report at 4. The DSEIS does not analyze the magnitude of potential risk to wild sheep arising from interactions with domestic goats, cattle, and other wild ruminant species, as well as potential influences of seasonal and environmental factors on these risks. Until risks from these interactions are studied and analyzed, there is no guarantee or proven basis that the proposed alternative, or any alternative in the DSEIS, will be effective to enhance the viability of bighorns on the PNF. The Final SEIS must examine these risks and the potential influences on these risks. Rather than eliminating grazing of domestic sheep entirely, which may not solve the problems of disease transmission or enhance the viability of bighorns on the PNF, the CAST Report argues that “[d]eveloping methods that decrease the occurrence or severity of pneumonia and pasteurellosis in either domestic or wild sheep, including the development and use of vaccines, immunostimulants, or long-acting therapeutic agents, might lead to advances in managing all impacted species.” CAST Report at 7. The Final SEIS should evaluate the implementation of such methods to help decrease risks posed by interspecies interactions, or to decrease wild sheep susceptibility to pathogens. (Update to DSEIS Ltr# 20070)

Concern Statement 570.95

The Forest Service should analyze the possible use of selenium to boost the immune system of bighorn sheep on the Payette National Forest, in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.95

Although an important aspect, research of the bighorn sheep immune system is beyond the scope of this analysis and is not covered in this effort. Bighorn sheep die-offs due to respiratory disease (many of which have been attributed to contact with domestic animals) have been observed in herds throughout western North America, including in many areas where potential selenium deficiency is not an issue. As explained in the disease review sections of the document, the existence of other factors that may contribute to respiratory disease does not excuse the Payette National Forest from addressing the risk of transmission from domestic sheep.

Sample Public Comment for 570.95

Comment #31, pgs. 3-8 through 3-11: Prudent long-term health management dictates that population immunity be the primary tool to promote the viability of bighorn sheep on the PNF. The Final SEIS must analyze and discuss the possible use of selenium on the PNF and its incorporation into the alternatives presented in the DSEIS. Over 50 years ago, it was practically impossible to raise livestock profitably in many parts of Oregon. The problem was called “white muscle disease” and it affected heart and skeletal (leg and back) muscles of young calves and lambs. Losses as high as 80 percent of an annual calf crop were noted on some ranches and this forced some ranchers out of business. The name “white muscle disease” comes from the characteristic, bleached out color of the affected muscles which is related to two causes: (1) the muscles become inactive and their content of myoglobin, the red pigment in normal muscle is reduced, and (2) calcium salts, which are white, are deposited in the damaged muscle. In 1958, a team of scientists at Oregon State University was able to pinpoint the cause of the trouble. The remedy, when it was discovered, was simple. Since the problem was caused by a deficiency of selenium, it could be prevented or cured by supplemental administration of the trace mineral. White Muscle disease occurs wherever there are volcanic soils. In the heat of volcanic eruption the selenium became a gas and drifted away, leaving the soil residue deficient. Most of the Cascade Mountains and the surrounding soils are known to be of volcanic origin. Since that time, research and Extension faculty at Oregon State University, most notably, Dr. James Oldfield, Wayne Mosher and Dr. Guy Reynolds found that addition of selenium to the diets of livestock reduced the incidences of infertility, retained placenta and weak calves and lambs at birth. Since 1996, Gene Pirelli, OSU Extension/Department of Animal Sciences, has been fortunate to work with Oldfield, Mosher and other University faculty in pursuing other methods of administering selenium to livestock. A promising and proven method is the addition of selenium to fertilizer and applied to pastures and hayfields. The advantage of this method is that the selenium is converted to an organic form in the plant. When the plant is consumed by livestock, the organic form leads to a much higher level of selenium in the blood and muscle. A recent year long trial on domestic sheep shows that supranutritional levels of selenium in pasture forage results in much higher blood levels as compared to the inorganic form of selenium used in salt-mineral mixes. This level is sustained in the blood for longer periods even when the domestic sheep were exposed to the high

selenium forage for only 40 days. It has been long theorized by OSU faculty that these higher sustained levels are necessary to reduce the incidences of disease and infertility in livestock. There are many livestock producers who have turned to selenium fertilization to increase the level of selenium in livestock diets. Random blood tests from sheep and cattle on these ranches showed that the level of selenium in the animal was not adequate prior to the use of selenium enriched fertilizer, especially when selenium-containing blocks were used as the sole source of the mineral. Work with domestic sheep shows that they benefit from selenium supplementation in many areas of the western United States. Most of the domestic sheep in Oregon and Washington and Northern California are given selenium supplements because it has been well demonstrated that they benefit from it from a reduction in death losses and better health and reproduction. Many growers of feeder lambs in the Willamette Valley appear to stop most losses from “summer pneumonia” when the lambs are out on pasture that has been fertilized with Selcote, a product developed in New Zealand for applying selenium to pastures. Dr. Don Hansen, Oregon State Veterinarian, did a study looking at summer pneumonia in lambs and found that the lambs suffering from the pneumonia were all selenium deficient. Comments by ranchers indicate that calf and lamb vigor is increased, there is reduced infertility, and lamb and calf death losses are decreased after the use of selenium-enriched fertilizer on pastures and hay fields. Although there is no doubt as to the existence of population limiting disease in bighorn sheep, the complete array of factors and their relationships are not defined. Established epidemiology shows that population limiting disease occurs in bighorn sheep populations in the absence of contact with other animals. These data indicate that infectious agents and other contributing factors involved in the disease process are present within bighorns populations. It appears that most bighorn sheep are getting pneumonia from other bighorns because most of the herds have outbreaks of pneumonia yet are not in contact with domestic sheep. This indicates that the major problem is the lack of a good immune system in the bighorns. As discussed below there are inherent risks in deciding to focus on attempting to isolate populations from all perceived transmission risks (when complete isolation is not possible), instead the focus should be on managing population immunity. The critical component of managing infectious diseases in populations is immunity. A decision to attempt to immunologically isolate a given population from contact with potential sources of infection assumes the capacity to maintain total isolation. The United States practices this form of management with diseases such as foot and mouth disease, a highly contagious viral infection of cattle, sheep and swine. Critical to this policy is the ability to identify countries which have endemic infection and restrict the entry into the United States of sources of virus from these countries. The primary component of this management scheme is assuring that no sources of infection exist within the United States. The risks associated with this management scheme are that the entire United States cattle, sheep and swine populations are immunologically naïve and susceptible to infection and the enormous economic losses associated with entrance of the virus to United States animal populations. The wisdom of this management scheme (maintaining immunological naivety) in animal populations within the United States, when sources of infection are present in nature, is highly questionable. Two methods which provide population immunity are vaccination and/or exposure of populations through natural exposure (transmission). This latter situation is also referred to as premonition (resistance to a disease due to the existence of its causative agent in a state of physiological equilibrium in the host and/or by immunity to a particular infection due to previous presence of the causative agent). The primary risk associated with incomplete immunologic isolation of an animal population is cycles of disease when isolation is broken as opposed to a continuum of managed population immunity through vaccines and/or natural exposure and premonition. When multiple

sources of a given pathogen or group of pathogens exist, the prudent long-term health management dictates that population immunity be the primary tool. As an example of population immunity being the most effective management tool, the Lostine River herd of bighorns experienced a die-off in the 1980s, but is now considered the most viable herd in the Hell's Canyon area due to successful population immunity. Since bighorn sheep are infecting each other, building up their immune systems could have a beneficial effect on survival from many forms of disease. If the bighorns are low in selenium then selenium supplementation also could have a very beneficial effect preventing nutritional diseases as well. There are great chances that selenium could benefit bighorns on the PNF. The Final SEIS must analyze and discuss the possible use of selenium on the PNF and its incorporation into the alternatives presented in the DSEIS. (Update to DSEIS Ltr# 20070)

Concern Statement 570.96

The Forest Service should analyze the possibility that diseases may be carried by bighorn sheep endemically, in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.96

The disease review sections of the document acknowledge that many factors other than contact with domestic sheep may cause or contribute to disease in bighorn sheep populations. The disease model is necessarily a simplification of reality and is designed to analyze the risk of extirpation posed by contact with domestic sheep. Many factors that impact bighorn sheep populations (e.g., weather, predation, and endemic diseases) were left out of the model. The rationale for keeping the model simple was twofold. First, insufficient information is available to accurately model the population effects of most factors. Second, the goal of the model was to assess the role of contact with domestic sheep, which is a risk factor that Forest Service management decisions do have an important impact.

Sample Public Comment for 570.96

Comment #25, pgs. 4, 2-3, 3-8 - 3-13, 3-19, 3-24: The PNF must obtain additional information and include it in the DSEIS. The DSEIS does not contain any discussion that diseases may be carried by the bighorn sheep endemically. This Final SEIS must analyze this factor and its impact on the viability of bighorns and the effectiveness of the PNF's alternatives. (Update to DSEIS Ltr# 20070)

Concern Statement 570.97

The Forest Service should evaluate immunity to disease and the use of vaccinations for bighorn sheep, utilizing information from bighorn sheep that have recovered from the disease, as a solution to viability in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.97

There is no published evidence of bighorn sheep populations that are immune to disease, and researchers do not know how to confer immunity to bighorn sheep.

If bighorn sheep populations recover, it is true that they will likely colonize new areas and their risk of contact with some previously distant domestic sheep may increase. However, a larger and more robust metapopulation is more likely to be viable in the long term. Even if its annual risk of a die-off is higher, a larger metapopulation is also more likely to be able to sustain a die-off without being extirpated.

The likely impacts of domestic sheep on private, State, and other Federal lands adjacent to the Payette National Forest are addressed in the Cumulative Effects analyses of the FSEIS. Even though domestic sheep off of the Forest may pose a threat to bighorn sheep on the Forest, the Payette National Forest is required by law to separately analyze the effects of management actions that take place on the Forest.

Although an important aspect, research of the bighorn sheep immune system and the use of vaccines are beyond the scope of this analysis and are not covered in this effort. The disease review sections of the document acknowledge that many factors other than contact with domestic sheep may cause or contribute to disease in bighorn sheep populations. The possibility that various stressors may increase susceptibility to disease is explicitly discussed. However, the existence of other factors that may contribute to respiratory disease (over many of which the Forest has no control) does not excuse the Payette National Forest from addressing the risk of transmission from domestic sheep, over which it does have some control and which is the focus of this analysis.

Sample Public Comment for 570.97

Comment #39, pgs. 3-73, 3-83: The DSEIS is short-sighted and fails to consider the future viability of populations of bighorn sheep. The DSEIS explains that “future movement of bighorn sheep can change during population growth or exploration by rams seeking mates.” DSEIS at 3-73. Further the DSEIS states: “[a]s the bighorn populations increase because their vulnerability to disease transmission is reduced, they may enter into new areas they have not recently utilized, which are occupied by domestic sheep. As the availability of bighorn sheep-suitable habitat increases, and their populations increase, they are expected to roam or foray more and may come into contact with domestic sheep on other lands outside the Payette Forest.” DSEIS at 3-83. These statements indicate that even if the PNF’s elimination of grazing on the Forest is successful in recovering bighorn sheep populations, it will only increase the risk of contact with domestic sheep, thereby jeopardizing whatever recovery may have been achieved. The PNF even admits that its plans are short-term and do not account for any risk posed by domestic sheep grazing on private, State or other federal lands located within or adjacent to the PNF. DSEIS at 3-83. How can the PNF decide on an alternative that, even if successful in the short-term, is likely to fail in the long term at recovering bighorn sheep populations? Rather than fighting a losing battle, the PNF must focus on a real solution to recovering bighorn sheep populations, one that involves developing the immunity of bighorn sheep to disease. That is the only way to ensure bighorn sheep will not be at risk due to disease transmission. (Update to DSEIS Ltr# 20070)

Concern Statement 570.98

The Forest Service should disclose plans for reduction or elimination of stressors, such as bad weather or lack of nutrition, that can predispose bighorn sheep to disease or exacerbate risk of mortality, in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.98

Although an important aspect, research of the bighorn sheep stressors is beyond the scope of this analysis and is not covered in this effort.

The disease review sections of the document acknowledge that many factors other than contact with domestic sheep may cause or contribute to disease in bighorn sheep populations. The possibility that various stressors may increase susceptibility to disease is explicitly discussed. However, the existence of other factors that may contribute to respiratory disease, many of which the Forest has no control, does not excuse the Payette National Forest from addressing the risk of transmission from domestic sheep—a risk that it does have some control and that is the focus of this analysis.

Sample Public Comment for 570.98

Comment #25, pgs. 4, 2-3, 3-8 - 3-13, 3-19, 3-24: The PNF must obtain additional information and include it in the DSEIS. The DSEIS provides that *Pasteurella* and *Mannheimia* spp. are opportunistic and can be present in healthy sheep. DSEIS at 3-10 through 3-11. Further, the DSEIS states that various stressors may predispose bighorn sheep to disease or exacerbate risk of mortality. DSEIS at 3-8, 3-11. Based on these statements and others in the DSEIS, see DSEIS at 3-8, it is apparent that outbreaks of bacterial pneumonia can be, and are, brought on by environmental and other stressors. What is being done to reduce or eliminate these stressors on the PNF (see stressors listed at DSEIS at 3-8)? Since bighorns on the PNF already carry *Pasteurella* and *Mannheimia* spp., stressors are, or should be, a greater concern to the PNF than removal of domestic sheep. If the stressors remain, then the risk of mortality will be exacerbated. (Update to DSEIS Ltr# 20070)

Concern Statement 570.99

The Forest Service should disclose the exact means by which the disease is transferred from domestic sheep to bighorn sheep, prior to removing domestic sheep from NFS lands, in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 570.99

The assumption that disease transmission can happen in field conditions was identified as a need for change topic item in the analysis of the management situation in 1997. This topic was carried into the EIS as a significant issue. Lack of properly addressing this significant issue is the single purpose of this entire analysis. In the seven years it took to complete the revision of the Forest Plan for the Payette National Forest, no one challenged that assumption. As discussed in the disease review sections of the document, multiple lines of evidence support the conclusion that disease-causing organisms can be transmitted between domestic sheep and wild sheep, and that transmissions in the past led to die-offs of bighorn sheep herds. The exact means by which the disease is transferred is beyond the scope of this analysis and should be conducted by qualified researchers.

Sample Public Comment for 570.99

Comment #25, pgs. 4, 2-3, 3-8 - 3-13, 3-19, 3-24: The PNF must obtain additional information and include it in the DSEIS. The DSEIS states that the exact mechanisms of the transfer of disease from domestic sheep to bighorn sheep are not fully understood. DSEIS at 4, 2-3, 3-8, 3-10. This is an extremely critical piece of information and necessary to understand prior to removing domestic sheep from the PNF. What is the PNF doing to determine the exact mechanisms of the transfer of disease? Without understanding how bighorn sheep are contracting diseases, removal of domestic sheep from the PNF is arbitrary and capricious. (Update to DSEIS Ltr#20070)

Concern Statement 571.01

The Forest Service should include epidemiologic modeling to understand how a range of factors affect the dynamics of disease spread, such as healthy "carrier" bighorn sheep infecting "non-carrier" bighorn sheep, under various alternatives in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 571.01

The disease review sections of the FSEIS discuss many factors other than contact with domestic sheep that may play a role in disease dynamics of bighorn sheep. The possibility that die-offs of bighorn sheep are sometimes caused by contact with infected bighorn sheep and the possibility that disease is endemic to some populations of bighorn sheep are discussed. Even if other factors may also play a role, the Forest Service is required by law to assess the risk to viability of bighorn sheep populations posed by its proposed management actions. The assessment includes the grazing of domestic sheep on the Payette National Forest, which is the focus of this analysis.

Sample Public Comment for 571.01

Comment #14, pgs. 4, 2-3, 2-13, general: Epidemiologic modeling is needed to understand how a range of factors affect the dynamics of disease spread under various management alternatives. The disease review in the DSEIS is based on geographic characteristics of the disease in the context of interaction between domestic and wild sheep. While this is a useful and necessary component of much needed research, it in itself is not enough to make well-informed recommendations on policy alternatives. For example, the disease review mentions, at DSEIS page 4, that only "limited knowledge of transmission dynamics exists (Garde et al. 2005)." Clinical studies have shown bighorn sheep susceptibility to disease from contact with domestic sheep. However, epidemiologic modeling is needed to understand how contacts with domestic sheep, bighorn sheep, and other disease carriers (llamas, wild goats, birds, etc.), forage and climatic conditions, and other factors affect the dynamics of the disease spread under various management alternatives. The current disease model "is largely dependent on assumptions." DSEIS at 2-13. These assumptions need to be studied and proven to be relied upon. Further, modeling and additional study is needed to determine the added probability of disease transmission amongst bighorns. The probability that healthy "carrier" bighorns are infecting "non-carrier" bighorns is likely high, since a large number of the bighorns on the PNF may be disease-carriers. (Update to DSEIS Ltr# 20070)

Concern Statement 571.02

The Forest Service should provide documentation that disease transmission from domestic sheep to bighorn sheep is occurring in the wild outside the laboratory setting, in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 571.02

The assumption that disease transmission can happen in field conditions was identified as a need for change topic item in the analysis of the management situation in 1997. This

topic was carried into the EIS as a significant issue. Lack of properly addressing this significant issue is the single purpose of this entire analysis. In the seven years it took to complete the revision of the Forest Plan for the Payette National Forest, no one challenged that assumption. The exact means of how the disease is transferred is beyond the scope of this analysis and should be conducted by qualified researchers.

The disease review sections of the FSEIS discuss the evidence that disease transmission from domestic sheep has led to die-offs in bighorn sheep in the wild, outside of a laboratory setting. The fact that some disease outbreaks have not been linked to contact with domestic sheep in no way undermines the possibility that contact can lead to disease in other bighorn sheep herds.

The conclusion that contact with domestic sheep can lead to disease in bighorn sheep comes from evidence gathered over the past 150 years and is not reliant on the as-yet incomplete analysis of outbreaks that have occurred in the western United States over the 2010-11 winter.

Sample Public Comment for 571.02

Comment #11, pgs. 4 through 5, 2-3: The Final SEIS must explain what is being done to prove the assumption that disease transmission from domestic sheep to bighorn sheep is occurring in the wild. The DSEIS assumes that “disease transmission from domestic sheep to bighorn sheep is a threat to the wild sheep species.” DSEIS at 2-3. The PNF provides that some published science supports this assumption because it has “proven” transmission from domestic sheep to bighorn sheep in laboratory settings. *Id.* However, the PNF provides no discussion of whether disease transmission from domestic sheep to bighorn sheep actually occurs in the wild and is proven to be a threat to the wild sheep species. *Id.* Reports from wildlife officials across the West indicate that there is no evidence linking recent pneumonia outbreaks in bighorn sheep populations to disease transmission from domestics sheep. See Martin Griffith, Associate Press Writer, Outbreak kills hundreds of bighorn sheep in West (Feb. 26, 2010), available at http://www.seattlepi.com/local/6420ap_nv_pneumonia_bighorn_die_off.html (last visited Mar. 5, 2010). As Krysten Schuler with the U.S. Geological Survey’s National Wildlife Health Center indicated “[i]t can be difficult to determine what causes a pneumonia outbreak . . . , [t]hey can include factors that are bacterial, parasitic or viral” *Id.* According to wildlife officials, recent pneumonia outbreaks have not been linked to domestic sheep: “[w]hile domestic sheep carry pathogens that can infect bighorns, there’s no evidence linking them to any of the pneumonia outbreaks, wildlife officials said.” *Id.* The PNF should discuss the fact that there is no evidence of a link between domestic sheep and recent pneumonia outbreaks within bighorn sheep populations. This fact calls into question the PNF’s assumptions about disease transmission from domestic sheep to bighorn sheep. (Update to DSEIS Ltr# 20070)

Concern Statement 571.03

The Forest Service should reevaluate the need for separation when an effective vaccine is produced to encompass a broader solution for species compatibility, in the Disease Spread Model section of the Update to the DSEIS, and rewrite the Forest Plan amendment direction for WIOB18.

Response to Concern 571.03

There is direction in the Forest Plan Amendment that allows for reconsideration of permitted domestic sheep grazing on the Payette National Forest if an effective vaccine is developed that prevents disease transmission from domestic sheep to bighorn sheep in wild conditions.

Sample Public Comment for 571.03

Direction WIOB18 calls for reevaluating the need for separation when an effective vaccine is produced that ensures zero transmission risk. This direction should be rewritten to encompass a broader suite of solutions when looking for mechanisms for species compatibility. The Wild Sheep Foundation and the American Sheep Industry Association have put requested federal appropriations to fund the necessary research to find mechanisms for species compatibility. This request includes vaccine development. It also includes determining genetic markers of the immune response requirements and looking at the influence of bighorn behavior on risk of disease transmission. (Update to DSEIS Ltr# 20040)

Concern Statement 571.04

The Forest Service should assess the effects that predation has on the mortality attributed to the disease after the first year in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 571.04

Predation by cougars is an important source of mortality for bighorn sheep in Hells Canyon, and accounted for 27 percent of adult mortality in a 7-year study of eight Hells Canyon bighorn populations (Cassirer et al., 2007). Past disease outbreaks in Hells Canyon, which have occurred in the presence of cougar predation, have often been followed by several years of decreased lamb recruitment (Figure W-0a of the FSEIS). As discussed in the FSEIS section titled “Chronic Lamb Mortality”, four Hells Canyon herds have suffered from poor lamb recruitment for at least six years following a disease event. Therefore, there is no evidence that the presence of cougars eliminates disease from the populations in the second year following an outbreak, which appears to be implied by this comment.

Initial research at Yellowstone following reintroduction of wolves there in 1995-1996 does not indicate that wolves are important predators of bighorn sheep. By 2003, just one kill had been recorded since reintroduction, and wolves were reported to spend very little time in the steep terrain favored by bighorn sheep (Smith et al., 2003). The bighorn sheep population grew slowly in the decade following wolf reintroduction (White et al., 2008),

and the authors raise the speculative possibility that heavy wolf predation on elk has actually reduced competition for forage between elk and bighorn sheep.

Sample Public Comment for 571.04

At page 3-33&34 there is a discussion of the disease transmission and outbreak associated with the model. While there is an indication that most mortality attributed to the disease occurs the first year there is an inference that the contact associated disease mortality is attributed for an additional number of years. Not discussed in any with this is how predation influences transmission rates in the population or herds of bighorns. While an initial mortality of 80% or higher could have a predator swamping effect in the initial year, predation rates would then have to be greatly reduced not to have some influence the second year and thus almost eliminate any disease influence beyond that time. While cougars are the principle predator of bighorns the increasing wolf populations should have an influence on bighorns that have pneumonia. This element doesn't seem to be inferred or accounted for. There appears to be substantial repetition between pages 3-40 and 3-41. (Update to DSEIS Ltr# 20031)

Concern Statement 571.05

The Forest Service should identify other potential wildlife and domestic animal sources that host the pathogen and which of the recent die-offs are associated with domestic sheep contacts or if they are the result of contact with other wildlife or domestic animals, in the Disease Spread Model section of the Update to the DSEIS.

Response to Concern 571.05

This analysis is specifically designed to address the issue of disease transmission from domestic sheep to bighorn sheep on the Payette National Forest as the significant issue in the Forest Plan discussed. The effects or potential effects from other sources is outside the scope of this analysis unless those are reasonable and foreseeable at this time or documented in published literature that the Payette National Forest can refer to. An investigation of the causes of die-offs that have occurred across the west over the past winter is well beyond the scope of this analysis.

Sample Public Comment for 571.05

Recent media reports of numerous bighorn sheep die-offs from pneumonia are surfacing this winter. What is not identified is if these die-offs are associated with domestic sheep contacts or if they are the result of contacts with other associative wildlife that are hosts to the pathogen producing pneumonia vectors as domestic sheep are. Your document doesn't identify the potential other bighorn sheep pathogens that come from other wild sources, there are numerous citations for other wildlife that may act as vectors for the pathogen for bighorn sheep. It is obvious that bighorn sheep are relatively fragile animal that is easily stressed in certain population situations, many of those present and increasing based on existing and proposed management direction. (Update to DSEIS Ltr# 20031)

Concern Statement 571.06

The Forest Service should reassess conclusions reached in the Quantitative Contact Analysis section of the Update to the DSEIS because it does not assess management practices (i.e., temporal, spatial, and geographic boundaries) a means of maintaining separation. In addition, the definitions of the terms low, moderate, and high need to be clarified when referring to levels of risk of contact.

Response to Concern 571.06

Management practices of domestic sheep produces are very difficult, if not impossible, to assess in any quantitative fashion. The quantitative analysis specifically analyzed the behaviors of bighorn sheep during the season of permitted domestic sheep grazing. The alternatives of the analysis were specifically designed to assess the effectiveness of geographic boundaries as a means of maintaining separation.

Sample Public Comment for 571.06

Use of the terms "low" "moderate" and "high" when referring to levels of risk of contact is unclear. Using these terms in their proper context is important for proper interpretation of modeled results. As an example, the UDSEIS states "The risk of contact is also considered moderate" (UDSEIS, page 2-13). It is unclear in this statement if "moderate" is in reference, to other alternatives or to impacts on bighorn sheep viability. If the intent is to use these terms (low, moderate, and high) in a relative context to describe modeled rates of contact relative to alternatives, then this should be more clearly explained in the text. An example of using these terms within this context would be "Alternatives M and P had moderate levels of modeled risk of contact compared to lower levels for alternatives N and O, and higher levels for alternatives 70, 7L, 1B257, and 346". If, on the other hand, the intent is to use these terms in an absolute context implying absolute levels of risk of contact in relation to impacts to bighorn sheep viability, then the PNF should identify and justify those biological levels and clearly explain the relationship between low, moderate, and high levels of risk of contact and bighorn sheep viability. In other words, in this context, does low risk of contact equate to long-term bighorn sheep viability? Does a moderate level of risk of contact provide for long-term bighorn sheep viability? Referring to alternatives N and O, the UDSEIS states "contacts per year are low (0.13 and 0.09)". Using the term "low" in an absolute context implies a 9-130/0 risk of contact is an acceptable level of risk that would insure long-term bighorn sheep viability, however, the PNF does not provide a science-base justification, or any justification for this assumption. The Tribe suggests available science indicates• such levels of contact may not, in fact, insure to a high degree of certainly, long-term viability. Clarification of the use of these terms would be helpful in the ROD. (Update to DSEIS Ltr# 20072)

Concern Statement 571.07

The Forest Service should reassess conclusions reached in the Quantitative Contact Analysis section of the Update to the DSEIS because:

- A) It over-estimates the potential for disease transmission and risk of contact*
- B) The data and analysis is incomplete and the closing of grazing allotments should be avoided*
- C) The risk of contact with other animals that carry diseases still exists and a vaccine should be developed*

Response to Concern 571.07

The quantitative risk analysis is based upon the movements and behaviors that have been observed and collected in the telemetry and observation data for the past 12 years. The risk of contact is most likely an underestimation because the true frequencies and distances that bighorn sheep foray are underestimated. The reason for this underestimation is that the vast majority of the telemetry data is standard VHF collars. This type of telemetry makes it less likely that the farther a bighorn sheep is from its core herd home range the less likely that the animal will be detected. There are several cases in the telemetry data where animals have disappeared for a couple of months and then reappear. The second reason that the risk of contact is an underestimation is that the distribution of the collars is skewed heavily to the ewes. Although ewes will go in forays, they tend to foray less often and not as far. The rams do most of the foraging and are the least monitored group. The data used in this analysis is the largest telemetry study on bighorn sheep in the United States. There is not a dataset that is this complete found anywhere. The only animals that have been found to carry pathogens that specifically cause pneumonia in bighorn sheep have only been found to be carried by domestic sheep. The responsibility of developing a vaccine that may allow bighorn sheep and domestic sheep to be compatible is not the responsibility of the Forest Service.

Sample Public Comment for 571.07

Comment #13, pgs. 2-3 through 2-9, general: The DSEIS mischaracterizes “risk of contact” and should explain that disease transmission is likely to occur regardless of whether the risk of contact between bighorn sheep and domestic sheep on the PNF is reduced. The DSEIS repeatedly discusses “risk of contact” between bighorn sheep and domestic sheep on the PNF. See, for example, DSEIS at 2-3 through 2-9. The reader is led to believe that as the risk of contact approaches zero, the threat of disease transmission to bighorn sheep similarly approaches zero. This is not true. Regardless of whether risk of contact between bighorn sheep and domestic sheep on the PNF approaches zero, the threat of disease transmission to bighorn sheep on the PNF will exist. The DSEIS must discuss the fact that bighorn sheep are at risk of contacting other animals on the PNF that carry diseases, and must also acknowledge that bighorn sheep are at risk of contact with domestic sheep and other animals off the PNF. Furthermore, because many bighorn sheep are carriers of disease, contact with other bighorn sheep puts bighorn sheep populations at risk. Leading readers to believe that eliminating risk of contact on the PNF between bighorn sheep and domestic sheep will eliminate the threat of disease transmission is misleading. The alternatives and the discussion in the DSEIS

must acknowledge the potential futility of the alternatives and explain the need for a more comprehensive solution to the problem of disease transmission, such as the development of a vaccine. (Update to DSEIS Ltr# 20070)

Concern Statement 571.08

The Forest Service should reassess conclusions reached in the Quantitative Contact Analysis section of the Update to the DSEIS because a regional risk analysis is needed to determine risk amongst bighorn and domestic sheep across the Payette National Forest, as one interaction and transmission can compromise many herds.

Response to Concern 571.08

While it is true that one contact can have drastic effects on a highly connected metapopulation, the data further east of the Payette National Forest is extremely limited making it almost impossible to do any assessment. The Payette National Forest was tasked to do a viability analysis at the scale of the Payette National Forest and not at the regional scale.

Sample Public Comment for 571.08

The Tribes remain concerned about the potential interactions between domestic sheep allotments and the Big Creek population of bighorn sheep, as proposed in the majority of alternatives in the SEIS. The Big Creek population utilize habitat for lambing and summer range that overlaps with several populations from the Middle Fork Salmon River. The population on Big Creek experienced five years of low lamb-to-ewe ratios and an all-age-die-off in 1990, and research confirmed the presence of a highly virulent strain of *Pasteurella* in the Big Creek population. The SEIS noted a high degree of uncertainty regarding the conclusion that domestic sheep grazing allotments would not likely threaten the viability of the overall Salmon River meta-population. The SEIS does confirm the loss of the genetic diversity of this metapopulation could affect the bighorn sheep persistence and restoration at scales much larger than the Payette National Forest. The concern stems from an empirical look at the counts from the Idaho Department of Fish and Game, showing a drastic decline in total sheep counts; evidence of a persisting problem in regional populations. The conclusion from the SEIS was that domestic sheep grazing on the east side of the forest, particularly the Big Creek allotment, would not impact the viability of the population of bighorn. There remains a great deal of uncertainty about the potential interaction with other herds from the greater Salmon River meta-population. Given the confirmed presence of the highly virulent strain of *Pasteurella* in the Big Creek population, further contact may compromise the entire region. Without a regional risk analysis, a conclusion to permit domestic sheep grazing on this allotment is irresponsible and against the weight of the evidence gathered for the SEIS. One interaction and transmission has the potential to cause irreversible impacts to the Salmon River meta-population and compromise a genetically valuable resource for bighorn sheep restoration efforts. (Update to DSEIS Ltr# 20069)

Concern Statement 571.09

The Forest Service should reassess conclusions reached in the Quantitative Contact Analysis section of the Update to the DSEIS because the risk profile is distorted, which indicates a lower risk level.

Response to Concern 571.09

The Forest Service has decided to assess the effects on the current populations in the quantitative contact analysis because data is available on how big the current populations are. Information on how, where, and how big bighorn sheep populations might recover is highly suspect and speculative.

The Forest Plan Amendment section of the FSEIS includes direction providing for both continued monitoring of bighorn sheep locations and for future modifications to grazing of domestic sheep should colonization of new areas by bighorn sheep be observed.

Sample Public Comment for 571.09

The Risk Model is established on the existing Bighorn Sheep population and distribution (Pp3-73). Existing Bighorn Sheep populations are known and acknowledged to be depressed at this time (Pp3-71), thus, the risk profile is distorted to indicate a lower risk level. (Update to DSEIS Ltr# 20067)

Concern Statement 571.10

The Forest Service should reassess conclusions reached in the Quantitative Contact Analysis section of the Update to the DSEIS because procedures for documented contact associated with specific timelines needs to be developed and included in the DSEIS.

Response to Concern 571.10

The procedures for bighorn sheep being detected near or in active domestic sheep allotment will be in the Forest Plan Amendment section of the final document. These procedures will be designed for the final decision.

Sample Public Comment for 571.10

Reaction to identified bighorn domestic contact. How will the Forest accomplish this? I know there are probably procedures written in Forest Service regulations, but for the sake of the caring public, I'd like to see a chapter in the final EIS which spells out the procedures and time frames, if the Forest opts to go with any alternative other than 7E. Remember, it took almost three weeks before ram R14 was contained. (Update to DSEIS Ltr# 20061)

Concern Statement 571.11

The Forest Service should reassess conclusions reached in the Quantitative Contact Analysis section of the Update to the DSEIS because it significantly underestimates the potential for disease transmission.

Response to Concern 571.11

The quantitative contact analysis is based on more than 12 years of bighorn sheep telemetry and observations. The analysis uses these known behaviors that have been recorded in this very extensive dataset that uses few assumptions. This process was by design so that the analysis is based on the data and not based on what is suspected or believed to be happening.

In terms of the probability of an outbreak given co-habitation on an allotment, the Payette National Forest model is similar to that of Clifford et al. (2009). That model assumed a 100 percent probability of contact given co-habitation, and a 50 or 100 percent probability of disease transmission given contact. Given that an infected bighorn sheep in their model makes two contacts adequate to spread disease to another bighorn sheep during each time period, most (> 85 percent) of disease transmission events from domestic sheep result in outbreaks. Therefore, in their model about 43 percent and 85 percent of co-habitation events result in disease outbreaks. We consider probabilities of a disease outbreak given co-habitation ranging from 5–100 percent. In that respect, our analysis is similar to the Clifford et al. analysis. However, we consider a broader range of possible probabilities due to the difficulty of estimating the probabilities of the events leading to a disease outbreak.

George et al. (2008) describes a multi-year and multi-herd die-off apparently caused by contact with a single domestic sheep. The model indicates that a single outbreak can dramatically affect bighorn sheep populations. However, it does not help us to estimate the probability of a disease outbreak given contact with a domestic sheep since it is only an apparent single transmission event.

Sample Public Comment for 571.11

Persistence of bighorn herd units within Payette National Forest heavily depends on the prevention of contact between bighorn and domestic sheep. Results from Clifford et al. (2007) and George et al. (2008) clearly illustrate how even relatively low annual risks of contact can dramatically impact bighorn populations. The current analysis is based on a technically flawed Risk of Contact model that significantly underestimates the potential for disease transmission from domestic to bighorn sheep. (Update to DSEIS Ltr# 20046)

Concern Statement 571.12

The Forest Service should reassess conclusions reached in the Quantitative Contact Analysis section of the Update to the DSEIS because it is lacking data that documents contact between domestic and bighorn sheep in areas where disease events have occurred and domestic sheep have not grazed in over 20 years.

Response to Concern 571.12

Current science has conclusively shown that domestic sheep transmit fatal pneumonia to bighorn sheep. Disease events have happened in the absence of domestic sheep. This highlights the fact that bighorn sheep are more sensitive to respiratory disease than previously known, and greater care and caution should be taken to keep the two species separated.

The Hells Canyon Bighorn Sheep Restoration Committee (HCSBRC 2004) reported that of seven population die-offs in Hells Canyon, five have been linked circumstantially to domestic sheep, one was circumstantially linked to a goat, and one was attributed to drought and scabies. Whether or not their assessment of causation is correct in any one of those cases is not important to the risk analysis carried out by the Forest Service in this document. The evidence that disease transmission from domestic sheep may cause disease outbreaks in wild sheep populations comes from 150 years of observations across the western United States and is sufficient for the Forest Service to treat it as a risk worth considering in making its management decisions.

Sample Public Comment for 571.12

Many of the BHS epizootic disease events on the Payette NF and in Hells Canyon have occurred in areas where Domestic Sheep have not been grazed in 20 plus years. Direct observations of Domestic Sheep coming into contact with BHS have not been documented in those areas and yet Domestic Sheep are blamed for the disease outbreaks. Why was this information not included in the DSEIS? And how is the disease attributed to Domestic Sheep getting to the BHS if Domestic Sheep are not present in these areas? (Update to DSEIS Ltr# 20037)

640 RANGELAND MANAGEMENT (LIVESTOCK GRAZING)

Concern Statement 640.24

The Forest Service should recognize the right of domestic sheep owners to graze on NFS lands and not infringe on this right during the environmental analysis of bighorn sheep viability.

Response to Concern 640.24

The ability of range permittees to graze on NFS lands is a privilege, not a right. This privilege must be exercised while meeting other Federal Laws and Regulations governing the management of public lands. Domestic livestock grazing is only one of many uses on NFS lands. The administration of existing grazing permits during this analysis process is being conducted to manage risk in accordance with an out-of-court agreement.

Sample Public Comment for 640.24

We agree with and uphold the rights of the sheep industry in Idaho and ask that the Environmental Impact Survey be reviewed. This Survey doesn't reflect the true conditions. Neither has the public been informed in an unbiased manner about whether there is real truth to the matter of the transmission of disease from domestic sheep to bighorn sheep. We also believe that the rights of the livestock owners are being grossly denied when the grazing rights are being withheld pending the outcome of this issue. (DSEIS Ltr #117)

Concern Statement 640.25

The Forest Service should explain the implementation of the GPR, including procedures that will take place if domestic sheep stray into the GPR.

Response to Concern 640.25

The GPR, as developed for the DSEIS, is not a concept taken beyond the DSEIS. The GPR is simply a line on the map that serves the purpose of delineating for Alternative 7G what area would not be suited for domestic sheep grazing if that alternative was selected. The actions that will be taken if domestic sheep stray into bighorn sheep use areas are found in the Forest Plan amendment language. That language states that if separation between the two sheep species cannot be maintained, domestic sheep grazing will not be allowed in that location.

Sample Public Comment for 640.25

I believe your Record of Decision should state how you will reduce straying of domestic sheep into the GPR to maintain separation. (DSEIS Ltr #14051)

Concern Statement 640.26

The Forest Service should verify the status of the Salmon River Sheep Driveway because it appears to be incorrect in the DSEIS.

Response to Concern 640.26

Although portions of the Salmon River Sheep Driveway are no longer used by sheep, the driveway has not been closed for 20 years to all use. The sheep driveway did not drive alternative formulation, but was considered because of its proximity to bighorn sheep populations. As recent as 2006, Shirts Brothers Sheep and Frank Shirts, Jr. were authorized to trail their dry ewes off the Payette National Forest via the Salmon River Sheep Driveway.

Sample Public Comment for 640.26

[Page 3-19] the closed Salmon River Sheep Driveway is identified as a point of risk exposure. This driveway has supposedly been closed to use by sheep for more than 20 years. All of the driveway information should be verified for location and correctness. (DSEIS Ltr #11608)

Concern Statement 640.27

The Forest Service needs to describe how implementation and enforcement of the ROD and Amendment will be handled.

Response to Concern 640.27

Forest Plan decisions are implemented 30 days after the Record of Decision is signed. The decision will be implemented through Term Grazing Permit administration. Where warranted, term grazing permits are modified by the authorized officer by issuing a letter with the appropriate attachments, if necessary. The letter shall make reference to the permit being modified and explain the rationale for the modification. Monitoring for compliance with this decision, and subsequent permit action, will take extra effort and the monitoring required is outlined in the Forest Plan amendment. The Monitoring Plan is contained in the Appendix.

Sample Public Comments for 640.27

Once the plan(s) are decided, how will implementation and enforcement be handled? One wonders how much actual support will come from the 4 reluctant permittees and their employees. (DSEIS Ltr #146)

Some of the telemetry shows that BHS have not been located or tracked in many of the grazing allotments in question here in this document and in the Payette Principals. Will grazing be allowed to resume or begin again in those allotments not present or visited by BHS? They appear to be staying in their own perspective herds and home ranges and not straying as much as was thought to be occurring. (Update to DSEIS Ltr# 20037)

Concern Statement 640.28

The Forest Service should consider the development of a vaccination program for either domestic sheep or bighorn sheep to eliminate the need to change management of sheep grazing permits.

Response to Concern 640.28

While development of a vaccine would be outside the scope of this project, it could be pursued by other agencies or private individuals.

Sample Public Comment for 640.28

Thirdly, in all of this biased study (paid for by our taxes) why hasn't there been vaccine development? The numbers of bighorn sheep must be so threatened to cause such drastic action that we would assume their numbers would be small enough to effectively vaccinate. Or conversely, why don't the USFS and Idaho Fish and Game Department provide the sheep ranchers with a vaccine for their sheep to eliminate the threat? Could it be that implementing these obvious solutions would make obvious that the problem does not originate with domestic sheep after all? (DSEIS Ltr #13634)

Concern Statement 640.29

The Forest Service should consider increasing the cost per AUM to collect funds to monitor the effects of implementation of the final Forest Plan Amendment and to continue research into ways to manage disease transmission.

Response to Concern 640.29

Grazing fees are calculated in accordance with the Executive Order issued February 14, 1986 (E.O. 12548). The Executive Order specifies that the fee must not be less than \$1.35 per month in any grazing fee year, and must be limited to not more than, plus or minus, 25 percent of the previous year's fee. The Forest Service does not have the authority to change grazing fees. The monitoring plan is included as part of the final Forest Plan Amendment. The Forest Service will continue to keep current with new research related to disease transmission and prevention. The agency depends on research institutions and other agencies to conduct such research.

Sample Public Comment for 640.29

As a suggestion, since there appears to be a lack of monitoring data between bighorn sheep and domesticated sheep and their interaction - what about increasing the AUM [animal unit month] fee per head/allotment to fund more monitoring and research in the area of concern to get more data and to observe interactions? What about considering a voluntary fee by permittees/the public/so forth? (DSEIS Ltr #130)

Concern Statement 640.30

The Forest Service should explore alternative allotments for the affected domestic sheep permittees.

Response to Concern 640.30

Although alternative allotments have been located, some permittees have chosen to accept them while others have not. The Payette National Forest has inquired about availability of sheep allotments on the Nez Perce and Boise National Forests, the Idaho Department of Lands (IDL) in McCall, and the Bureau of Land Management. The Wallowa-Whitman National Forest was not considered because of its proximity to Hells Canyon and presence of bighorn sheep. Permittees may decline use of these alternative allotments for a variety of reasons such as trucking cost or not having equivalent stocking capacity. Their base properties and operations are centralized near the Payette National Forest and may include use of both owned and leased private land, BLM allotments, and IDL allotments. The Payette National Forest does not have authorization to buy out permittees, however private individuals or interest groups may have the resources.

Sample Public Comments for 640.30

We support efforts, outside of the DSEIS process, exploring the feasibility of finding alternative allotments for domestic sheep in areas outside historic bighorn habitat or other forms of compensation for those permittees affected by the required changes in grazing management. Even temporary solutions may help in this transition period as permanent solutions are developed. However, bighorn sheep in the area covered by the DSEIS are at grave risk if prompt, necessary actions are not taken. We do not support delaying implementation of these actions while the effort to find alternative allotments or other forms of compensation occurs. (DSEIS Ltr #13676)

The Tribes suggest the Forest Service and other federal land managers identify other regional grazing allotments for domestic sheep the permit holder can reasonably utilize, in lieu of Forest Service allotments. These allotments would need to be outside of any identified big horn sheep habitat and maintain a zero-risk of transmission, but also within a reasonable distance of current production operations. (Update to DSEIS Ltr# 20069)

Concern Statement 640.31

The Forest Service should not delay implementation of the selected alternative to explore alternative allotments for the affected domestic sheep permittees because the bighorn sheep are at grave risk.

Response to Concern 640.31

Implementing the Decision can occur 30 days after it is published in the Federal Register. An ongoing effort has been underway for at least 3 years to locate alternate grazing options for the permittees.

Sample Public Comment for 640.31

We support efforts, outside of the DSEIS process, exploring the feasibility of finding alternative allotments for domestic sheep in areas outside historic bighorn habitat or other forms of compensation for those permittees affected by the required changes in grazing management. Even temporary solutions may help in this transition period as permanent solutions are developed. However, bighorn sheep in the area covered by the DSEIS are at grave risk if prompt, necessary actions are not taken. We do not support delaying implementation of these actions while the effort to find alternative allotments or other forms of compensation occurs. (DSEIS Ltr #13676)

Concern Statement 640.32

The Forest Service should provide the affected permittees with examples of domestic sheep operations such as the Lava Lakes Lamb Company that are managed to protect wildlife species.

Response to Concern 640.32

Insufficient information was given in your letter to inform the Payette National Forest of the Lava Lake Lamb Company's specific management and if they are National Forest allotment permittees in bighorn sheep country. Although it is important to hear they do a good job, it does not have bearing on this analysis. It is important that the allotments are taken care of and terms and conditions are met. Any strategy for separation will be considered and potentially incorporated into this analysis. The Payette National Forest recognizes other Forests have isolated populations of bighorn sheep that may be separated more effectively from domestic sheep, however there is proven connectivity between the herds of bighorn sheep on the Payette National Forest. In 2007, two of the permittees developed 13 additional management practices and implemented them that grazing season. One of the permittees has continued to willingly implement the 13 additional management practices. The Forest Service has monitored these additional management practices and found them mostly successful in providing separation between domestic sheep and bighorn sheep, although not 100 percent effective. Wolves scattered a band of sheep and two of the ewes were discovered four months later (after the grazing season) wandering in Hells Canyon, proving the additional measures to be inadequate. The implementation of these 13 additional management practices was taken into consideration when developing all of the alternatives. However, in other situations, these BMPs have been known to fail or be hard to determine their effectiveness, as disclosed in the Update to the DSEIS Appendix F.

Sample Public Comment for 640.32

The bighorn sheep is a natural wonder that exists in Idaho and should not be put at risk by the sheep ranching industry. There are currently sheep ranchers such as Lava Lake Lamb Company that have set an example for others that sheep ranching can be successful while caring for Idaho's wildlife. Please hold other sheep ranchers accountable for this same level of care. (DSEIS Ltr #13324)

Concern Statement 640.33

The Forest Service should manage domestic sheep grazing to prevent any contact with bighorn sheep (using buffers between occupied habitat and grazing units, if necessary).

Response to Concern 640.33

The Payette National Forest is proposing to implement no contact between bighorn and domestic sheep with this ROD and Amendment. Several options were considered and documented in the FSEIS in Chapters 2 and 3. The effects of each option on the populations of bighorn sheep are also disclosed. These options varied from considering standard distance buffers and buffers that removed a variety of "high risk for contact" areas. The analysis of these alternatives resulted in the alternatives with standard width buffers not being as effective as the high-risk buffers. Therefore, the standard width buffers were removed from detailed consideration in favor of the high-risk buffers.

Sample Public Comments for 640.33

I feel that a buffer zone would also be prudent so that inadvertent contact does not occur. (DSEIS Ltr #46)

Species Separation-Bighorn management should be implemented under a strategy that uses a national template on federal lands. The discrepancy in management protocols between the Oregon and Idaho sides of the HCNRA is political and not based on ecological criteria. The MSG adamantly disagrees with the Idaho Fish and Game Interim Strategy document, Section 2b. We feel domestic sheep must be separated from contact with wild Bighorn. This separation can be accomplished by the establishment of spatially separated buffer zones. We completely disagree with the removal of wild bighorn from their native ranges where they intermingle with grazing domestic sheep. (Update to DSEIS Ltr# 20036)

Concern Statement 640.34

The Forest Service should manage domestic sheep grazing to prevent any contact with bighorn sheep by closing sheep driveways, if necessary.

Response to Concern 640.34

Both the use and non-use of the stock driveways is being analyzed in the alternatives.

Sample Public Comment for 640.34

Grazing areas and sheep “driveways” that have any risk of contact between bighorns and domestic sheep need to be closed. It would seem to me that an ounce of prevention is worth a pound of cure. If the domestic sheep allotments were bought out to create a buffer, that seems like it would be a permanent and cost-effective solution. (DSEIS Ltr #13369)

Concern Statement 640.35

The Forest Service should not rely on so called "Best Management Practices" to maintain separation between domestic sheep and bighorn sheep because we are not aware of any instances in which they have been effective.

Response to Concern 640.35

Best Management Practices are not always effective and the Payette National Forest is taking that into consideration during Forest Plan language development.

Sample Public Comments for 640.35

We are not aware of any management practices...that have been effective in creating or enhancing separation between domestic and bighorn sheep and we recommend the forest therefore not rely on so called “Best Management Practices” to create or maintain separation. (DSEIS Ltr #38)

The implementation approach of these science-based principles is all important for assuring long-term bighorn sheep viability (see Specific Comments). Science supports a risk removal approach, the notion that risk of contact must be removed or minimized to very low levels from the landscape through effective spatial separation by precluding domestic sheep grazing within or near occupied bighorn sheep habitats. The Tribe does not support a risk management approach, which relies on the notion that risk can be managed or reduced to acceptable levels through implementing Best Management Practices (BMPs) or increasing monitoring effort. Neither BMPs nor increased monitoring demonstrates, as a matter of science, that risk can be reduced to "manageable" or "acceptable" levels. Implementation of BMPS and/or increased monitoring should not be considered appropriate rationale for selecting a final alternative with an inherent unaccepted level of risk. The Tribe urges the PNF to select the final alternative that minimizes the risk of contact through effective spatial separation. The Tribe discourages the PNF from selecting a final alternative that relies on the implementation of BMPs, increased monitoring or other invalidated measures that are purported to effectively reduce the risk of contact to "acceptable" levels. (Update to DSEIS Ltr# 20072)

Concern Statement 640.36

The Forest Service should consider buying out permittee grazing allotments in areas where there is any risk of contact between domestic sheep and bighorn sheep.

Response to Concern 640.36

The Payette National Forest does not have the authorization to buy out permittees, however private industry or interested groups may have the resources to buy out the permittees. The Wild Sheep Foundation offered to pay a permittee in Hells Canyon to quit grazing, but the permittee considered the offer to be minimal and did not think it would support his family and a career change. The Payette National Forest has considered changing the use of the sheep allotments to cattle, but many of the sheep allotments are not conducive to cattle grazing and would need considerable miles of fencing and water developments to accommodate the use. One permittee declined an offer to convert a cattle allotment to a sheep allotment outside of the bighorn sheep source habitat area and core herd home range. There are probably many reasons why a sheep rancher does not want to convert to cattle.

Sample Public Comments for 640.36

The DEIS should include funding for retirement or “buy outs” of permittee grazing allotments in areas where there is any risk of contact between species. (DSEIS Ltr #13551)

Grazing- The final DEIS should include funding for retirement or “buy outs” of permittee grazing allotments in areas where there is any risk of contact between species. The retirement of grazing permits would facilitate and greatly reduce the need for rapid adaptive changes or “crisis mode” management methods. As stated previously it does not seem wise to practice wasteful spending using management protocols that burden the taxpayer with expensive bighorn restocking/relocation operations while domestics continue to co-mingle on bighorn habitat. Instead these funds should be used to retire the domestic sheep grazing permits. (Update to DSEIS Ltr# 20036)

Concern Statement 640.37

The Forest Service should develop a program to educate sheep herders on management of domestic sheep in bighorn sheep country.

Response to Concern 640.37

This analysis is not designed to develop education programs but to assess the risk for disease transmission. Development of a program to educate is beyond the scope of this analysis but is a suggestion that can be passed onto the Range Specialist to include in the Annual Operating Instructions and permits for the grazing allotments.

Sample Public Comment for 640.37

[Suggestions for practices for maintaining separation] These practices need to be monitored and quantified, however, we have the 2009 grazing season to assess these practices and verify how effective they are in maintaining separation. Placing two observation coordinators on the Payette Forest, one on the east and one on the west side, to monitor for bighorns and to assess the effectiveness of on the ground separation strategies will provide valuable information to be used in a final decision. Herders - The bands of sheep on the Payette National Forest are herded at all times, but there is a need for an education program for herders on hazing bighorns away from domestic sheep if they should come within close proximity to domestic bands. Protocols to assess dangerous situations should be developed and contact numbers provided to the herders to report any bighorn sightings. (DSEIS Ltr #13547)

Concern Statement 640.38

The Forest Service should eliminate domestic sheep grazing throughout the Smith Mountain and Curren Hill Allotments.

Response to Concern 640.38

This concern is captured in the range of alternatives. As described in Chapter 2 of the FEIS, Alternatives 1B, 2, 5, and 7 did not designate any acres on the Payette National Forest as unsuitable for grazing by domestic sheep. All trailing routes remained open in these alternatives. Alternatives 3, 4, and 6 determined suitable rangeland portions (6,113 acres) of the Smith Mountain Allotment overlapping current bighorn sheep habitat was unsuitable for domestic sheep grazing. Management Area #1 outside of grazing allotments was also determined to be unsuitable for domestic sheep grazing. No trailing routes are closed in this alternative.

Alternative 7 was chosen as the alternative to be implemented with the Forest Plan Decision. This decision was appealed and the Intermountain Regional Forester was instructed by the Chief of the Forest Service to analyze bighorn sheep viability in the Payette National Forest. The Payette National Forest was found not compliant with NFMA regulations concerning wildlife viability of bighorn sheep and may not be compliant with the HCNRA Act. The FSEIS will analyze a range of alternatives, including a no domestic sheep grazing alternative.

Sample Public Comment for 640.38

[The Oregon Chapter of the Wildlife Society] recommends that the Payette National Forest Land and Resources Management Plan contain clear language that ensures separation of bighorn sheep and domestic sheep. According to the risk assessment panel, the most effective approach would be eliminating grazing by domestic sheep in substantial portions of the Smith Mountain allotment and the Curren Hill allotment. (DSEIS Ltr #1)

Concern Statement 640.39

The Forest Service should maintain all current domestic sheep allotments.

Response to Concern 640.39

As described in Chapter 2 of the FEIS, Alternatives 1B, 2, 5, and 7 did not designate any acres on the Payette National Forest as unsuitable for grazing by domestic sheep. All trailing routes remained open in these alternatives. Alternatives 3, 4, and 6 determined suitable rangeland portions (6,113 acres) of the Smith Mountain Allotment overlapping current bighorn sheep habitat was unsuitable for domestic sheep grazing. Management Area #1 outside of grazing allotments was also determined to be unsuitable for domestic sheep grazing. No trailing routes are closed in this alternative.

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Sample Public Comment for 640.39

No domestic sheep allotments should be eliminated on the Payette National Forest. (DSEIS Ltr #52)

Concern Statement 640.40

The Forest Service should work with domestic sheep permittees to find a fair solution for all.

Response to Concern 640.40

The Payette National Forest has encouraged discussion among all interested parties. Early on in the process, we invited all interested parties to come to the table but the permittees declined to attend. The Payette National Forest must provide habitat for viable bighorn sheep populations, however it does not set the policy by which interactions in decision making are made. The Payette National Forest is sharing information through the cooperator forum, public meetings, and Web site usage. The Payette National Forest has qualified Cooperators who have formally requested participation in accordance with the regulations such as FACA. The Payette National Forest, though supportive of collaborative efforts, cannot set up collaborative efforts. Everyone had the opportunity to comment on the DEIS and the Update to the DSEIS and provide new information or make suggestions which would provide habitat for viable bighorn sheep populations.

Sample Public Comment for 640.40

I believe that ranchers and the U.S. Forest Service can work [together], but the U.S. Forest Service must try and work with ranchers, not against them. (DSEIS Ltr #13605)

Concern Statement 640.41

The Forest Service should consider that domestic sheep and bighorn sheep have coexisted for years.

Response to Concern 640.41

Domestic sheep and bighorn sheep have only coexisted until the bighorn sheep died off. In all of the studies conducted to investigate cohabitation of the two species, bighorn sheep have died. Because co-existence has not resulted in a positive benefit to the bighorn sheep, disease transmission from domestic sheep to bighorn sheep became a significant issue and a “need for change” topic in revising the 1988 Payette National Forest Plan. This issue is the one that the Payette National Forest was told to go back and do a better job at responding to with Forest Plan direction.

Sample Public Comment for 640.41

I have seen the shepherders as they are out and about grazing and they don't seem to over graze the area. It is a way of life that has been here for years and the big horn still live on. (DSEIS Ltr #13)

Concern Statement 640.42

The Forest Service should consider that the Forest Service is part of the Department of Agriculture and therefore, should be supportive of agricultural pursuits.

Response to Concern 640.42

Federal laws are enacted by congress to manage Federal lands regardless of which department an agency lies within. Forest Service lands are managed by the Forest Service for many uses and benefits. Permitted grazing of domestic sheep is one of the uses allowed if it is not done to the detriment of native and/or desired non-native species.

Sample Public Comment for 640.42

[Reasons the FS should allow the Shirts family to continue grazing] 1. You are an agency of the Department of Agriculture and should support agriculture. (DSEIS Ltr #14050)

Concern Statement 640.43

The Forest Service should consider that domestic sheep grazing is an important vegetation management tool.

Response to Concern 640.43

This analysis is not addressing the effects that domestic sheep are having on the vegetation, nor the possible reduction in fuel loading. Those issues are outside the scope of the analysis. If they were to be addressed, both positive and negative effects such as noxious weed introduction would be disclosed.

Sample Public Comments for 640.43

Sheep help to keep the undergrowth under control, thus less chance of wildfires from destroying our forests within the state of Idaho. (DSEIS Ltr #140)

BHS are a fragile species. They didn't evolve with man. They didn't evolve with cities sprawled over the elk and deer's winter feeding ground. They didn't evolve sharing their winter feeding ground with the elk and deer because that is all that is left now that man inhabits every bit of arable space So bighorn sheep who don't share well, aren't spending their winters where they traditionally spent them 100 years ago. They pretty much spend them on their summer ground. Furthermore, fires have been suppressed, conifers have encroached on winter ground, and it will get worse when the domestic sheep are taken off the Forest because one way Forest lands can be managed is by grazing domestic sheep. (Update to DSEIS Ltr# 20083)

Concern Statement 640.44

The Forest Service should not close vacant allotments to grazing.

Response to Concern 640.44

Vacant allotment analysis will have the same effects by alternative. The Payette National Forest will continue to review all options.

Sample Public Comment for 640.44

Any vacant allotments should not be closed to grazing. (DSEIS Ltr #12965)

Concern Statement 640.45

The Forest Service should consider a 5- to 10-year moratorium on domestic sheep grazing to see if the bighorn sheep population rebounds in the absence of domestic sheep grazing and to allow time for further study of the ways in which domestic sheep and bighorn sheep interact. The affected permittees could continue to be permitted but only allowed to make range improvements during the period of the study.

Response to Concern 640.45

The Payette National Forest had not considered such an idea in the DSEIS and did include it in the analysis for the Update to the DSEIS and the FSEIS to determine if it has an impact on risk and viability of bighorn sheep. The outcomes are that it only deferred the effects that are presented for Alternatives 1B, 2, 5, and 7 by the 5 or 10 years analyzed.

Sample Public Comment for 640.45

Maybe there needs to be a 5 or 10 year moratorium on sheep grazing to provide a time of no risk, see what the response is by the bighorns and see if science can find a way they can live together without bighorn sheep dying. During this period of grazing allotment stay in the lands of the grazer at no cost and have them doing some kind of single source contract with Forest Service to make range improvements within these allotments. (DSEIS Ltr #13741)

Concern Statement 640.46

The Forest Service should assess the contribution of domestic sheep grazing to overgrazing of vegetation causing low forage availability for bighorn sheep, soil erosion, and other detrimental outcomes.

Response to Concern 640.46

Utilization capacity is calculated during Forest Plan Revision and is in the FEIS for the 2003 Forest Plan for the Payette National Forest, and therefore will not be repeated here. This assessment does not analyze forage impacts on bighorn sheep or the effects grazing has on vegetation or soils. That type of analysis will occur at the project or allotment level. The Payette National Forest is developing a reasonable range of alternatives but is not looking for substitute areas as part of this analysis.

Sample Public Comments for 640.46

Other things to keep in mind that affect the bighorn population is been allowed to graze, thereby leaving nothing for the bighorn to eat. The vegetation also may be in danger since it is devastated, and the land left most likely can have significant erosion problems with no vegetation. (DSEIS Ltr# 93)

The sheep (domestic) also eat the feed that the wild critters in the woods are supposed to eat. With thousands of sheep eating a large swath through the woods it's a huge competition for the wild animals. (Update to DSEIS Ltr# 20034)

Concern Statement 640.47

The Forest Service should consider that domestic sheep may be grazed in many different areas, while the bighorn sheep have specific habitat needs.

Response to Concern 640.47

The Payette National Forest recognizes bighorn sheep are habitat specialists where as domestic sheep can and will utilize many more areas. On the Payette National Forest, both species prefer and utilize the bighorn sheep source habitat. Forage needs for wildlife has been analyzed in the FEIS for the 2003 Forest Plan for the Payette National Forest through the capability and suitability analysis. The Forest's challenge isn't so much forage competition but instead trying to determine how to provide habitat for bighorn sheep viability without domestic sheep presence.

Sample Public Comment for 640.47

It isn't necessary for domestic sheep to be in the only areas in the US that bighorn sheep can survive. Domestic sheep can live anywhere but our North American Sheep only have a few relatively small areas left. (DSEIS Ltr #40)

Concern Statement 640.48

The Forest Service should consider converting domestic sheep allotments to cattle allotments to avoid the risk of disease transmission.

Response to Concern 640.48

Converting the allotments from domestic sheep to cattle could be an option once this analysis is completed and a decision is made. That type of analysis will occur at the project or allotment level. The Payette National Forest continues to work with other Forests and State agencies to find alternate allotments.

Sample Public Comments for 640.48

If grazing allotments are necessary, why not convert the grazing to cattle that have almost no risk? (DSEIS Ltr #36)

No alternatives were added that would convert sheep allotments that are considered risky for domestic sheep grazing to use by cattle, and convert the equivalent amount of cattle allotments to sheep allotments in areas with no risk from domestic sheep. This would allow the continued benefits from grazing (reduced fire risk, intent of Federal Land Management Act, Multiple Use Act, etc) while addressing the concern of contact risk with bighorns. (Update to DSEIS Ltr# 20093)

Concern Statement 640.49

The Forest Service should consider that domestic sheep grazing permits are a privilege, not a right, and if the activity is causing environmental harm then it should be modified or stopped.

Response to Concern 640.49

This concern is captured in the range of alternatives. The Payette National Forest operates under the multiple-use concept and is now tasked with providing habitat for viable bighorn sheep populations. Forest Service direction determines livestock grazing as a privilege and a Forest permitted use, not a right.

Sample Public Comments for 640.49

My family owns a ranch in the Cuddy mountain area, near the Payette National Forest... We have long held the belief that it is our responsibility to manage the land in a responsible manner, respective of the land and its wildlife. We believe that domestic animal grazing on public lands is a privilege, not a right. We believe that if our human activities do harm, those activities must be altered, even if those compromises diminish our economic gains. Good management practices and compromise are part of the special favor we enjoy of living near wild lands. (DSEIS Ltr #13924)

Please eliminate domestic sheep grazing in the Payette National Forest. I have witnessed several of the places I hunt forest grouse decimated by domestic sheep grazing. (Update to DSEIS Ltr# 20006)

Concern Statement 640.50

The Forest Service should immediately cease allowing domestic sheep to graze in bighorn sheep occupied habitat.

Response to Concern 640.50

Current year domestic sheep management is dealt with in Annual Operating Instructions for each permittee. The Payette National Forest is considering many alternatives and will implement the Decision within 30 days of signature of the ROD.

Sample Public Comments for 640.50

The Payette National Forest must immediately prevent domestic sheep from being allowed to use occupied bighorn sheep habitat. E. Further the Forest must enact a tough “No Contact” Standard. The Forest must adopt a plan that supports maintenance of a zero risk of contact and after the protections are in place the forest must manage the bighorn sheep GPR’s to expand the bighorn sheep population to meet the needs of the Nez Perce Tribe treaty reserved rights. (DSEIS Ltr #14051)

If there's one place in the Continental US that should have Big Horn Sheep its Hells Canyon. The only way to achieve this goal is to eliminate domestic sheep and cattle grazing on Forest Service land adjacent to the Hells Canyon area. Big Horn sheep cannot survive in the same areas that allow domestic sheep grazing. I'm sure you know more about this problem than I ever will, and I'm hoping your decision comes down on the side of Wild Sheep. The politics of this State of Idaho has favored the Cattleman and Wool growers for the past century. The time has come for change and the wonderful country of Hells Canyon needs your help. (Update to DSEIS Ltr# 20039)

Concern Statement 640.51

The Forest Service should enact State legislation to allow lethal removal of stray domestic sheep by veterinarians or the Idaho Department of Fish and Game.

Response to Concern 640.51

The Payette National Forest does not have the authority to enact State legislation; therefore this comment is outside the scope of the analysis.

Sample Public Comment for 640.51

Finding a way to effectively and efficiently deal with stray domestic animals when they are located is an issue of concern. The livestock and wildlife communities in Utah have developed a piece of legislation that is being considered this year. The legislation allows for a licensed veterinarian to euthanize certain animals under certain circumstances; modifies requirements for reporting strays; and authorizes the Division of Wildlife Resources to capture or cause the death of certain animals under certain circumstances. Idaho could adopt a similar piece of legislation this next session, thereby reducing one of the key concerns that have been expressed throughout our discussions-reducing the risk of stray domestic sheep coming in contact with bighorn sheep. (DSEIS Ltr #13547)

700 RECREATION MANAGEMENT**Concern Statement 700.51**

The Forest Service should consider motorized recreation impacts to bighorn sheep populations.

Response to Concern 700.51

The impacts of motorized recreation on bighorn sheep is outside the scope of this analysis and thus is not covered with this decision.

Sample Public Comment for 700.51

We also request that the following issues be considered and analyzed in the context of this SEIS process:] Recreation impacts to bighorn, particularly ATV and snowmobile use. (DSEIS Ltr #13676)

Concern Statement 700.52

The Forest Service should provide information to recreationists using pack stock (goats and llamas) at trailheads, chambers of commerce, and Forest Service offices discussing the need to maintain separation of pack stock and bighorn sheep.

Response to Concern 700.52

We will pass this information on to our recreation specialists.

Sample Public Comment for 700.52

The Payette National Forest is heavily used by many people. The use of pack goats and llamas for accessing the high mountain lakes and hiking through the Seven Devils and Hell's Canyon is becoming very popular. Jointly developing an informational piece to be placed at trailheads, chamber of commerce offices, and Forest Service offices that explains the disease transmission issue and provides guidance for keeping their pack animals from coming into contact with bighorn sheep would reduce risk and engage the public in a proactive manner. (DSEIS Ltr #13547)

Concern Statement 700.53

The Forest Service should consider the effects of travel management, particularly the management of motorized vehicles when evaluating bighorn sheep management scenarios. Motorized vehicles also contribute to the spread of non-native plants which can affect wildlife habitat quality.

Response to Concern 700.53

The impacts of motorized recreation on bighorn sheep is outside the scope of this analysis and thus is not covered with this effort.

Sample Public Comment for 700.53

The bighorn plan as proposed fails to address the continuing impacts of roads on wildlife, through direct vehicle strikes of bighorn, disturbance from motorized vehicles, and the spread of invasive plants, all of which are exacerbated by the increased use of ATVs. (DSEIS Ltr #1578)

Concern Statement 700.54

The Forest Service should assess the recreational benefits and revenues that are generated from hunting big game as well as the effects domestic sheep grazing has on hunting of big game.

Response to Concern 700.54

The recreational benefits and revenues that are generated from hunting bighorn sheep are included in the economic analysis of this document. The effects of domestic sheep grazing on big game is beyond the scope of this analysis.

Sample Public Comment for 700.54

Government support of the US wool industry at the expense of our forest lands and wildlife really needs some reevaluation. Might it not be better to support viable recreational use. World class hunting of bighorn sheep, mule deer, elk and birds has real long term economic value to local economies and the state, if energetically and economically supported. (Update to DSEIS Ltr# 20014)

800 TRIBAL INTERESTS (TREATIES, TRUST OBLIGATION, FISHING RIGHTS)

Concern Statement 800.09

The Forest Service should describe the affected area as inhabited prior to the arrival of white settlers; to do otherwise is inaccurate and disrespectful of the Tribes.

Response to Concern 800.09

The Forest Service looks at Affected Environment as that which currently exists. Historical descriptions and past uses are also noted in the document. This statement has been corrected in the FSEIS.

Sample Public Comment for 800.09

The Tribes responded to previous drafts with concerns over specific references to "human" settlement of Idaho (History, Page 3-1, "Human settlement of Idaho in the mid-1800's..."). The Tribes are human and did inhabit the region long before the mid-1800's. Please conduct a global search for this reference, eliminate it and replace it with a more appropriate reference to the settlers of the area. You may refer to it as Euro-American settlement, American settlement or settlement during the mid-1800's. Take appropriate actions to ensure this reference is corrected in the Final EIS. (DSEIS Ltr #14169)

Concern Statement 800.10

The Forest Service should include relevant excerpts from Treaties with the Nez Perce, Umatilla, and the Executive Order with the Shoshone-Paiute Tribes.

Response to Concern 800.10

Discussions pertaining to the Treaties are in the FEIS for the Forest Plan. The Payette National Forest will evaluate the need for expanding these discussions in the FSEIS.

Sample Public Comment for 800.10

The 1868 Fort Bridger Treaty (15 Stat 673) affirmed the reservation and reserved certain off-reservation hunting and gathering rights for the Tribes. Article IV states: 'The Indians herein named agree, when the agency-house and other buildings shall be constructed their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied land of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.' Please include this excerpt in the DSEIS, page 3-80, with the other excerpts of treaties with the Nez Perce, Umatilla and the Executive Order with the Shoshone- Paiute Tribes. (DSEIS Ltr #14169)

Concern Statement 800.11

The Forest Service should revise the list of bands for the Shoshone-Paiute Tribes as the list in the DSEIS on page 3-81 is incomplete.

Response to Concern 800.11

The list is revised in the FSEIS.

Sample Public Comment for 800.11

The Tribes in reference to TR-1 (page 3-81), since the bands listed for the Shoshone-Bannock Tribes is incomplete, we recommend the Forest Service provide a complete list. (DSEIS Ltr #14170)

Concern Statement 800.12

The Forest Service should include a discussion of Tribal Treaty Rights for hunting in the FSEIS.

Response to Concern 800.12

This discussion is contained in the FSEIS and was also contained in the FEIS for the Forest Plan.

Sample Public Comment for 800.12

The lack of discussion regarding tribal rights regarding hunting does not provide a complete assessment of affected environment. Excerpts of treaties with the Shoshone-Bannock, Nez Perce, Umatilla and the Executive Order with the Shoshone- Paiute Tribes should be included. (Internal Comment)

Concern Statement 800.13

The Forest Service should protect the Treaty Reserved rights of the Nez Perce Tribe by eliminating the risk of contact with domestic sheep.

Response to Concern 800.13

A variety of options are considered in the analysis and the effects to Trust responsibilities are disclosed in the Tribal section.

Sample Public Comments for 800.13

I am an enrolled Member of the Nez Perce Tribe. I [ask] you to act to protect the Treaty Reserved rights of the Nez Perce Tribe and protect bighorn sheep by eliminating the risk of contact with domestic sheep. (DSEIS Ltr #14051)

The modeled extirpation risk values from the disease model, though flawed due to technical problems with the foray and home range models, provide a useful basis for conservation planning. However, an equally valid interpretation of those values is as representing probabilities that the Payette National Forest, through their decision and actions on this issue, will extinguish a tribal treaty right (that of the Nez Perce Tribe) within the next 100 years. It is extraordinary that the Forest might consider it reasonable that they might extinguish such a right at a probability anywhere approaching 5% or more over the next 100 years. (Update to DSEIS Ltr# 20046)

Concern Statement 800.14

The Forest Service should honor its "Trust Responsibility" to protect Nez Perce Treaty Rights and Forest Service policy to provide viable wildlife populations.

Response to Concern 800.14

The Payette National Forest is assessing the amount of habitat the Forest needs to provide for viable populations of bighorn sheep and the effects a variety of alternatives will have on the persistence of bighorn sheep populations.

Sample Public Comment for 800.14

The Chief of the Forest Service has directed the Payette National Forest to amend the 2003 Forest Plan to add more protections to bighorn sheep. He did that because he agreed with the appeal by the Nez Perce Tribe that the 2003 plan did not protect enough habitat to assure viable populations of bighorn sheep. I believe the Chief's conclusion is proof the Forest [Service] has not lived up to its "Trust Responsibility" to protect Nez Perce treaty Rights or to Forest Service policy to provide viable wildlife populations. (DSEIS Ltr #14065)

Concern Statement 800.15

The Forest Service must adopt a standard of "No Contact" between bighorn sheep and domestic sheep by allowing no grazing in occupied habitat and using buffers because Treaty Rights supersede any other, and grazing should be permitted only if it does not conflict with those Rights.

Response to Concern 800.15

The Payette National Forest has said all along that "No Contact" between bighorn sheep and domestic sheep is desired with this analysis and subsequent decision. Therefore, the Payette National Forest is analyzing the efficacy of that with a variety of alternatives.

Sample Public Comment for 800.15

To protect the reserved rights of the Nez Perce Tribe you must adopt a Standard of allowing "No Contact" between bighorn sheep and domestic sheep on the forest. Treaty rights, by law, come first. (DSEIS Ltr #14074)

Concern Statement 800.16

The Forest Service should consider that the Tribes have a history of use of the bighorn sheep that is a reserved right extending back thousands of years, and that domestic livestock use has only been permitted for 50 or 100 years.

Response to Concern 800.16

The Forest Service has disclosed in the document that bighorn sheep are important to tribal members. Comparison of Tribal Right and permitted privileges is outside the scope of this analysis.

Sample Public Comment for 800.16

My ancestors have a history of use of the bighorn sheep resource in this region. There is no comparison of that reserved right and history of use extending back thousands of years to a privilege to graze domestic livestock in exchange for a fee for the last 50 or 100 years. (DSEIS Ltr# 14118)

Concern Statement 800.17

The Forest Service must protect the Nez Perce Tribal Treaty rights from the effects of permitted use that has economic benefits for only a few individuals.

Response to Concern 800.17

The SEIS will include discussion of potential environmental justice effects of the alternatives. Executive Order 12898 requires Federal agencies to “identify and address the disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” The Order also directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife. In addition, the Payette National Forest will discuss tribal values under the section on “Economic Efficiency and Non-market Values”. The Payette National Forest has solicited information from Tribal Governments for information on subsistence, traditional, and cultural uses. The extent of analysis is dependent upon the extent of information received. The Payette National Forest will quantify analysis based on information received, however qualitative analysis may be all that is possible.

Sample Public Comment for 800.17

My rights must be protected from the impacts of the permitted use allowed for the economic benefit of the few. (DSEIS Ltr #14118)

Concern Statement 800.18

The Forest Service should consider that there are so few bighorn sheep left that we are unable to teach a new generation of tribal craftsmen how to use the resource and that we are guaranteed access to this resource through our Tribal Treaty Rights.

Response to Concern 800.18

The large decline in bighorn sheep populations is acknowledged in the document.

Sample Public Comment for 800.18

Currently, bighorn sheep are so scarce it is difficult to obtain one, let alone obtain enough raw materials to enable a new generation of tribal craftsmen to have sufficient materials to learn how to use the resource. This is a resource that is guaranteed by treaty that you as the representative of the Forest Service is pledged to protect on behalf of the Nez Perce people. (DSEIS Ltr #14086)

Concern Statement 800.19

The Forest Service should acknowledge that the importance of the bighorn sheep goes beyond its legal ties to Treaty Rights and extends throughout Tribal culture.

Response to Concern 800.19

The importance of bighorn sheep is acknowledged in the FSEIS.

Sample Public Comments for 800.19

The importance of bighorn sheep to the Tribes goes beyond its legal ties to Treaty rights. The bighorn sheep are described legends, stories and are prominent in Tribal culture, language, and traditional practices. The Sheep-Eater bans (Tukideka) were those peoples who primarily resided within the Snake River basins and its tributaries, relying on the subsistence resources provided and technology gained by utilization of the bighorn sheep. The Shoshone and Bannock peoples were known to make special trips to hunt the bighorn sheep. The most notable traditional use was the large horns of the rams for highly prized, powerful bows. The hide was used to make robes, sacks, saddles, scabbards, cradles, medicine rattles and drums. (DSEIS Ltr #14170)

Tribal rights deserve (demand) an availability of bighorn sheep, a traditionally important species to American Indians. (Update to DSEIS Ltr# 20082)

Concern Statement 800.20

The Forest Service is required to protect Nez Perce Treaty Rights by protecting bighorn sheep habitat.

Response to Concern 800.20

The availability of bighorn sheep habitat is discussed throughout Chapter 3 of the SEIS.

Sample Public Comment for 800.20

The Chief of the Forest Service concluded in 2005 that the bighorn sheep resource on the Payette National Forest is in immediate threat of extirpation due to the continued presence of domestic sheep within areas delineated as occupied bighorn sheep habitat. The trust responsibility you hold as the federal official making this decision requires you protect Nez Perce Treaty rights by protecting bighorn sheep habitat. (DSEIS Ltr #14051)

Concern Statement 800.21

The Forest Service should consider that the Nez Perce Treaty of 1855 is the supreme law of the land and, therefore, must be followed. The Treaty requires the Federal Government to provide habitat capable of providing huntable populations of bighorn sheep, as well as other species.

Response to Concern 800.21

The Forest Service is acknowledging Tribal Trust Responsibilities and has consulted with the Tribe on numerous occasions. Providing adequate habitat for bighorn sheep viability is the focus of this analysis.

Sample Public Comment for 800.21

As I understand the Nez Perce Treaty of 1855, it is the supreme law of the land and it requires the Federal Government to provide habitat that is capable of providing huntable populations of bighorn sheep as well as other species. I would suggest you make it perfectly clear that this treaty is the law and must be followed. (DSEIS Ltr# 13495)

Concern Statement 800.22

The Forest Service should manage the bighorn sheep habitat to meet the needs of an expanding population because the current population levels provide very little harvest opportunity for the Tribe and Treaty hunter.

Response to Concern 800.22

That is the intent of the analysis and decision.

Sample Public Comments for 800.22

The Payette National Forest must manage the bighorn sheep habitat to meet the needs of the expanding population rather than the current population. The current population level on the Payette National Forest provides very little harvest opportunity. The Tribe and the Treaty Hunter will need a robust resource to support subsistence harvest at the levels desired. (DSEIS Ltr #14071)

The Tribes continue a subsistence lifestyle, reserved by the Fort Bridger Treaty, to maintain Tribal traditions, improve our health, and return to our aboriginal territories. The Tribes, through the Fort Hall Business Council and Fish and Game Commission, promulgate Tribal regulations for the hunting of big game species each year; as authorized by the Tribes 7976 Big Game Code. The Tribal Fish and Wildlife Department has issued permits to hunt big game species [deer, elk, moose, antelope, and bison) on 'unoccupied lands of the United States' since approximately 1976, with harvest monitored collaboratively by Tribal wildlife biologists and Tribal enforcement personnel. The assessment area is a traditional area utilized by Tribal members for hunting of fish and wildlife, particular to this discussion big horn sheep. The Forest Service should take a conservative approach to ensure management provides for the harvestable populations of big game species. (Update to DSEIS Ltr# 20069)

Concern Statement 800.23

The Forest Service should not give credence to the Nez Perce Tribe's support of elimination of domestic sheep grazing because the Tribe may only be interested in protecting their hunting rights.

Response to Concern 800.23

The Forest Service has Tribal Trust Responsibilities to uphold. No comment from the Nez Perce tribal members requested eliminating domestic sheep grazing, rather only removing it from areas needed for bighorn sheep existence.

Sample Public Comment for 800.23

[T]he Nez Perce Tribe's support of elimination of domestic sheep grazing and trailing under the guise of protecting the bighorn, while they are unwilling to report or limit their own bighorn harvest, is hypocritical. (DSEIS Ltr #12957)

Concern Statement 800.24

The Forest Service should coordinate with Idaho Fish and Game to allow the Tribe to be allocated one bighorn sheep permit a year. In return, the Tribes should be willing to support the State and Forest Service in the management of the bighorn sheep with personnel and financing.

Response to Concern 800.24

While state policy on bighorn sheep allocation is beyond the scope of this analysis, the Payette National Forest encourages the Tribes and States to communicate regarding this issue.

Sample Public Comment for 800.24

In the draft supplement you indicate that part of the effort to enhance the bighorn sheep viability and expand both numbers and occupied habitat were to meet tribal desires based on their treaties. A similar tribal concession was made by IDFG [Idaho Department of Fish and Game] in their wolf management plans. In fact, the tribe was provided concessions in harvest and management level of the wolf population. This was not part of the discussion in dealing with viability of the bighorn sheep population. Yet as I have pointed out above this predator can substantially alter the viability and use of habitat by the bighorn. It would appear that this lack of management coordination is entirely political in nature and a solution should be made clear before any decisions are made that would influence grazers on the Payette Forest. (DSEIS Ltr #11608)

Concern Statement 800.25

The Forest Service should analyze the effect of the use of resources by Tribal members.

Response to Concern 800.25

Affects to bighorn sheep populations due to hunting is not the focus of this analysis and is outside the scope.

Sample Public Comment for 800.25

In your analysis I do not see any study of the use of resources on the forest by the Nez Perce people I do not see evidence of any dialogue between the Payette National Forest and the Nez Perce Tribe asking the Tribe the size and distribution of the bighorn sheep resource the Tribe would desire to have at which locations to meet its needs. (DSEIS Ltr #14083)

Concern Statement 800.26

The Forest Service should work with the Tribes to set the desired size and distribution of the bighorn sheep population.

Response to Concern 800.26

The Payette National Forest has formally consulted with the Tribes to better understand their desires.

Sample Public Comment for 800.26

I do not see evidence of any dialogue between the Payette National Forest and the Nez Perce Tribe asking the Tribe the size and distribution of the bighorn sheep resource the Tribe would desire to have at which locations to meet its needs. (Internal Comment)

Concern Statement 800.27

The Forest Service should distinguish between the Payette National Forest's actual trust responsibilities as limited by treaties and Executive Orders signed with each tribe, versus the Payette National Forest's statutory responsibilities to comply with NEPA and other applicable statutes as applied to Native American tribes. The Final SEIS should acknowledge that, while not required, the Payette National Forest is operating under a higher standard, which surpasses its treaty obligations.

Response to Concern 800.27

Discussion regarding tribal trust responsibilities and statutory NEPA requirements is beyond the scope of this analysis.

Sample Public Comment for 800.27

The revised information and assessment of impacts of alternatives on tribal interests is misleading. An improper application of tribal rights and interests has again been used in the analysis. While the Federal government must provide consideration of tribal rights and interests, and consult with tribes, there is no obligation to provide expanded bighorn hunting opportunities for the tribes as the analysis suggests. The tribes are unwilling to report and limit their harvest of bighorns. We should not be modifying our forest management plans and sacrificing multiple use in order to provide more opportunity for bighorn harvest by tribes unwilling to embrace fundamental wildlife management and conservation concepts. The Nez Perce Tribe's support the elimination of domestic sheep grazing and trailing on the Payette, under the guise of protecting the bighorn, while they are unwilling to report or limit their own bighorn harvest or eliminate their own domestic sheep and goat operations. The tribes do not regulate their own member's sheep/goat/livestock operations, which are also adjacent to bighorn herds. The EIS continues to place too much emphasis on expanding tribal bighorn harvest opportunities. (Update to DSEIS Ltr# 20093)

Concern Statement 800.28

The Forest Service should provide proof that areas within the Ecogroup were used by the tribes for hunting and subsistence of bighorn sheep.

Response to Concern 800.28

The Treaties and Executive Orders are the direction and law followed by the Payette National Forest to assess this situation.

Sample Public Comment for 800.28

Comment #42, pgs. 3-85 through 3-88: Comments on tribal rights and interests. The Tribal Rights and Interests section of the DSEIS supplements and replaces portions of the previous Tribal Rights and Interests analysis of the FEIS. Although the FEIS included an analysis of the effects Forest Service management would have on the ability of the agencies to meet general federal trust duties and treaty-specific obligations, the Forest Service decided to supplement the analysis by introducing alternatives discussing the risk of potential contact between bighorn sheep and domestic sheep and the effects of the contact on the bighorn population over time. In so doing, the revised Tribal Rights and Interests section (1) analyzes the effects of the new alternatives on the Nez Perce and Shoshone-Bannock as well as tribes not previously considered, such as the Shoshone-Paiute and the Confederated Tribes of the Umatilla Indian Reservation; (2) analyzes the availability of bighorn sheep; and (3) discloses the effects on the associated use of traditional cultural properties important to tribal rights and interests. The 2008 DSEIS states that the ancestors of the modern day Nez Perce, Shoshone-Bannock, Shoshone-Paiute, and Confederated Tribes of the Umatilla Indian Reservation (collectively the "Tribes") "were present in the Ecogroup area long before the establishment of the Boise, Payette, and Sawtooth National Forests. Many of the treaties and executive orders signed by the United States government in the mid-1800s reserved homeland for the tribes." 2008 DSEIS at 3-80. In addition, "the treaties with the Nez Perce, the Shoshone-Bannock, and the Confederated Tribes of the Umatilla Indian Reservation reserved certain rights outside of established reservations, including fishing, hunting, gathering, and grazing rights." Id. (Update to DSEIS Ltr# 20070)

990 OUTSIDE THE SCOPE OF FOREST PLAN AND MISCELLANEOUS

Concern Statement 990.16

The Forest Service should consider that the HCRNA does not have legal influence outside of its boundary.

Response to Concern 990.16

Management on the Payette National Forest not only has direct effects, but also has indirect effects and cumulative effects that must be considered according to Federal law.

Sample Public Comment for 990.16

[Page 2-18] the inference that the HCNRA has a legal influence outside of that boundary is inappropriate. A boundary is a legal distinction, but the LMP management area decisions could reflect compatible decisions. (DSEIS Ltr #11608)

Concern Statement 990.17

Alternative 7E provides the greatest protection to bighorn sheep habitat and removes the threat of disease exposure from domestic sheep which leads to the highest probability of persistence of all bighorn sheep populations in Hells Canyon and the Salmon River Canyon. Please select Alternative 7E.

Response to Concern 990.17

The analysis does disclose that Alternative 7E affords the greatest protection for bighorn sheep from contact with domestic sheep permitted to graze on the Payette National Forest.

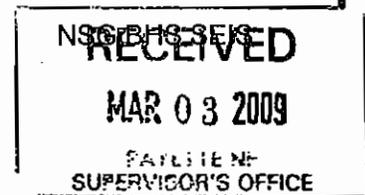
Sample Public Comment for 990.17

Please select Alternative 7E as it provides the greatest protection for bighorn sheep habitat. It also affords protection from contact with domestic sheep on the Forest. Alternative 7E provides for the greatest chance of persistence of the bighorn sheep populations in Hells Canyon and the Salmon River Canyon. Letters 20005, 20009, and 20049.

Agency, Elected Officials, and Tribal Comment Letters

AGENCY, ELECTED OFFICIALS AND TRIBAL LETTERS ON THE DSEIS

State of Idaho, Governor C.L. Butch Otter
Shoshone-Bannock Tribes
DOI, Bureau of Land Management, Idaho State Office
Burns Paiute Tribe
State of Washington, Department of Fish and Wildlife
Nez Perce Tribe, Tribal Executive Committee
State of Idaho, District 29A, Bannock County
State of Oregon, Governor Theodore Kulongoski
Environmental Protection Agency, Region 10
DOI, Office of Environmental Policy and Compliance
Washington County, ID, Board of County Commissioners



C. L. "BUTCH" OTTER
GOVERNOR

February 26, 2009

Suzanne Rainville, Forest Supervisor
Payette National Forest
Attn: Bighorn Sheep Comments
800 West Lakeside Avenue
McCall, ID 83638

Dear Suzanne,

The State of Idaho (the State) submits the following comments regarding the Draft Supplemental Environmental Impact Statement (DSEIS) released for public review by the U.S. Forest Service (USFS) in September 2008 for the Payette National Forest. The Idaho State Department of Agriculture (ISDA) is responsible for encouraging and promoting in every practical way Idaho's agricultural interests, including the domestic sheep industry. The Idaho Department of Fish and Game (IDFG) is responsible for preserving, protecting, perpetuating and managing all wildlife in Idaho, including bighorn sheep.

Under the Multiple-Use Sustained-Yield Act of 1960 (16 USC §§ 528-531), the National Forest Management Act of 1976 (16 USC §§1600-1614), and similar federal laws and implementing regulations for management of public lands, the USFS's general mandate with respect to managing the National Forest System is to sustain the multiple uses of its renewable resources in perpetuity while maintaining the long-term productivity of the land. These federal statutes and regulations direct the administration of national forests for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. Grazing and the protection of wildlife habitat within the National Forest System, and on the Payette National Forest in particular, have long been accepted as traditional and valuable multiple-use practices.

The State encourages the Payette National Forest, regardless of what strategy is selected, to thoroughly analyze and explain its jurisdictional authority with respect to bighorn sheep. For example, the National Forest Management Act of 1976 limits the Forest Service's authority as it relates to habitat for native wildlife species. Recognizing the extirpation and reintroduction efforts of the Hells Canyon Area bighorn sheep meta-population, a discussion as to how the Payette National Forest interprets its jurisdictional limitations is encouraged. In addition, the Regional Forester was "instructed to do an analysis of bighorn sheep viability in the Payette NF . . . and amend the SW Idaho Ecogroup FEIS accordingly." Decision for Appeal of the Payette National Forest Land and Resource Management Plan Revision at 15. Again recognizing the successful reintroduction efforts of the Hells Canyon Area bighorn sheep meta-population, an analysis of how the Payette National Forest interprets viability as it relates specifically to the two meta-populations within the Payette Forest also is encouraged.

ALTERNATIVES

The State of Idaho supports alternative 7J, to the extent that it provides for the use of landmarks such as watershed divides to aid in managing separation. ISDA and IDFG, as policy advisors on this issue, believe the use of easily recognizable landmarks and the incorporation of known animal behavior as part of an overall separation strategy is superior to arbitrarily determined and invisible boundaries such as geographic population ranges (GPR).

Regardless of the alternative, the State of Idaho endorses the use of best management practices as identified in the Idaho Fish and Game Commission's Interim Strategy. Where occupied bighorn sheep habitat and grazing allotments overlap or are in close proximity, very stringent management practices are necessary to promote separation to an acceptable level of risk of contact between domestic sheep and bighorn sheep.

The final SEIS also should consider the presence of substantial amounts of private property within the area of the extant Salmon River population of bighorn sheep. The greatest potential for conflict, the Allison-Berg Allotment, lies north of the Salmon River within the Nez Perce National Forest. The final SEIS should acknowledge that closing Salmon River area allotments does not remove domestic sheep from private property and likely complicates the ability to manage risk on these private properties.

All proposed alternatives in the DSEIS have negative economic impacts on all existing permittees within the Payette National Forest, up to and including leaving ranching operations non-viable. Given these harsh consequences, it is imperative that the strategy selected accomplish the clearly defined objectives of the Payette National Forest. For example, the DSEIS alternatives propose significant change in numbers of domestic sheep to be authorized.¹ The direct or indirect effect of reducing domestic sheep headmonths across the forest, such as the change in the predator-prey relationship and the change in the fire regime should be discussed and analyzed.² The State does not recommend any alternative that negatively impacts existing permittees if the Payette National Forest cannot demonstrate that the direct and indirect effects of that action is authorized by law and cannot demonstrate that the action will meet clearly defined bighorn sheep viability objectives.

The State also recommends that the final SEIS should consider the following additional references:

Cook, Arnett, Irwin and Lindzey. Population Dynamics of Two Transplanted Bighorn Sheep Herds in Southcentral Wyoming. Biennial Symposium of the Northwestern Wild Sheep and Goat Council 7: 10-30.

Festa-Bianchet: A Pneumonia Epizootic in Bighorn Sheep, with Comments on Preventative Management. Biennial Symposium of the Northwestern Wild Sheep and Goat Council 6:66-76.

George, J.L., D.J. Martin, P.M. Lukacs, and M.W. Miller. 2008. Epidemic Pasteurellosis in a Bighorn Sheep Population Coinciding with the Appearance of Domestic Sheep. *Journal of Wildlife Diseases*, 44(2): 388-403.

Research Recommendations for the Wyoming State-wide Bighorn/Domestic Sheep Interaction Working Group. January 14, 2008.

¹ Table RR-1a shows there currently are 79,646 headmonths and the various alternatives are showing changes in headmonths from zero to 51,434 headmonths with the proposed alternative at 27,534 headmonths (an approximate 65% reduction) of domestic sheep.

² The final SEIS should consider impacts to habitat and other resources from changes in fire regime (and/or changes in attendant USFS fire management practices) that could occur with significant changes in grazing practices. For example, under USFS's preferred alternative (7G), nearly 65% of the domestic sheep will be eliminated from the forest. Such a drastic reduction in grazing will result in approximately 8.4 million pounds of dry vegetation left within the forest. This change in the amount of fine fuels being left behind would change how fire occurs throughout the forest.

ADDITIONAL IMPACTS TO CONSIDER

Alternatives 7J and 7G have considerable potential of providing separation. The State feels they both have promise for maintaining separation of the two species to a level that may provide for viability across the planning area. Alternative J uses watershed divides as boundaries and may be the easier of the two to implement because these are more recognizable boundaries. Alternative G, however, relies on the GPR boundaries, which are somewhat more nebulous in description and problematic for implementation on the west side of the Payette National Forest near Hells Canyon.

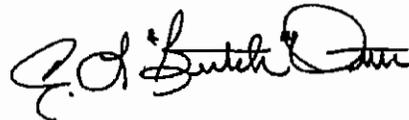
As discussed in the DSEIS (3-28), it is difficult to determine an acceptable level of risk of contact. The DSEIS also states that traditional population viability modeling results suggest that bighorn sheep populations cannot persist over time unless the frequency of contact is reduced. The State agrees with the assumption in the DSEIS that risk of contact between bighorn and domestic sheep must be low.

The State of Idaho's Interim Sheep Strategy contains a suite of actions that could be implemented to assist with the goal of achieving separation. Geographic and/or temporal separation of the two species appears to be the most effective means reported in the literature. Additionally, the Wyoming State-wide Bighorn Sheep/Domestic Sheep Interaction Working Group Recommendations should be consulted for information, including but not limited to, the identification of alternative allotments for displaced permittees.

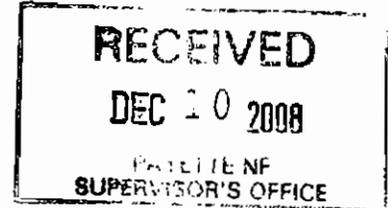
To summarize, the State of Idaho supports the concept of utilizing watershed divides and animal behavior to supplement other practices designed to manage separation. Given the number of questions that appear to be unaddressed in the DSEIS, the State encourages the Regional Forester to develop a new alternative from those proposed, an alternative that strives to meet bighorn sheep viability objectives while providing for a continued domestic sheep industry in the region.

This issue is of utmost importance to the citizens of our great state, and we thank the Payette National Forest for considering our comments.

As Always – Idaho, "Esto Perpetua"



C.L. "Butch" Otter
Governor of Idaho



C. L. "BUTCH" OTTER
GOVERNOR

December 8, 2008

Suzanne C. Rainville
Forest Supervisor
U.S. Department of Agriculture, Forest Service
Payette National Forest
800 W Lakeside Ave
McCall, ID 83638-3602

Re: Draft Supplemental Environmental Impact Statement

Dear Suzanne,

Please accept this letter as a request for an extension of time to receive comments on the Payette National Forest Draft Supplemental Environmental Impact Statement ("DSEIS"). The State of Idaho has been reviewing the DSEIS since its publication in September 2008, and intends to provide written comments to the Payette National Forest. More time is needed for the State to provide the most useful and thorough comments on this complex issue.

As you know, I have asked the Idaho Department of Fish and Game and the Idaho State Department of Agriculture to co-chair a working group to develop a statewide bighorn sheep management strategy. Although this working group will not be addressing the DSEIS specifically, many of the participants have expressed an interest in providing comments to the Payette National Forest on behalf of the groups they represent. Additional time for the working group to meet should result in more coordinated and comprehensive comments from the meeting participants.

Thank you for your consideration of this request.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in black ink that reads "C.L. Butch Otter".

C.L. "Butch" Otter
Governor of Idaho

Pc: Cal Groen, IDFG
Celia Gould, ISDA



"Yvette Tuell"
<ytuell@shoshonebann
ocktribes.com>

To: <payettebighorn@fs.fed.us>
cc:
Subject: Shoshone-Bannock Tribes - Comments to DSEIS

03/03/2009 02:18 PM

Please find the attached official comment letter from the Shoshone-Bannock Tribes.
Please contact me if you have any further questions.

Thanks.

Yvette

~~~~~  
Yvette Tuell  
Shoshone-Bannock Tribes  
Environmental Program  
208-239-4552 (office)  
208-221-2995 (cell)  
ytuell@shoshonebannocktribes.com



Payette.BigHornSheep.1.3.3.09.pdf

# The SHOSHONE-BANNOCK TRIBES <sup>13769</sup>



FORT HALL INDIAN RESERVATION  
PHONE (208) 478-3700  
FAX # (208) 237-0797

FORT HALL BUSINESS COUNCIL  
P.O. BOX 306  
FORT HALL, IDAHO 83203

March 2, 2009

Suzanne Rainville  
Forest Supervisor, Payette National Forest  
800 West Lakeside Avenue  
McCall, ID 83638-3602

RE: Shoshone-Bannock Tribes comments to the Payette Draft Supplemental Environmental Impact Statement

The Shoshone-Bannock Tribes (Tribes) reviewed the available information from the Draft Supplemental Environmental Impact Statement (DSEIS) and provided at the formal government to government consultation in Fort Hall, January 14, 2009; and, hereby submit the following comments; intended to supplement prior comments submitted by the Tribes.

The intent of NEPA is to provide a process that uses a comprehensive and strategic approach to decision-making that integrates environmental considerations to achieve a "productive harmony" among various social, economic and environmental objectives. The Tribes expect the Forest Service to fully protect and enhance Tribal rights and interests; implementing management strategies which demonstrate a commitment to trust responsibility.

### **Treaty**

Various un-ratified treaties were negotiated and signed between the numerous bands of Shoshone and Bannock and the United States. The Fort Bridger Treaty of July 3, 1868 was the only treaty ratified by Congress, between the Eastern Shoshone bands and the Bannocks. In 1867 an Executive Order reserved the Fort Hall Reservation as the permanent homeland of the Shoshone and Bannock peoples. The 1868 Fort Bridger Treaty (15 Stat 673) affirmed the reservation and reserved certain off-reservation hunting and gathering rights for the Tribes. Article IV states:

*The Indians herein named agree, when the agency-house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied land of the United States so long as game may be found*

# The SHOSHONE-BANNOCK TRIBES



FORT HALL INDIAN RESERVATION  
 PHONE (208) 478-3700  
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FORT HALL BUSINESS COUNCIL  
 P.O. BOX 306  
 FORT HALL, IDAHO 83203

November 14, 2008

Suzanne Rainville  
 Forest Supervisor  
 Payette National Forest  
 800 West Lakeside Avenue  
 McCall, ID 83638-3602

**RE: PAYETTE NATIONAL FOREST – Draft SEIS for the Southwest Idaho Ecogroup Land and Resource Management Plan FEIS - Shoshone-Bannock Tribes comments**

The Shoshone-Bannock Tribes (Tribes) thanks the Payette National Forest (PNF) for seeking Tribal input on this proposed Draft Supplemental Environmental Impact Statement (DSEIS) for the Southwest Idaho Ecogroup Land and Resource Management Plan Final Environmental Impact Statement (FEIS). The Tribes consider ALL lands within the PNF to be within our Area of Interest and express our concerns regarding Tribal rights related to the DSEIS. The Tribes' technical staff has reviewed the available information and offers the following comments on the DSEIS.

The Tribes stress the importance of initiating efforts to restore the Snake River system and affected unoccupied lands to a natural condition. Article IV of the Fort Bridger Treaty of July 3, 1868, reserved the right to hunt on the unoccupied land of the United States and the Tribes work diligently to ensure the protection, preservation and enhancement of those rights for future generations. The Tribes management policies generally allow us to support those actions that will improve or restore resource conditions. The Shoshone-Bannock Tribes Policy for Management of Snake River Basin Resources states:

*The Shoshone Bannock Tribes (Tribes) will pursue, promote, and where necessary, initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate-the enhancement of Rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights.*

As stated in the DSEIS, the purpose is to respond to instructions received from the Appeal Reviewing Officer on March 9, 2005 regarding the appeals to the 2003 Record of Decision. The Appeal Reviewing Officer found, the viability of bighorn sheep populations appears to be threatened "...without immediate removal of domestic sheep from occupied bighorn sheep habitat, bighorn within that habitat are likely at risk of extirpation." The need is to conduct a bighorn sheep viability analysis on the PNF that looks at disease transmission from domestic sheep; how domestic sheep impact the persistence of bighorn sheep populations over time; amend the Forest Plan; and, compliance with the National Forest Management Act and the Hells Canyon National Recreation Area Act (HCNRA).

The Tribes are pleased that the Forest Service is recognizing Tribal rights and interests are not always reflected in their management documents. We agree with the Forest Service's determination that, "Forest Plan management strategies may affect the availability of resources and the use of traditional places important to American Indian rights and interests". If bighorn sheep populations are extirpated on the PNF, the Tribes would experience a great loss to reserved Treaty rights and traditional cultural practices, which accompany those rights. Our ability to maintain our unique culture is hinged upon the management of federal lands and resources.

Two Rocky Mountain bighorn sheep metapopulations occur within the PNF, the Hells Canyon and the Salmon River, and bighorn sheep source habitat is considered "contiguous" although not all is currently occupied. Akenson and Akenson, 1992, observed bighorn sheep with geographically separate winter ranges sharing summer ranges, with positive and negative effects. Since it is unknown how many bighorn sheep populations intermingle and it is assumed that they do, we strongly recommend the Forest Service err on the side of conservation. Bighorn sheep from the Salmon River Metapopulation are considered important genetic stock since they were never extirpated and these populations may overlap with the PNF and must be protected from what is considered, "as the number one cause for bighorn sheep population declines throughout North America" (Garde et al., 2005).

#### Chapter 2 – Alternatives Considered

The Tribes understand, the higher the risk ratio, the lower the total relative risk remains on the landscape. After a review of the Alternatives Considered, the Tribes identify Alternative 7E as the only viable option.

Page 2-17, identifies three alternatives (7G, 7E, and 7H) to be compliant with the HCNRA and of those only one (Alternative 7E) would have the potential to maintain a viable population of bighorn sheep and protect Tribal rights and interests, based upon U.C. Davis modeling. The Agency Preferred Alternative 7G, considers no land within the Geographic Population Range (GPR) as suitable for domestic sheep grazing, with 20% of the total relative risks remaining. Alternative 7H considers 100% of both the Hells Canyon and the Salmon River GPR's as unsuitable for domestic sheep grazing, with 4% of the total relative risk remaining on the landscape. Since no other Alternatives except 7G, 7E and 7H, would maintain compliance with the HCNRA or provide for

Tribal rights and interests, the Tribes request all other alternatives be removed from further consideration.

The Tribes disagree with the Forest Service's selection of the Preferred Alternative 7G. From a risk based approach neither the Tribes nor the science can support an alternative where a species can repeatedly lose more than half of its numbers, as would be the case with Alternative 7G and 7H. The Tribes support Alternative 7E as the preferred alternative because it designates no areas in the PNF as suitable for grazing of domestic sheep and removes all risk for contact between domestic and bighorn sheep.

#### Chapter 3 – Affected Environment

Page 3-1: History – This section makes inaccurate statements about human settlement. “Although some estimate numbers are even lower – 1 percent of what they were before human settlement (Martin et al. 1996)”, and “Human settlement of Idaho in the mid-1800s increased harvest of bighorn sheep and introduced domestic sheep”. Native peoples have been present in the Snake River basin, including the PNF since time immemorial, as supported by archeological reports. Shoshone and Bannock peoples are human, and we would appreciate appropriate recognition as it pertains to Forest Service documents.

The importance of bighorn sheep to the Tribes goes beyond its legal ties to Treaty rights. The bighorn sheep are described in legends, stories and are prominent in Tribal culture, language, and traditional practices. The Sheep-Eater bands (*Tukideka*) were those peoples who primarily resided within the Snake River basins and its tributaries, relying on the subsistence resources provided and technology gained by utilization of the bighorn sheep. The Shoshone and Bannock peoples were known to make special trips to hunt the bighorn sheep. The most notable traditional use was the large horns of the rams for highly prized, powerful bows. The hide was used to make robes, sacks, saddles, scabbards, cradles, medicine rattles, and drums.

Page 3-23: The section on Bighorn Sheep Viability recognizes the discussion of viability will need to go beyond the borders of the Payette National Forest. The Tribes agree with this statement and request that a broader viability assessment be completed by the Forest Service, BLM, the State of Idaho and the Tribes, to include the entire Salmon River Metapopulation and source habitat. The Salmon River Metapopulation is considered an important native genetic stock, which has never been extirpated, and has adjacent source habitat on Forest Service, BLM, State lands. The PNF's viability assessment of only the South Fork and Big Creek populations fails to address impacts from migrating populations, crossing geopolitical boundaries. The PNF must consider and analyze the impacts from domestic sheep grazing from a multiagency perspective to address cumulative impacts.

Page 3-28: The modeling completed by U.C. Davis suggests there is likely no, or extremely minimal, level of contact at which a bighorn population can persist. Their modeling shows that even a 2% risk of contact predicted a 50% probability of at least one respiratory disease outbreak causing greater than 40% bighorn sheep mortality during the

next 70 years. “No population of any species can repeatedly lose nearly half its numbers and remain viable”. The agency preferred alternative provides for a 20% risk of contact, ten times the risk noted by the UC Davis model. The PNF has identified a preferred alternative which has a high potential of resulting in an outbreak that may functionally extirpate bighorn sheep populations over the next 70 years. This level of risk is unacceptable to the Tribes and request the Forest Service select the alternative from the DSEIS which ensures the long-term viability of the bighorn sheep.

Page 3-81: Factors Affecting Tribal Rights and Interests – The Forest Service relies on five factors to analyze the effects to tribal rights and interests; two of which were not discussed in the affected environment. We found no reference of the Tribes’ annual harvest need or any mention of the historical locations the tribal members wish to utilize for their hunts. As stated previously the Tribes consider ALL lands within the PNF to be within our Area of Interest and agree with Alternative 7E’s statement that, “In the long term, it may provide the greatest ability to harvest bighorn sheep in all traditional locations influenced by the Payette National Forest”. The Tribes will not engage in a quantitative exercise of putting numbers on Tribal needs. From a qualitative perspective, access and opportunity to continue harvest of bighorn sheep is essential to the Tribes; therefore, long-term viability is a necessary component of any alternative.

It is unclear how the Forest Service arrived at these, “five factors”. As noted above, the impacts to the Tribes are not simply related to harvest but also tied to cultural attributes. There is no discussion of impacts to traditional cultural practices or Tribal history. A general discussion of the cultural importance of bighorn sheep to the Tribes may reveal additional justification supporting the selection of an alternative which provides for long-term viability.

The Tribes are pleased to note the Forest Service acknowledges its statutory duties to the Tribes to provide continued opportunities for Tribal harvest under rights reserved by Treaty. It is unclear why the Forest Service has included the reference to Cultural Area and bands in this section. The Tribes in reference to TR-1 (page 3-81), since the bands listed for the Shoshone-Bannock Tribes is incomplete, we recommend the Forest Service provide a complete list. For further information, please contact the Tribes Cultural Resources Department, at 208-478-3707.

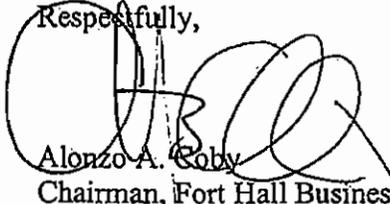
Page 3-85: Cumulative Effects – The Tribes agree with the statements made in this section regarding the “gregarious nature of bighorn sheep and their ability to travel great distances in a short period of time, does lead to the potential for spread of disease to be far reaching”. The potential to impact tribal rights and interests beyond the PNF are great and we expect the Forest Service will consider this fact when a decision is made. The Tribes request that the cumulative impact boundaries be expanded to include the Salmon River Metapopulations. NEPA requires the analysis of potential impacts not occur in a vacuum, but include accurate descriptions of other related actions, regardless of the party undertaking them. This requires a consideration of potential risks from private domestic sheep grazing within or adjacent to the PNF.

**Conclusion**

The initial purposes provided for National Forest System Lands is for Timber harvest and water quality. Grazing is not one of the primarily purposes for National Forests and reserved Treaty rights is superior to grazing. The Tribes review of the DSEIS revealed several fundamental flaws. The DSEIS identifies only three alternatives (7G, 7E, and 7H) as compliant with the HCNRA. Based upon U.C. Davis modeling and scientific evidence provided in the DSEIS, only one alternative (Alternative 7E) would have the potential to uphold the Tribes' Snake River Policy. The Tribes emphasize the importance of maintaining viable populations of bighorn sheep, as it relates to Treaty rights, Tribal history, culture, language, and traditional practices. But, our interests are to have harvested populations, not viable populations. There is the potential to irreversibly impact bighorn sheep populations on the PNF by permitting domestic shecp grazing; we expect the Forest Service will consider these facts in the decision-making process.

The Tribes request the Forest Service provide a written response to acknowledge these Tribal comments, and indicate where and how our comments were considered in further EIS documents. For technical questions, please contact Yvette Tuell, at 208-239-4552, or at [ytuell@shoshonebannocktribes.com](mailto:ytuell@shoshonebannocktribes.com); or for policy questions contact Claude Broncho, SBT Fish & Wildlife Policy Representative, at 208-239-4563, or at [cbroncho@shoshonebannocktribes.com](mailto:cbroncho@shoshonebannocktribes.com).

Respectfully,



Alonzo A. Coby  
Chairman, Fort Hall Business Council  
Shoshone-Bannock Tribes

CC: Fort Hall Business Council (7)  
Chad Colter, SBT Fish & Wildlife Director  
Claude Broncho, SBT Fish & Wildlife Policy Representative  
Leander Watson, SBT Fish and Wildlife  
Yvette Tuell, SBT Environmental Program  
Carolyn Smith, SBT Cultural Resources  
file

# The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION  
PHONE (208) 478-3700  
FAX # (208) 237-0797



FORT HALL BUSINESS COUNCIL  
P.O. BOX 306  
FORT HALL, IDAHO 83203

March 2, 2009

Suzanne Rainville  
Forest Supervisor, Payette National Forest  
800 West Lakeside Avenue  
McCall, ID 83638-3602

RE: Shoshone-Bannock Tribes comments to the Payette Draft Supplemental Environmental Impact Statement

The Shoshone-Bannock Tribes (Tribes) reviewed the available information from the Draft Supplemental Environmental Impact Statement (DSEIS) and provided at the formal government to government consultation in Fort Hall, January 14, 2009; and, hereby submit the following comments; intended to supplement prior comments submitted by the Tribes.

The intent of NEPA is to provide a process that uses a comprehensive and strategic approach to decision-making that integrates environmental considerations to achieve a "productive harmony" among various social, economic and environmental objectives. The Tribes expect the Forest Service to fully protect and enhance Tribal rights and interests; implementing management strategies which demonstrate a commitment to trust responsibility.

## **Treaty**

Various un-ratified treaties were negotiated and signed between the numerous bands of Shoshone and Bannock and the United States. The Fort Bridger Treaty of July 3, 1868 was the only treaty ratified by Congress, between the Eastern Shoshone bands and the Bannocks. In 1867 an Executive Order reserved the Fort Hall Reservation as the permanent homeland of the Shoshone and Bannock peoples. The 1868 Fort Bridger Treaty (15 Stat 673) affirmed the reservation and reserved certain off-reservation hunting and gathering rights for the Tribes. Article IV states:

*The Indians herein named agree, when the agency-house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied land of the United States so long as game may be found*

*thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.*

Please include this excerpt in the DSEIS, page 3-80, with the other excerpts of treaties with the Nez Perce, Umatilla and the Executive Order with the Shoshone-Paiute Tribes.

The Tribes continue a subsistence lifestyle, reserved by the Fort Bridger Treaty, to maintain Tribal traditions, improve our health, and return to our aboriginal territories. Off reservation hunting is regulated and enforced by the Tribes. The Tribes establish harvest guidelines separate from the State of Idaho, and those Tribal seasons may not coincide with State harvest seasons. The assessment area is a traditional area utilized by Tribal members for hunting of fish and wildlife, particular to this discussion big horn sheep. The Forest Service should take a conservative approach to ensure management provides for the harvestable populations of big game species. As such, the Tribes recommend selection of Alternative 7E until a comprehensive, regional study can be completed to assess the risk of domestic sheep grazing near and within bighorn sheep habitat and ranges.

#### **TRIBAL POLICY AND POSITION STATEMENTS**

The Tribes stress the importance of initiating efforts to restore the Snake River system and affected unoccupied lands to a natural condition. Article IV of the Fort Bridger Treaty of July 3, 1868, reserved the right to hunt on the unoccupied lands of the United States and the Tribes work diligently to ensure the protection, preservation and enhancement of those rights for future generations. The Tribes management policies generally allow for supporting federal proposals which will improve or restore resource conditions. The Shoshone-Bannock Tribes' Policy for Management of the Snake River Basin Resources states:

*The Shoshone Bannock Tribes (Tribes) will pursue, promote, and where necessary, initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate-the enhancement of Rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights.*

#### **Scope of Analysis and Inter-Agency Cooperation**

The Tribes have an issue with the preferred alternative because of the scope involved and the lack of cooperating agencies involved in this effort. The Cumulative Effects analysis, pages 3-63-65, notes land management strategies and private activities may have an impact on metapopulations. Although the Tribes realize the limited authority the Payette Forest wields over activities beyond its boundaries, there is a definite need to broaden the

discussion to the interested parties across the bighorn range, in particular the Salmon River metapopulation.

The effectiveness of any resource management plan is going to hinge on the availability of interested cooperators in the region, including other land managers and other forests. The Tribes encourage the Payette Forest to select the most conservative alternative, 7E, until future parties can agree to a basic set of principles regarding bighorn sheep and domestic sheep grazing. This would provide an opportunity to collect the data, which was notably absent from the DSEIS regarding utilization of source habitat, and encourage a more knowledgeable decision regarding the impacts of interaction.

The other forests and the adjacent BLM land managers have data regarding the range of big horn populations which may interact with the Salmon River Meta-population. This potential interaction affects an entire region of Idaho, Oregon and Montana. The Tribes request a comprehensive big horn analysis for the region be performed with all interested agencies, including; Idaho Fish and Game, Idaho Department of Lands, Oregon Department of Game and Fish, Forest Service, Bureau of Land Management, Nez Perce Tribe, and the Shoshone-Bannock Tribes.

### **History**

The Tribes responded to previous drafts with concerns over specific references to "human" settlement of Idaho (History, Page 3-1, "Human settlement of Idaho in the mid-1800s..."). The Tribes are human and did inhabit the region long before the mid-1800s. Please conduct a global search for this reference, eliminate it and replace it with a more appropriate reference to the settlers of the area. You may refer to it as Euro-American settlement, American settlement or settlement during the mid-1800s. Take appropriate actions to ensure this reference is corrected in the Final EIS.

### **Big Creek**

The Tribes are concerned about the potential interactions between domestic sheep allotments and the Big Creek population of bighorn sheep. The Big Creek population utilized habitat for lambing and summer range which overlapped with several populations from the Middle Fork Salmon River (*Risk Analysis of Disease Transmission between Domestic Sheep and Bighorn Sheep on the Payette National Forest*, Forest Service, February 6, 2006). The Middle Fork population is a critical component to the genetic viability of bighorn populations throughout Idaho because it has never been extirpated.

According to the Risk Analysis, highlighted in the DSEIS, the population on Big Creek experienced five years of low lamb-to-ewe ratios and an all-age-die-off in 1990, and research confirmed the presence of a highly virulent strain of *Pasteurella* in the Big Creek population. (DSEIS, page 3-15) The DSEIS noted a high degree of uncertainty regarding the conclusion sheep grazing allotments would not likely threaten the viability of the overall Salmon River metapopulation. The DSEIS does confirm the loss of the genetic diversity of these populations could affect the bighorn sheep persistence and restoration at scales much larger than the Payette National Forest. The concern stems from an empirical look at the counts from the Idaho Department of Fish and Game,

showing a drastic decline in total sheep counts, evidence of a persisting problem in the population.

The potential risk to populations at a larger scale should be the focus of analysis for this DSEIS. Although the conclusion was domestic sheep grazing on the east side of the forest, particularly the Big Creek allotment, would not impact the viability of the population of bighorn, there is a great deal of uncertainty about the potential interaction with other herds from the greater Salmon River metapopulation. Given the confirmed presence of the highly virulent strain of *Pastuerella* in the Big Creek population, further contact may compromise the entire region. Without further risk analysis from the entire region a conclusion to permit domestic sheep grazing is irresponsible and against the evidence presented in the risk analysis. One interaction has the potential to cause irreversible impacts to the Salmon River metapopulation and compromise a genetically valuable resource for bighorn sheep restoration efforts.

The potential for a widespread outbreak and the admitted lack of data speaks strongly in favor of denying further permits for domestic sheep grazing in the eastern allotments of the Payette. The Tribes repeat our request for the Forest Service to select the most conservative alternative, 7E, to preserve, protect and enhance the important wildlife resource in the region.

#### **Smith Mountain**

The Tribes recognize the impact to grazing related industry from a strict closure of the Smith Mountain allotment due to the high risk of area wide transmission of disease from domestic sheep. Grazing on Forest Service lands is a privilege, not a right. The Forest Service is obliged to manage resources in a manner which provides sustainable opportunities for the multiple users of the Forest Service resources. Providing for a personal privilege for economic gain does not outweigh the risk of far-reaching impacts to big horn sheep populations.

A single transmission can effectively cripple a population for multiple generations, according to the Forest Service's own risk analysis. The Smith Mountain allotment, one of the highest risks on the Payette, is managed by the Forest Service, the ultimate decision to discontinue grazing lies solely with the agency. Tribes request this allotment be permanently discontinued for domestic sheep grazing.

The Tribes suggest the Forest Service and other federal land managers identify other regional grazing allotments for domestic sheep the permit holder can reasonably utilize. These allotments would be outside of any identified big horn sheep habitat and have a zero-risk of transmission.

#### **Trailing Routes**

The Risk Analysis identified the trailing routes, Salmon River Driveway and Carey Creek in particular, to pose a significant risk of transmission to bighorn sheep. In spite of this analysis the DSEIS does not require additional mitigation measures, such as trucking or requiring the permit holder to pay for on-site staff during trailing, to ensure no

Shoshone-Bannock Tribes comments to the Payette Draft Supplemental Environmental Impact Statement  
March 2, 2009

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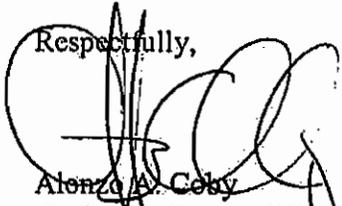
transmission occurs in this area. Trailing routes should not be utilized given the serious risk of exposure to bighorn sheep populations and the ever present risk of strays wandering into contact with bighorn. Alternative 7G does mitigate some risks on the allotment side but leaves the high risk trailing routes open, in spite of a finding in the risk assessment this may lead to a contact.

This risk presents the Forest Service with a substantial issue, require costly mitigation on permit holders and incur management obligations or retire allotments from domestic sheep grazing due to infeasibility. The Tribes would recommend retiring allotments to ensure risk free status within the Forest from trailing domestic sheep.

### Summary

The Tribes look forward to continuing to work with your staff regarding the planning process. The Forest Service must have additional discussions with Tribal staff to further refine and/or develop issues and potential solutions. If you have any further technical questions, please call Yvette Tuell at 208-238-3290 or email her at [ytuell@shoshonebannocktribes.com](mailto:ytuell@shoshonebannocktribes.com). For policy level questions, please contact Claude Broncho, Tribal Fish & Wildlife Policy Representative, at 208- 239-4563, or at [cbroncho@shoshonebannocktribes.com](mailto:cbroncho@shoshonebannocktribes.com).

Respectfully,



Alonzo A. Coby  
Chairman, Fort Hall Business Council  
Shoshone-Bannock Tribes

Cc: Claude Broncho – SBT Fish and Wildlife Policy Representative  
Chad Colter – SBT Fish and Wildlife Director  
Yvette Tuell – SBT Environmental Program  
Bill Bacon – SBT General Council



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709  
<http://www.id.blm.gov>

14168  
~~13414~~  
  
TAKE PRIDE  
IN AMERICA

**RECEIVED**

In Reply Refer To:  
6500/4100 (931)

**MAR 02 2009**

**MAR 03 2009**

**PAYETTE NF  
SUPERVISOR'S OFFICE**

Ms. Susanne Rainville  
Payette National Forest  
Attention: Bighorn Sheep Comments  
800 Lakeside Avenue  
McCall, Idaho 83638

Dear Ms. Rainville:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement (DSEIS) addressing the grazing of domestic sheep within or near the range of bighorn sheep in the Payette National Forest (*Southwest Idaho Idaho Ecogroup Land and Resource Management Plans, Draft Supplemental EIS*, USDA-Forest Service, 2008). The DSEIS is a supplemental analysis to the Final Environmental Impact Statement (FEIS) for the Payette Revised Land and Resource Management Plan (LRMP).

My comments address two elements of the DSEIS. The first element is the cumulative impacts analysis. The second element identifies clarification of data depicted on various maps in the document.

The Final Supplemental EIS (FSEIS) needs to be very clear that the document pertains exclusively to lands within the Payette National Forest, not to the other Ecogroup Forests or the surrounding National Forest or Bureau of Land Management (BLM) lands (page 2-9, paragraph 7 of DSEIS). The cumulative effects analysis needs to address the surrounding National Forest, BLM, State, and private lands.

The BLM manages three domestic sheep allotments (Partridge Creek Allotment, Marshall Mountain Allotment, and Hard Creek Allotment) that are adjacent to Payette National Forest Sheep Allotments. Two of the above allotments (Marshall Mountain and Hard Creek Allotments) are used in common with domestic sheep grazing occurring in the Payette National Forest. The BLM Marshall Mountain Allotment is used in common and interrelated with the Payette National Forest Marshall Mountain Allotment. The BLM Hard Creek Allotment is used primarily when domestic sheep are trailing to the Payette National Forest Grassy Mountain Allotment. Several domestic sheep trailing routes crossing BLM lands are critical for providing access to adjacent Payette National Forest Sheep Allotments. It should be noted that we are currently revising the Cottonwood Resource Management Plan that provides management direction for the entire Cottonwood Field Office. No decision has been made at this time as to domestic sheep grazing use on any allotments in the Cottonwood Field Office by BLM.

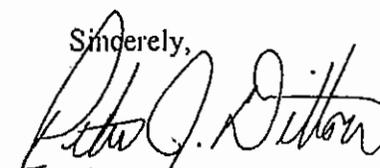
It is recommended that the FSEIS address cumulative effects which may occur from domestic sheep grazing on the adjacent lands. Information and data is available regarding the status of domestic sheep use, and such should be queried from adjacent land managers/owners (Nez Perce National Forest, the BLM, Idaho Department of Lands, Idaho Department of Agriculture, and private land owners).

Numerous maps in the DSEIS identify and/or also rate relative risk rating (alternatives) for a portion of BLM Marshall Mountain Allotment. Maps in the DSEIS that include a portion of BLM Marshall Mountain Allotment and/or trailing routes crossing BLM lands are identified as follows: page 3-20, Figure W-1f; page 3-22, Figure W-1g; page 3-27, Figure W-9b; page 3-33, Figure W-9c; page 3-38, Figure W-9d; page 3-42, Figure W-9e; page 3-46, Figure W-9f; page 3-50, Figure W-9g; page 3-55, Figure W-9h; page 3-73, Figure RR-2; page 3-74, Figure RR-3; and page 3-75, Figure RR-4. It is recommended that the above mention maps be corrected to reflect that the analysis of the FSEIS does not reflect decisions on BLM's Marshall Mountain Allotment.

The DSEIS identifies a scarcity of telemetry points and observational points for the Salmon River metapopulation (page 3-24, paragraph 3 and 4). The DSEIS also identifies that the volume contour lines that resulted from this modeling show the ranging behavior of current bighorn sheep and are the best approximation of occupied habitat at this time. The ongoing Salmon River bighorn sheep study and observations has resulted in increased telemetry and observation points for modeling. It is recommended that for the FSEIS, the volume contours for the Salmon River metapopulation incorporate all additional telemetry and observation points to increase point density to update bighorn sheep/domestic sheep relative risk rankings on appropriate maps throughout the document.

Figure RR-1, page 3-72 does not display the Surdan Allotment along the southwest side of the Payette National Forest. It is recommended that the allotment is displayed in Figure RR-1.

Thank you again for the opportunity to comment on this important document.

Sincerely,  
  
For Thomas H. Dyer  
Acting State Director

cc:

Stephanie Connelly, Cottonwood Field Office  
Gary Cooper, Coeur d'Alene District Office  
Rosemary Thomas, Four Rivers Field Office  
Aden Seidlitz, Boise District Office  
Stephanie Balzarini, Office of the Solicitor



*Burns Paiute Tribe*



March 17, 2009

Suzanne Rainville  
Forest Supervisor, Payette National Forest  
800 West Lakeside Avenue  
McCall, ID 83638-3602

RE: Upper Snake River Tribes comments to the Payette Draft Supplemental Environmental Impact Statement

The Upper Snake River Tribes (USRT) has reviewed the Draft Supplemental Environmental Impact Statement for the Southwest Idaho Ecogroup Land and Resource Management Plan Final Environmental Impact Statement (FEIS) and hereby submits the following comments.

The Burns Paiute, Shoshone-Paiute, and Shoshone-Bannock tribes of the Upper Snake River have similar cultural backgrounds, with common issues regarding resource management in the Columbia River Basin. Where issues which affect tribes are common, it is to their benefit to unite and strengthen their respective voices. The Tribes of the Upper Snake River formed the Compact of the Upper Snake River Tribes (USRT). This Charter was adopted pursuant to the Motherhood Document for the Establishment of the Compact of the Upper Snake River Tribes of 1997 to facilitate, coordinate and assist implementation of the Motherhood Document Policies and Principles.

Through this Charter, the USRT will pursue, promote and initiate efforts to restore the Upper Snake River Basin, its affected tributaries and lands to a natural condition. In addition, the Compact Tribes will work to ensure the protection, enhancement and restoration of the Tribes' rights, resources, and activities that are reserved by Treaties and Executive Orders, protected by federal laws and agreements, or are the subject of aboriginal claims asserted by the Tribes, which include but are not limited to hunting, fishing, gathering and subsistence uses. The primary goal of this Charter is to facilitate Tribal unity to protect and nurture all Compacting Tribes' rights, languages, cultures and traditions in addressing issues related to the Upper Snake River Basin.

From time immemorial, the Columbia River Basin provided substantial resources which continue to sustain the diverse uses of native tribes, including the Burns Paiute, Shoshone-Bannock, and Shoshone-Paiute Tribes. The significance of these resources is partially reflected in the contemporary values associated with the many culturally sensitive species and geographic areas within the Basin.

The importance of bighorn sheep to the tribes goes beyond legal ties to Treaty and inherent rights. The bighorn sheep are described in legends, stories and are present in tribal culture, language, and traditional practices. The most notable traditional use of the large horns of the rams was for highly prized, powerful bows. The hide was used to make robes, sacks, saddles, scabbards, cradles, medicine rattles, and drums. The assessment area has traditionally been utilized by tribal members for fishing and for hunting wildlife, particularly bighorn sheep.

The strategy the Forest Service should adopt in managing bighorn sheep and their habitat is one that will insure a healthy, robust and harvestable bighorn sheep population. In order to attain this goal the USRT recommend the implementation of Alternative 7E which designates "no area within the Payette National Forest as suitable for domestic sheep grazing, and leaves no trailing routes open to use within the entire Payette National Forest." The USRT believes the potentially catastrophic consequences of domestic-wild sheep contact are too great to allow domestic sheep grazing to continue on the Payette National Forest.

The USRT supports and incorporates by reference, the comments submitted by the Shoshone-Bannock Tribes.

The management of bighorn sheep is a critical issue for the USRT, as this species is of cultural importance to the compacting Tribes. If bighorn sheep populations are adversely affected by the actions of the Forest Service, the Tribes would experience a great loss to Tribal rights and traditional practices.

For more information regarding this submission please contact Kyle Prior, USRT Executive Director, (208) 955-7966, [priorkyle@att.net](mailto:priorkyle@att.net) .

Sincerely,



Nathan Small  
Chairman, Upper Snake River Tribes Commission  
Upper Snake River Tribes

Attachments: Shoshone-Bannock Tribes Comments (November 6, 2008 and March 2, 2009)

CC: File  
Kyle Prior  
Shoshone-Bannock Tribes, Chairman  
Shoshone-Paiute Tribes, Chairman  
Burns Paiute Tribe, Chairman  
Chad Colter, SBT Fish and Wildlife Director  
Jason Kesling, BPT Fish and Wildlife Director  
Carol Perugini, SPT Fish, Wildlife and Parks Director



Received  
NSG BHS SEIS 14048  
3/6/09 ~~2107~~  
14048

STATE OF WASHINGTON

**Department of Fish and Wildlife**

Mailing Address: 600 Capitol Way N • Olympia WA 98501-1091 • (360) 902-2200; TDD (360) 902-2207  
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia WA

March 2, 2009

Suzanne Rainville, Forest Supervisor  
Payette National Forest  
Attention: Bighorn Sheep Comments  
8700 W. Lakeside Ave.  
McCall, Idaho 83638

RE: Payette National Forest Bighorn Sheep Draft Supplemental Environmental Impact Statement (DSEIS)

Dear Ms. Rainville:

I am writing in response to your request for comments on the Draft Supplemental Environmental Impact Statement (DSEIS) on bighorn sheep viability within the Payette National Forest (PNF), Idaho. Washington's bighorn sheep are part of a meta-population along with bighorn herds located in Oregon and Idaho within the Hells Canyon National Recreation Area (HCNRA). As such, Washington Department of Fish and Wildlife (Department) was granted Cooperator Agency Status and *participated* with the Payette National Forest Planning Team in the development of the DSEIS.

The Department has a vested interest in the DSEIS and the PNF's final decision. The management decisions and actions on the PNF directly impact bighorn sheep in the HCNRA and therefore, bighorn sheep in Washington. As already demonstrated in 1995, bighorn sheep in the HCNRA suffered a massive die-off due to a *pasturella* disease breakout. Immediately following the die-off, the three bordering states, plus the Forest Service, Bureau of Land Management, and Foundation for North American Wild Sheep initiated a project to recover bighorn sheep; all cooperators are signatories to a project called the Hell's Canyon Initiative (HCI). To date, the HCI is an unprecedented blend of technical and management expertise, and has functioned in a unified team for bighorn sheep in the HCNRA and for field investigations on communicable disease in bighorns. Over the last 14 years, the HCI project has documented extensive bighorn sheep movements between all three states.

Given the meta-population structure of bighorns in Hells Canyon and demonstrated history of the effects of a die-off, we believe it is important for the PNF to state clearly that this issue affects not only decisions relative to Idaho land management, but that of adjoining states as well. Washington has invested hundreds of thousands of dollars and decades of effort to restore native bighorn sheep to Eastern Washington and Hells Canyon. Bighorn sheep are endemic to Washington and the Hells Canyon area, and they provide the citizens of Washington with a



Ms. Suzanne Rainville  
March 2, 2009  
Page 2

NSG BHS SEIS 14048

significant, renewable wildlife resource that generates thousands of recreation days and dollars every year.

In our review of the DSEIS, the Department believes the alternative that best ensures the long-term viability of bighorn sheep while minimizing the impacts to domestic sheep grazing is Alternative 7G (also identified as preferred alternative in DSEIS). This alternative is consistent with the goals and objectives of the Department in bighorn sheep management, HCNRA, and the National Forest Management Act.

Since bighorn sheep are a wildlife resource that frequently crosses political and jurisdictional boundaries, Washington strongly believes that there is a multi-state and multi-agency responsibility to protect this resource for the future, as directed by treaty, federal law, and state management authorities. Thank you for the opportunity to comment on the DSEIS. I look forward to working with you on this issue as the process continues.

Sincerely,



Phil Anderson  
Interim Director

cc: John Mankowski, Washington State Governors Office

NSG BHS SEIS 13413



"Keith Lawrence"  
<keithl@nezperce.org>  
02/28/2009 12:17 PM  
Please respond to Keithl

To: <payettebighorn@fs.fed.us>  
cc: "Patricia H Anderson Soucek" <psoucek@fs.fed.us>, "Curt Mack"  
<cmack@nezperce.org>, <mikel@nezperce.org>  
Subject: NPT DSEIS Comments

Good Morning,

Attached are two pdf files. The smaller one is a cover letter for the the second file and more than 100 public comment letters from people in an around Lapwai, Idaho. The second file consists of a letter and attached comments which, together, are Nez Perce Tribe comments on the PNF DSEIS regarding the PNF recommendations for protections of bighorn sheep habitat. The entire package is being sent by fedex to the Payette National Forest and is expected to arrive on Monday March 2<sup>nd</sup>. If it does not arrive please call me at 208-843-7372.

Additional concerns the Tribe would like to address through consultation will be submitted on Monday March 2<sup>nd</sup>.

This is an electronic submittal of the NPT comments on the DSEIS and request for a Tribal Consultation.

Keith Lawrence



2 27 2009 Chairman to Rainville letter comments and consultation.pdf 2 27 09 NPT Public comments on PNF draft SEIS.pdf



*Nez Perce*

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

Suzanne Rainville  
Payette National Forest  
Attention: Bighorn Sheep Comments  
800 W. Lakeside Ave.  
McCall, ID 83638

February 27, 2009

Dear Mrs. Rainville,

Enclosed is a letter from me to you, with an attachment. Combined the letter and attachment are the Nez Perce Tribe Public Comments to the Draft Supplemental Environmental Impact Statement (DSEIS) that reanalyzes the effects of current and proposed management of bighorn sheep viability within the Payette National Forest (PNF). With the Nez Perce comments I have also enclosed more than 100 letters to you from people that live or work in the Lapwai area that wanted to comment individually on the DSEIS.

On Monday, March 2, 2009, I will send you additional comments the Nez Perce Tribe would like to address with you, under the confidentiality of a Tribal Consultation, after March 3.

Sincerely,

*Samuel N. Penney*

Samuel N. Penney  
Chairman



NSG BHS SEIS 13413

*Nez Perce*

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

Suzanne Rainville  
Payette National Forest  
Attention: Bighorn Sheep Comments  
800 W. Lakeside Ave.  
McCall, ID 83638

February 27, 2009

Dear Mrs. Rainville,

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement (DSEIS) that reanalyzes the effects of current and proposed management of bighorn sheep viability within the Payette National Forest (PNF). We have attached our technical comments including a) a response to questions you posed in your September 18, 2008 cover letter to the DSEIS, b) general comments on the DSEIS, and c) general and specific comments on the Draft Amendment to the Land and Resource Management Plan (Amended Forest Plan Direction). We will also provide separate comments specific to Nez Perce Tribe's (Tribe) treaty resource and trust responsibility issues through Tribal Consultation.

The Tribe appreciates and supports the PNF's overall science-based "separation" approach for addressing bighorn sheep viability issues. As the PNF continues to deliberate between the DSEIS and Final Record of Decision (ROD), we urge you to not deviate from the preponderance of science advocating the need for no to minimal risk of contact and effective separation between bighorn and domestic sheep.

The foundations of our comments are provided by Tribal policies including adherence to science-based management practices and achieving Tribal recovery goals for bighorn sheep on the PNF. We suggest, 3 important science-based principles that must be included in the ROD are:

1. No Contact Standard. Management of domestic sheep must insure zero or approaching zero percent risk of contact between domestic and bighorn sheep.
2. Separation Standard. Domestic sheep must be excluded from grazing within or adjacent to occupied bighorn sheep range.

3. No-Grazing Buffers. Effective no-grazing buffers must be established between bighorn sheep occupied range and areas grazed by domestic sheep.

The Tribe believes bighorn sheep populations on the PNF are currently not viable because of continued threats from disease, depressed population numbers, and continued downward population trends in the Salmon River. Protecting existing population levels is not sufficient to ensure long-term population viability. The Tribe can only support Alternatives that allow for population restoration and range expansion across contiguous habitats that achieve Tribal recovery goals of healthy self-sustaining populations of bighorn sheep, well above minimum viable levels, distributed across contiguous suitable historic habitats, capable of supporting treaty and sport harvest across all age and sex classes. We suggest the ROD must include an effective adaptive management approach to provide for population recovery and range expansion to meet Tribal recovery goals.

The Nez Perce Tribe understands successful recovery of bighorn sheep depends on an effective combination of the selected Alternative and implementing language in an Amended Forest Plan Direction. Most importantly, this combination must result in effective separation between domestic and bighorn sheep across the PNF. In general the more conservative (in protection for bighorn sheep) the Alternative, the more liberal or protective the Amended Forest Plan Direction must be for bighorn sheep for bighorn sheep, and visa versa.

Although the agency preferred Alternative 7G provides a solid starting point, as proposed, the Tribe contends the proposed Amended Forest Plan Direction is insufficient in combination with Alternative 7G to provide effective separation, regain bighorn viability across the forest, or to achieve Tribal recovery goals. Our concerns focus on 4 important issues 1) separation and use of no-grazing buffers, 2) recalculating GPRs, 3) monitoring, and 4) Amended Forest Plan Direction Standards and Guidelines.

#### Separation and use of Buffers

Currently Alternative 7G defines GPRs as occupied bighorns sheep range, does not establish no-grazing buffers, and allows domestic sheep grazing adjacent to occupied range (GPRs). Minimal no-grazing buffers are provided through the Amended Forest Plan Direction, but only reactively when bighorn sheep are located within the 90-100 percentile contour of a GPR. The reactive nature and minimal proposed width of "no-sheep zones" do not address potential for contact when bighorn sheep are present within close proximity to GPR boundaries and domestic sheep but remain undetected.

The Tribe contends, and the science supports, continued domestic sheep grazing adjacent to occupied range does not provide effective separation or reduce the risk of contact to acceptable levels to ensure bighorn sheep viability. We suggest the PNF more fully address the use on no-grazing buffers, either in the Alternative or Amended Forest Plan Direction, to ensure effective separation.

#### Recalculating GPRs

As proposed, the Amended Forest Plan Direction appears to allow GPRs to expand as well as contract through time, but does not provide a detailed analysis of how future GPR boundaries would be recalculated. As initial GPRs represent occupied range of depressed populations, we suggest future GPRs only expand to reflect range expansion of recovering bighorn sheep populations, but do not contract from these base GPRs. Establishing GPRs smaller than current occupied range, would certainly increase threats of disease to already threatened wild sheep populations, prohibiting recovery to viable levels. We recommend the PNF provide a more detailed plan including protocols and criteria for recalculating changes in future GPR boundaries.

#### Monitoring

As proposed, successful recovery of bighorn sheep populations depends, to a large degree, on the effectiveness of monitoring results used to recalculate bighorn sheep GPRs. However, Alternative 7G nor the Amended Forest Plan Direction provide a detailed monitoring plan for evaluation. The Tribe is concerned about relying so heavily on monitoring, especially since GPRs, as proposed, could contract from base (initial) GPRs. Our concerns are two-fold: 1) future data (observation-based data) used to recalculate GPRs will not be as robust as those used to calculate base GPRs (intensive radiotelemetry data), and 2) future monitoring resources and levels are unpredictable through time. Based on these concerns, future changes in GPR boundaries may reflect quality of data used and levels of monitoring effort, rather than actual changes in bighorn sheep occupied range. Lastly, using observation-based data to validate absence is an inappropriate use of this type of data.

We suggest an appropriate way to address these monitoring concerns is to reduce dependency on monitoring needs by a) establishing GPRs defined in the selected Alternative as minimum base GPRs, b) use future observation-based data to expand GPR boundaries as bighorn sheep populations recover and expand their range, and c) incorporate stronger no-grazing buffers.

We feel there is justification to assume once habitats are verified to be occupied, they should always be managed as occupied source habitats. This approach also applies an appropriate use of observation-based data and addresses the inverse relationship between proximity of domestic and bighorn sheep and level of monitoring intensity required to ensure separation.

#### Amended Forest Direction Standards and Guidelines

Although the DSEIS document provides a comprehensive review of the science, and Alternative 7G embodies a science-based separation approach, language included in the Amended Forest Direction Standards and Guidelines does not sufficiently convey this science-based separation approach adopted by the PNF. We make specific suggestion to strengthen proposed Standards and Guidelines to better and more clearly adhere to this science-based approach adopted by the PNF.

domestic sheep; either in the selected Alternative or Amended Forest Plan Direction.

2. Enhance bighorn sheep population recovery and range expansion by establishing minimum base GPRs in the selected Alternative that expand with expanding bighorn sheep populations.
3. Reduce dependence on monitoring needs by establishing more effective no-grazing buffers and minimum base GPRs, and using monitoring data to expand, not contract, GPRs in the future to reflect bighorn population recovery and range expansion.
4. Provide detailed protocols and criteria for recalculating changes in GPR boundaries.
5. Provide a more detailed bighorn sheep monitoring plan.
6. Include suggested additions to the Amended Forest Management Direction Standards and Guidelines.

We hope these comments are helpful in progressing to a final ROD. We look forward to discussing these issues with you as we continue to work together to craft the final Amendment to the Forest Plan.

If you have any questions or concerns about these comments, please feel free to contact our Wildlife Management Division staff members Keith Lawrence or Curt Mack. They can be reached by email at [keithl@nezperce.org](mailto:keithl@nezperce.org) and [cmack@nezperce.org](mailto:cmack@nezperce.org).

Sincerely,



Samuel N. Penney  
Chairman

**Public Comments And Technical Review**

**Southwest Idaho Ecogroup Land and Resource Management Plan  
Draft Supplemental Environmental Impact Statement  
September 2008**

**Submitted to**

**U.S. Forest Service  
Payette National Forest  
McCall, ID**

**Submitted by**

**Nez Perce Tribe  
Lapwai, ID**

**February 2009**

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## Response to Suzanne Rainville's September 18<sup>th</sup>, 2008 Cover Letter

As outlined in Forest Supervisor Suzanne Rainville's September 18<sup>th</sup>, 2008 cover letter, the Payette National Forest (PNF) requested specific feedback on the Draft Supplemental Environmental Impact Statement (DSEIS). Below are our responses to questions posed in that cover letter:

### *Question 1. Are opposing viewpoints and uncertainties surrounding the science considered?*

We find this question minimally relevant as there is little opposition or uncertainty surrounding the science germane to the DSEIS. An overwhelming majority of wildlife professionals, (researchers, managers, veterinarians, scientists etc...) and state and federal (including the U.S. Forest Service) land management agencies agree disease transmission from domestic sheep is a serious risk to bighorn sheep populations across the western United States and separation between domestic and bighorn sheep is the accepted and necessary management approach if viable bighorn sheep populations are to be secured (Bureau of Land Management 1998, USDA Forest Service 2003, USDA Forest Service 2006a, USDA Forest Service 2006b, USDA Forest Service 2008a, Western Association of Fish and Wildlife Agencies 2007). This majority opinion is rooted in a preponderance of evidence included in a rich and substantial body of scientific and grey literature (Buechner 1960, Callan et al. 1991, Cassier et al. 1996, Cassier et al. 2001, Coggins 1988, Coggins 2002, Coggins 1992, Foreyt 1989, Foreyt 1990, Foreyt 1992a, Foreyt 1992b, Foreyt 1994, Foreyt and Jessup 1982, Foreyt and Lagerquist 1996, Foreyt and Silflow 1996, Foreyt et al. 1994, Garde et al. 2005, George et al. (in press), Gross et al. 1997, Gross et al. 2000, Hunt 1980, Jessup 1980, Jessup 1982, Jessup 1985, Martin et al. 1996, Onderka et al. 1988, Onderka and Wishart 1988, Schommer and Woolever 2001, Schwantje 1988, Schwantje et al. 2006, Singer et al. 2001, Sweeney et al. 1994, Wehausen et al. (unpub)). The small, minority, opposing viewpoint is outdated with current science. There have been ample opportunities to disprove the science of disease transmission, but not have been able to do so (USDA Forest Service 2008a, Wehausen (unpub)). Given the current state of the science any opposing viewpoint should lack standing as irrelevant in the Forest Service's deliberations in the DSEIS. We believe the Forest Service has adequately considered all viewpoints surrounding the science and has correctly interpreted that body of science during the development of the DSEIS.

### *Question 2. Are pertinent references included and used in the analysis?*

We believe the PNF has conducted a complete and thorough job in reviewing, interpreting, and referencing the substantial body of scientific and grey literature pertinent to the DSEIS.

### *Question 3. What level of risk of contact is acceptable?*

We also find this question substantially irrelevant, as this is a science and legal issue, not a social question. The science is clear that zero or nearly zero probability of contact is the only acceptable level of risk, if viable bighorn sheep populations are to be maintained (USDA Forest Service 2008b) – a legal requirement under the National Forest Management Act (NFMA). Legally, the PNF must provide source habitats for viable bighorn sheep populations and therefore must manage for minimal risk of contact with domestic sheep to be compliant with NFMA (USDA Forest Service 2005). The DSEIS states "...the risk of contact must be absent or extremely low to ensure bighorn sheep viability across the Payette National Forest." and "...the

potential risk of contact must be approaching a zero percent probability". From a science standpoint there is no debate, and from a legal context no opportunity for variance, on this issue. So, we find it odd the PNF is seeking public opinion on an issue that is not subject to public debate.

*Question 4. What other options/methods can we analyze to achieve separation between domestic and bighorn sheep?*

The PNF is required to provide sufficient source habitat to insure viable bighorn sheep populations across the Forest (USDA Forest Service 2003, USDA Forest Service 2005, USDA Forest Service 2008b). Because of the risk of disease transmission from domestic to bighorn sheep, areas grazed by domestic sheep are considered unavailable as bighorn sheep source habitat (USDA Forest Service 2008b). Therefore, the PNF must change permitted domestic sheep grazing operations across the forest to insure sufficient bighorn sheep source habitat is available, free from domestic sheep grazing, to ensure viable bighorn sheep populations.

Further, we believe current science indicates effective separation on the PNF can only be achieved through spatial separation between domestic and bighorn sheep. Temporal separation is not an option on the PNF given bighorn sheep distribution and domestic sheep operations across the forest.

Spatial Separation

Given the current state of science, effective separation cannot be achieved while domestic sheep are grazed within or adjacent to occupied bighorn sheep range. Best Management Practices (BMPs) such as increased number of herders or guard dogs, and hazing or killing bighorn sheep will not provide effective separation within or adjacent to bighorn sheep range on the PNF. Grazing domestic sheep within close proximity of wild sheep coupled with the natural attraction between the two species, results in an inherent high risk of contact when domestic sheep are grazed within or adjacent to occupied bighorn sheep range (USDA Forest Service 2006a, USDA Forest Service 2006b, USDA Forest Service 2008a, USDA Forest Service 2008b). Remote and rugged topography and large expansive landscapes characterized by domestic sheep allotments on the PNF, results in an inherently low probability of detecting any, much less all, bighorn sheep and comingling incidences with domestic sheep. There is no level of effort through the use of BMPs that will provide effective separation within or adjacent to occupied bighorn sheep range. Effectiveness of BMPs has not been proven or even evaluated within occupied bighorn range under the best of conditions, and certainly not under the very difficult conditions present on the PNF. Supporting evidence includes multiple incidents where domestic sheep producers have publicly testified they had not observed bighorn sheep on active allotments, even though bighorn sheep presence was verified through studies using radiocollared bighorn sheep. Also, the State of Idaho Department of Fish and Game has recognized that BMPs do not provide separation (Unsworth 2008a, Unsworth 2008b). Lastly, areas grazed by domestic sheep are considered unavailable as source habitats for bighorn sheep (USDA Forest Service 2008b). The PNF must provide sufficient source habitats, free of domestic sheep grazing, to ensure viable bighorn populations.

To date, there are no vaccines or other clinical approaches available to address disease transmission from domestic to wild bighorn sheep populations.

At this time, effective separation can only be achieved by removing domestic sheep grazing within and adjacent to occupied bighorn sheep range. Effective separation must include no domestic sheep grazing buffers between occupied bighorn sheep range and areas grazed by domestic sheep. BMP's should only be applied outside of occupied bighorn sheep range and no domestic sheep grazing buffers.

#### Temporal Separation

Results of radiotelemetry studies and observations indicate that bighorn sheep are found on and in close proximity to active domestic sheep allotments across the PNF. This realization precludes temporal separation as a management tool on the PNF. In addition, bighorn sheep populations along the Snake and Salmon Rivers do not migrate long distances between seasonal ranges, resulting in a persistent and continuous probability of risk through out the year, regardless of the timing of domestic sheep grazing.

#### *Question 5. Are there potential actions to minimize contact that have worked in other parts of the country?*

Contact with domestic sheep and potential for disease transmission is a common concern through out the west (Beuchner 1960, Krausman 1996, Martin et al. 1996, Toweill and Geist 1999, USDA Forest Service 2008a). Through decades of experience, the merging consensus for addressing disease transmission is to provide for effective separation (Bureau of Land Management 1998, USDA Forest Service 2003, USDA Forest Service 2006a, USDA Forest Service 2006b, USDA Forest Service 2008a, Western Association of Fish and Wildlife Agencies 2007). We are not aware of any proven actions, other than removing domestic sheep grazing, that provide effective separation within or adjacent to occupied range. There is however a substantial body of evidence that indicates, despite management actions, when domestic sheep are grazed adjacent to or within occupied range, bighorn sheep die-offs occur with substantial negative impacts to bighorn sheep populations (Krausman 1996, Martin et al. 1996, Wehausen (unpub), USDA Forest Service 2008a). It is important to remember, management solutions are case specific, developed for conditions unique to a particular geographic area and management scenario. Management solutions are seldom fully transferable to other geographic areas. Effective separation must be developed within the landscapes, distribution of bighorn sheep populations, and domestic sheep operations unique to the PNF.

#### *Question 6. What suggestions do you have to improve the implementation of the standards and guidelines?*

Please see our specific comments on this topic below.

#### *Question 7. What other options or alternatives are missing from the analysis?*

We agree with the PNF that disease transmission from domestic sheep poses a substantial risk to bighorn sheep viability, and support the PNF's interpretation of the science and reliance on effective separation to recover threatened populations of bighorn sheep across the Forest. We also support the notion that domestic and bighorn sheep are incompatible species when occupying sympatric range and areas grazed by domestic sheep are therefore unavailable as source habitats for bighorn sheep. It is clear that permitted domestic sheep grazing operations must be altered to provide sufficient source habitats, free of domestic sheep grazing, to ensure

viable bighorn sheep populations. We believe the PNF has considered a full range of alternatives to address bighorn sheep viability.

*Question 8. Are there any other issues or concerns that have been overlooked?*

We would like the PNF to consider the following issues and concerns:

1. Treaty resources and trust responsibility
2. Bighorn sheep habitat degradation including spread of noxious weeds and damage from livestock grazing
3. Sensitive Species Status designation for bighorn sheep
4. Including bighorn sheep as an Management Indicator Species for the Forest
5. Economic impact study of a recovered bighorn sheep population to surrounding rural economies
6. Mitigation measures for affected producers

Lastly, we are concerned with the tone of the letter that implies the PNF will incorporate suggestions received without consideration of the merits. We hope the PNF would thoroughly review the scientific and legal merits of comments received prior to incorporation into the Record of Decision.

## **General Comments – Current Bighorn Sheep Population Status**

### Hells Canyon

Historically, Hells Canyon supported over 10,000 bighorn sheep (Hells Canyon Restoration Committee 2005). Today, habitats along the Hells Canyon have not changed dramatically since historic times. Habitat quantity and quality is not currently limiting, and is capable of supporting thousands of wild sheep (Bureau of Land Management 1998, Hells Canyon Restoration Committee 2004, Hells Canyon Restoration Committee 2005). Bighorn sheep were extirpated from Hells Canyon by the 1940's, however, despite concerted restoration efforts, managers have not been able to obtain the desired recovery goal of 2,000 wild sheep (Hells Canyon Restoration Committee 2008). The primary stated reason for this failure is continued negative impacts from disease among bighorn sheep populations (Hells Canyon Restoration Committee 2004).

### Salmon River

The Salmon River Mountains continues to support a native core population of bighorn sheep. Population trend data for Idaho Department of Fish and Game Management Units 19, 20, and 20A, indicate a continual downward trend in numbers of ewes, rams, and lambs over the past 20 years (Toweill 2007). Trend counts are down by over 70% since 1983 and currently there are estimated to be only a little over 100 animals left in this population. (Toweill 2007). Continued downward population trends, low numbers of remaining bighorns sheep, and low recruitment rates indicate that, without management intervention, the continued existence of this population of bighorn sheep is in question.

We do not feel the DSEIS, as written, adequately conveys the dire condition and immediacy required to insure the continued existence of this population. Because of its status as a native herd and high risk of extirpation, we suggest the PNF include more information and data on the

current status of the Salmon River bighorn sheep population and place more emphasis on the importance of and need for its protection. Including population trend data and more recent data collected by the Salmon River Bighorn Sheep Study would be helpful to more accurately reflect the need for immediate action to restore this population.

### **General Comments – Bighorn Sheep Population Recovery and Goals**

Bighorn Sheep are a culturally significant resource to the Nez Perce Tribe (Tribe). Prior to European settlement and resulting widespread and dramatic reductions in bighorn sheep across the Tribe's Treaty Territory, bighorn sheep were one of the most common ungulate species and one of the most important terrestrial wildlife resources for sustaining the Tribe's way of life.

Bighorn sheep populations in Hells Canyon and the Salmon River survive at depressed remnant population levels. Managers indicate the Hells Canyon metapopulation cannot reach management objectives without successfully addressing continued threats from disease (Hells Canyon Restoration Committee 2004, Hells Canyon Restoration Committee 2005) and the continued existence of the Salmon River population is uncertain without management intervention to reverse current downward trends.

At a minimum, to insure long-term self-sustaining viable bighorn sheep populations, as legally required under NFMA, the PNF's amended Forest Plan must go beyond protection of existing remnant population levels. In addition, to address Tribal Treaty resource needs, we are requesting the PNF provide for recovered bighorn sheep populations well above minimum viable levels, capable of supporting treaty and sport harvest across all age classes. We suggest, the focus of the Forest Plan Amendment must be to provide for population recovery beyond current levels, and bighorn sheep range expansion across source habitats to fully address legal requirement for viability and Treaty resource needs of the Tribe.

The Nez Perce Tribe supports the population recovery goal of 2,000 bighorn sheep identified by the Hells Canyon Initiative.

The Nez Perce Tribe's goal for the Salmon River population is to restore healthy self-sustaining populations of bighorn sheep, well above minimum viable levels, distributed across contiguous suitable historic habitats, capable of supporting treaty and sport harvest across all age and sex classes.

### **General Comments – Domestic Sheep Management**

There is substantial agreement among wildlife professionals, that the most significant, immediate, and manageable threat to bighorn sheep populations on the PNF is the continued risk of contact with and disease transmission from domestic sheep grazed across the forest (USDA Forest Service 2005, USDA Forest Service 2006a, USDA Forest Service 2008b). The Tribe has adopted a set of 3 science-based principles that we feel must be addressed to insure viable bighorn sheep populations across the PNF. We suggest the Amended Forest Plan direction incorporate these principles:

NSG BHS SEIS 13413

1. No Contact Standard. Management of domestic sheep must insure zero to approaching zero percent risk of contact with bighorn sheep.
2. Separation Standard. Domestic sheep must be excluded from grazing within or adjacent to occupied bighorn sheep range.
3. No grazing buffers. Effective no grazing buffers must be established between bighorn sheep occupied range and areas grazed by domestic sheep.

### General Comments – Agency Preferred Alternative 7G

From a Tribal policy perspective, Alternatives, to gain Tribal support, must contain and achieve two important elements:

1. Domestic sheep grazing must be prohibited within or adjacent to occupied wild sheep range to provide effective separation and reduce the risk of contact to acceptable levels.
2. Alternatives must provide for future population recovery beyond current remnant levels and range expansion across contiguous bighorn source habitats to insure long-term self-sustaining populations well above minimum viability.

The Tribe recognizes that Alternative 7G, by definition, does not prohibit domestic sheep grazing adjacent to occupied bighorn sheep range, and therefore does not, by itself, provide for effective separation or reduce the risk of contact to acceptable levels. Neither does Alternative 7G, by itself, provide for future bighorn population recovery and range expansion.

Alternative 7G fails to provide adequate separation as it does not incorporate adequate no-grazing buffers between occupied range and areas grazed by domestic sheep. Continuing to allow domestic sheep grazing adjacent to occupied bighorn sheep range increases the risk of contact beyond acceptable levels and elevates required monitoring intensity beyond realistic expectations. The Tribe requests the PNF address the need to incorporate no grazing buffers into this alternative, or alternatively within the Amended Forest Plan Direction. We suggest buffers be “smart” buffers based on landscape features, and distribution of bighorn sheep habitats. Effective buffers must consider potential long-distance movements of wild sheep (up to 50 miles; Bureau of Land Management 1998, Desert Bighorn Council Technical Staff 1990, Singer et al. 2001) and potential straying of domestic sheep. We also suggest incorporating, into the amended Forest Plan Direction, protocols for implementing an adaptive management approach to adjust buffer widths and location to provide effective separation as bighorn sheep population recovery and expand their range into new habitats. (See General Comments – Draft Amendment to the LRMP below).

Despite these shortcomings, the Tribe believes the agency preferred alternative 7G could provide effective separation, population recovery, and long-term viability if coupled with strong implementation language in the Amended Forest Plan Direction standards and guidelines.

Further, The Tribe supports important elements of Alternative 7G including that we feel must be retained in the final Record of Decision:

1. It is science-based.
2. It uses a separation strategy approach.
3. It removes domestic sheep grazing within identified currently occupied bighorn sheep range (GPRs).

### **General Comments – Draft Amendment to the LRMP**

The Tribe does not believe the proposed Draft Amendment to the Land and Resource Management Plan (Amended Forest Plan Direction) is sufficient to implement the agency preferred Alternative 7G to provide effective separation and assure bighorn viability across the Forest.

Although Alternative 7G coupled with the draft Amended Forest Plan Direction, does provide bighorn sheep source habitat, free of domestic sheep grazing within current occupied wild sheep range, it fails to ensure viable populations across the forest in 2 important ways:

1. Failure to Provide Effective Separation. Alternative 7G and Amended Forest Plan Direction fails to provide adequate separation by continuing to allow domestic sheep grazing adjacent to occupied wild sheep range, and failing to use adequate no-grazing buffers.
2. Failure to Provide for Bighorn Sheep Recovery and range expansion. Continuing domestic sheep grazing adjacent to occupied bighorn sheep range of depressed bighorn populations, and allowing GPRs to be diminished (allowing domestic sheep grazing even closer to even more threatened bighorn populations) reduces the opportunities for bighorn sheep recovery. The DSEIS states “Current uses of the habitats by domestic sheep, adjacent to known populations of bighorn sheep, impact the ability of the depressed populations to pioneer, explore, expand, or co-mingle with other isolated groups as needed to increase their numbers.”

Although we support the PNF’s basic premise of applying an adaptive management approach to provide for bighorn sheep recovery, as proposed, we do not believe the Amended Forest Plan Direction adequately addresses the identified shortfalls of Alternative 7G or provides for adequate recovery opportunities.

We believe the primary purpose of an effective adaptive management approach must be to allow for future bighorn sheep population recovery and range expansion, free of risk of contact with domestic sheep. We advance the following general recommendations to strengthen the adaptive management approach:

1. Base GPRs. The PNF recognizes GPRs calculated for Alternative 7G represent occupied range of depressed populations of bighorn sheep – populations that are not viable at current levels and threats. We suggest the PNF refer to these GPRs, calculated for the Record of Decision, as base GPRs. Since base GPRs represent depressed populations, it

stands to reason that future GPRs, reflecting positive management actions, should always be as large if not larger, but never smaller, than base GPRs. A future GPRs calculated smaller than base GPRs would be an acknowledgement of management failure to provide viable bighorn sheep populations. If future management actions fail to recover bighorn sheep populations and occupied range continues to shrink from current levels, reducing the GPR and allowing domestic sheep grazing in closer proximity to even more threatened wild sheep populations would not be advisable as such actions would increase threats to already threatened populations, and could result in extirpation of wild sheep populations across the Forest. We suggest future GPR's should never be smaller in area or exclude areas of base GPRs. Future GPRs should always be larger than base GPRs. A justifiable argument can be made that once source habitat is verified to be occupied by bighorn sheep, it should always be managed as occupied source habitat to insure continued species viability.

2. Recalculating GPRs. The key for the proposed adaptive management approach relies on recalculating GPRs through time to provide for population recovery and range expansion of depressed bighorn sheep populations, free of risk of contact with domestic sheep. As such, it is important to establish protocols for recalculating GPRs that accurately reflect changes in occupied wild sheep range. Protocols for recalculating GPRs were not provided in the DSEIS, and thus we are not afforded the opportunity to evaluate the effectiveness of the adaptive management approach. We, however, would like to share some thoughts and concerns. The Hells Canyon GPR was calculated using a statistical home range analysis with the benefit of a 10-year radiotelemetry dataset. This dataset is probably one of the most extensive, long-term data set accumulated for a population of ungulates anywhere in the United States. The Salmon River GPR will benefit from the ongoing Salmon River Study, but this study is slated to be completed in a short timeframe over the next few years. It is unrealistic to assume radiotelemetry data, or any data, of this quality will continue to be collected and available for recalculating GPRs into the future. Realistically, future data on bighorn sheep distribution will come from various forms of observation-based data such as public observations and long-term, low-level agency monitoring efforts. Observation-based data do not lend themselves well to statistical methods such as those used to calculate base GPRs. It is common when using such data that results are more influenced by artifacts of poor data and changes in monitoring levels, rather than real changes in population distribution. In addition, one common problem working with observation-based data is that the probability of detection is seldom known. This means it is very difficult to estimate how many animals were present but not detected. It must be remembered, these types of data only confirm presence - they cannot confirm absence. We are concerned that recalculated GPRs using scarce observation-based data will not accurately reflect changes in occupied bighorn sheep range and any resulting change in a GPR would most likely represent changes in data collection effort, rather than true changes in occupied bighorn sheep range. Many of these pitfalls can be avoided by adopting our suggestion that base GPRs do not shrink. In this case, GPR can be added to as new observation-based data becomes available confirming bighorn sheep presence in new areas. This is an appropriate use of observation-based data. We recommend the PNF provide more detailed information on

NSG BHS SEIS 13413

the protocols, methods, and criteria to be used to recalculate bighorn sheep GPRs, incorporating the above suggestions.

3. No Grazing Buffers. We recommend the PNF establish protocols for changing no grazing buffer width and location, as necessary, as more knowledge is gained about movements and distribution of bighorn sheep; straying potentials for domestic sheep; as GPRs are recalculated; and to accommodate future range expansion of bighorn sheep.
4. Monitoring. Success of the proposed adaptive management approach relies heavily on an effective monitoring plan. The central concept is, through monitoring, bighorn sheep range expansion beyond the GPR will be detected and GPR boundaries adjusted accurately to maintain separation and avoid contact with domestic sheep. The closer domestic sheep are grazed to occupied bighorn sheep range, the higher the probability that contact will go undetected (less effective separation; higher risk of contact), and the more intensive the level of monitoring required to detect range expansion and need to adjust GPR boundaries before contact occurs. Conversely, incorporating effective no grazing buffers between GPRs and areas grazed by domestic sheep the lower the probability of contact will go undetected (more effective separation; lower risk of contact) and the less intensive level of monitoring required to detect range expansion and need to adjust GPR boundaries before contact occurs. The DSEIS and Amended Forest Plan Direction does not include a detailed monitoring plan. Our primary concern is that bighorn sheep recolonizing new habitats outside of GPRs may go undetected with an unintended increased risk of contact with domestic sheep. We recommend:
  - a. The PNF include in the Amended Forest Plan Direction a more detailed monitoring plan that ensures successful implementation of the selected Alternative
  - b. Reducing the required level of monitoring by incorporating no-grazing buffers and establishing base GPRs
  - c. Including a Standard that indicates that if effective monitoring can not be accomplished, domestic sheep grazing will be prohibited

### Specific Comments – Draft Amendment to the LRMP

We offer the following specific suggestions to address our concerns with the proposed Amendment Forest Plan Direction. Bold font indicates suggested changes to proposed language.

#### 1. Wildlife Resources Objectives WIOB13

##### Concern(s):

This objective appears to establish a forest-wide separation objective. However, as written it only applies to the Hells Canyon NRA.

##### Recommendation(s):

Separation Objective should apply to all bighorn sheep across the Forest.

## Suggested Language:

**“Maintain separation between bighorn sheep and domestic sheep and goats permitted to graze on the Payette National Forest including bighorn sheep that use the Hells Canyon National Recreation Area, and the Hells Canyon and Salmon River Geographic Population Ranges (GPR).”**

2. Wildlife Resources Objective WIOB14

## Concern(s):

- d. Protocols and extent of annual surveys are not fully described.
- e. Clifford et al. 2007 may not be an appropriate modeling tool for recalculating future GPRs.
- f. Objective allows Base GPRs to be contracted.
- g. Objective implies if presence of bighorn sheep within an area inside a GPR cannot be confirmed each year, that area may be removed from the GPR.
- h. Criteria for expanding vs. contracting a GPR are not defined and should not be the same. Although recolonization of new habitats and range expansion can be confirmed through verified observations and observation-based data allowing for expansion of GPRs, absence of bighorn sheep presence and range reduction cannot be confirmed annually or by use of observation-based data.

## Recommendation(s):

- a. Include more detailed monitoring plan under Chapter IV – Monitoring and Evaluation Strategy.
- b. Establish Base GPRs as minimums.

## Suggested Language:

**“Based on annual surveys (insert reference to Monitoring Plan), assess changes in bighorn sheep distribution and habitat use and, if needed, expand GPRs using new data and appropriate tools (insert reference to protocols and methods for recalculating GPRs) to ensure continued separation and promote bighorn sheep recovery to viable populations.”**

3. Wildlife Resources Objective WIOB16

## Concern(s):

Objective appears to restrict restoration and expansion within GPRs.

## Recommendation:

Provide for restoration and expansion across source habitats.

## Suggested Language:

**“Using an Adaptive management approach, provide opportunities for bighorn sheep restoration and expansion across source habitat.”**

### 3. Wildlife Resources Standards WIST08

Concern(s):

- a. Standard appears to only address bighorn sheep sightings within an established GPR.
- b. Standard does not allow for other information indicating occupied range to be used to recalculate GPR.

Recommendations:

Recalculate GPR when observations of bighorn sheep occur outside of GPRs.

Suggested Language:

**“To allow for bighorn sheep population restoration and range expansion, recalculate and remap a bighorn sheep GPR when 3 or more bighorn sheep are located between the 90-100 percentile volume contour within a GPR, or when 1 or more bighorn sheep are located outside of an existing GPR, or when other information suggests recolonization or occupancy of new habitats (observation of bighorn lambs, rutting and/or mating behavior of bighorn rams, collection of bighorn fecal pellets, etc...) by bighorn sheep.”**

### 4. Additional Wildlife Resource Standards

We recommend adoption of the following additional Wildlife Standards:

“WIST09 – To address the incompatibility of bighorn and domestic sheep when occupying the same range or when in close proximity to each other, bighorn sheep requirements for source habitat will have priority when resolving management conflicts between these two species.”

“WIST10 – Mitigate human-caused disturbances such as livestock grazing and recreational activities to promote bighorn sheep population recovery and range expansion.”

“WIST11 – Monitor bighorn sheep occurrence and range expansion across GPR boundaries according to the Bighorn Sheep Monitoring Plan (insert reference to monitoring plan) to ensure effective separation between bighorn sheep and domestic sheep and goats. If the Bighorn Sheep Monitoring Plan cannot be implemented, domestic sheep will not be permitted to graze on the Payette National Forest.”

### 5. Non-Native Plants Standard NPST13

Concern(s):

Standard does not include a buffer.

Recommended Language:

“Domestic sheep and goats shall not be utilized as a management tool for weed control within bighorn sheep GPRs or no-grazing zones.”

7. Rangeland Resources Goal RAGO07

Concern(s):

Language is not strong enough or scientifically defensible.

Recommended Language:

**"Manage domestic sheep and goat allotments to provide effective separation and lack of contact between bighorn sheep and domestic sheep and goats."**

8. Rangeland Resources Goal RAGO08

Concern(s):

- a. Establishing a 1-mile buffer is probably insufficient under most conditions. Literature suggests effective buffers between 9-20 miles (Bureau of Land Management 1998, Desert Bighorn Council Technical Staff 1990, Singer et al. 2001).
- b. "sheep-fee zone" could be interpreted to apply to both domestic and bighorn sheep.

Recommended Language:

**"Manage domestic sheep and goat operations to maintain integrity of any established no-grazing zones."**

9. Range and Resource Objective RAOB04

Concern(s):

Language should be strengthened.

Recommended Language:

**"Incorporate adaptive management strategies designed to prevent contact between bighorn sheep and domestic sheep and goats into domestic sheep and goat Allotment Management Plans and/or Annual Operating Instructions."**

10. Rangeland Resources Standard RAST10

Concern(s):

- a. This standard is confusing in its purpose and intent.
- b. This is the only place where buffers are addressed and proposed language and approach is not sufficient to provide effective separation.
- c. Buffers are only required if bighorn sheep are observed in close proximity to GPR boundaries.

Recommendation(s):

We recommend that no-grazing buffers (zones) be incorporated either in the selected Alternative or Amended Forest Plan Direction. If included as part of the selected Alternative, protocols for adjusting buffers, as GPRs are expanded through time, must be included in the Amended Forest Plan Direction. If buffers are not determined in

association with the selected Alternative, then detailed guidelines on how buffers should be established around GPRs must be provided in the Amended Forest Plan Direction. NSG BHS SEIS 13413

**Recommended Language:**

**“Immediately move permitted domestic sheep and goat bands at least 1 air mile, as needed to provide effective separation, from the outside boundary of a bighorn sheep GPR when 3 or more bighorn sheep are located between the 90-100 percentile volume contour within a GPR, or when 1 or more bighorn sheep are located outside of an existing GPR, or when other information suggests recolonization or occupancy of new habitats (observation of bighorn lambs, rutting and/or mating behavior of bighorn rams, collection of bighorn sheep fecal pellets, etc...) by bighorn sheep. No domestic sheep or goats will be permitted to graze within this no-grazing zone. If permitted domestic sheep and goats cannot be kept from this zone, grazing on the allotment shall be prohibited.”**

**11. Rangeland Resources Standard RAST11**

**Concern(s):**

This standard does not address no-grazing zones.

**Recommended Language:**

**“Domestic sheep and goat grazing outside of bighorn sheep GPRs and no-grazing zones may only be permitted where separation and no contact with bighorn sheep can be maintained. If separation cannot be maintained, permitted domestic sheep and goat grazing shall be prohibited.”**

**12. Additional Rangeland Resources Standard**

We recommend adoption of the following additional Rangeland Resource Standard:

**“RAST12 – Domestic sheep and goats will not be permitted to graze within or adjacent to the Hells Canyon National Recreation Area or bighorn sheep GPRs.”**

**13. Monitoring and Evaluation Strategy**

**Concern(s):**

This strategy is insufficiently detailed to ensure adequate monitoring to detect bighorn sheep range expansion, prevent comingling with domestic sheep, or provide effective separation. In addition, the strategy suggests monitoring and recording observations of bighorn sheep outside of GPRs, but there is no mechanism for incorporating this data in recalculations of the GPRs.

**Recommendation(s):**

- a. Incorporate our suggestions for including observations of bighorn sheep outside of GPRs into GPR recalculations.
- b. Add an additional area to focus surveys. Also focus surveys in and around those active domestic sheep allotments in closest proximity to GPR boundaries.

NSG BHS SEIS 13413

- c. Develop a detailed monitoring strategy to ensure timely detection of bighorn sheep range expansion and avoidance of comingling, and maintain effective separation.
- d. Reduce dependency on required monitoring by:
  - a. Establishing no-grazing zones between occupied range and areas grazed by domestic sheep.
  - b. Establish minimum base GPRs .
  - c. Use monitoring data to expand GPRs.
  - d. Avoid relying on monitoring data to recalculate entire new GPRs; only to add to existing GPRs.

NSG BHS SEIS 13413

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*Nez Perce***TRIBAL EXECUTIVE COMMITTEE**

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

March 16, 2009

**By Electronic ([payettebighorn@fs.fed.us](mailto:payettebighorn@fs.fed.us)) and Regular Mail**

Suzanne Rainville  
Payette National Forest  
800 W. Lakeside Avenue  
McCall, Idaho 83638

Re: Formal Consultation Request Regarding the Payette National Forest Bighorn Sheep  
Viability DSEIS

Dear Ms. Rainville:

I write on behalf of the Nez Perce Tribe requesting formal consultation with the Payette National Forest (PNF) in connection with the Draft Supplemental Environmental Impact Statement (DSEIS) that reanalyzes the effects of current and proposed management of bighorn sheep viability within the Payette National Forest (PNF).

The Tribe submitted technical comments on the DSEIS on February 27, 2009. In addition to those comments, this letter contains the Tribe's concerns regarding the PNF's approach to bighorn sheep habitat management that implicate the Tribe's treaty-reserved hunting rights and cultural resource concerns, and which should be appropriately addressed through a government-to-government dialogue. The Tribe, as a sovereign and Cooperator in this Forest Plan revision effort, expects that it will be provided with further opportunities in the coming months to work with the PNF in addressing the points discussed below which in the Tribe's view, more accurately capture the nature, scope and importance of the 1855 Treaty with respect to long-term bighorn sheep management strategies on the PNF.

**Nez Perce Historical Relationship to Bighorn Sheep**

Before discussing the Tribe's specific policy concerns with bighorn sheep management direction on the PNF, the Tribe would like to reiterate the historic and contemporary importance of

bighorn sheep to our culture and livelihood. The Tribe has previously shared this information directly with the PNF and through its participation in the litigation surrounding bighorn sheep management on the PNF.

The history of the Nez Perce people and bighorn sheep has been intertwined since time immemorial. Nez Perce pictographs depicting bighorn sheep contemplate a close and reverent relationship between our people and the majestic bighorn. The archaeological record is also replete with information documenting historic bighorn sheep presence in lands, such as the Payette National Forest, that were exclusively occupied by the Nez Perce people prior to non-Indian settlement.

Nez Perce tribal member and tribal ethnographer Josiah Blackeagle Pinkham, has described in court documents how bighorn sheep have been central to the spiritual and cultural ways of the Nez Perce people since time immemorial. He noted that the bighorn's hide was widely used as clothing. Its meat was cooked and eaten or dried to be eaten later in winter months or during travel. The highly nutritional organs are considered a delicacy to the Nez Perce. The heart, liver and intestines are still consumed by Nez Perce people today. Bighorn sheep hides are highly sought after for making clothing for shirts, dresses and leggings. Bighorn sheep bones were used for tools and games for the people.

In addition, one of the most well-known contributions of bighorn sheep to the Nez Perce, according to Mr. Pinkham, is that of the horn bow. The curled horns of the male bighorn sheep were used to make a small but powerful bow used in hunting and warfare. The bow was valuable in that its small size and high velocity release made it the most convenient for horseback hunting of bison. It could be easily used to bring down the large bison and the arrows from a horn bow were known to go completely through a bison's tough skin and thick body. This particular type of bow took many long hours for construction. It had to be soaked in a hot spring to soften the horn for shaping and the time it took to manufacture a bow made the bow a valuable trade item.

Bighorn sheep are still an important part of Nez Perce culture. As Mr. Pinkham stated it is hard for the Nez Perce people to maintain their cultural ties to the Salmon and Snake River canyons when the once most common large herbivore in these canyons has been reduced in number to essentially a museum population. The loss of once abundant traditional food sources like bighorn sheep, salmon, elk, and buffalo has contributed to a number of health problems on the reservation. Illnesses like diabetes and lupus, two food related diseases, once unheard of among the traditionally healthy Nez Perce people, are now prevalent among the members of the Tribal community.

In summary, bighorn sheep have and continue to be a centerpiece of our culture. The Tribe views the return of the bighorn sheep to abundant, harvestable population numbers in the treaty territory, including the Payette National Forest, as a critical step in rebuilding healthy Nez Perce communities and reinforcing Nez Perce Tribal sovereignty.

### **The 1855 Treaty**

Against this important cultural backdrop the Tribe wishes to emphasize its legal relationship with the United States. In 1855 the Nez Perce Tribe entered into a treaty with the United States ceding millions of acres of land in exchange for, among other guarantees, the Tribe's usufructuary right to take fish in usual and accustomed fishing areas, and continue hunting, gathering, and pasturing animals on open and unclaimed lands. Article 3, Treaty of June 11, 1855, 12 Stat. 957 (1859).

The Payette National Forest lands are part of the vast territory the Tribe ceded to the United States. The National Forest System lands that Congress has not committed to a purpose inconsistent with hunting are open and unclaimed lands over which the Tribe has treaty-reserved rights. See e.g. U.S. v. Hicks, 587 F. Supp. 1162 (W.D. Wash. 1984). The PNF provides irreplaceable habitat for tribal fish and wildlife resources. The fish and game associated with the Payette National Forest are subject to the Tribe's exercise of treaty-reserved rights. See e.g., Sohappy v. Smith, 302 F. Supp. 899 (D. Or. 1969), aff'd, United States v. Oregon, 529 F.2d 570 (9th Cir. 1976); Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n, 443 U.S. 658 (1979) (Passenger Fishing Vessel).

### **The PNF Must Provide Adequate Habitat for Treaty-Level Harvests, Not Just Minimum Viable Populations.**

The treaty-reserved right to take fish, hunt and gather also presumes the continued existence of those resources. See Passenger Fishing Vessel at 678-79. Thus, the treaty secures to the Tribe the continued existence of those biological conditions necessary for the resources that are the subject matter of the treaties. See Kittitas Reclamation District v. Sunnyside Valley Irrigation District, 763 F.2d 1394 (9th Cir. 1985), cert. denied, Sunnyside Valley Irrigation District v. United States, 474 U.S. 1032 (1985).

More recently, in a sub-proceeding of United States v. Washington, the United States, in conjunction with numerous Tribes, sought a declaration that the State of Washington has a treaty-based duty to repair or replace any culverts that were impeding salmon migration to or from spawning grounds. United States v. State of Washington, et al., CV No. 9213RSM, 2007 WL 2437166 at \*1 (W.D. Wash., Aug. 22, 2007). Relying on well-established principles of treaty construction as applied to the Stevens treaties at issue in Passenger Fishing Vessel, the court applied several important historic determinations regarding the Treaty of 1855 that were instructive in deciding whether the State of Washington has a treaty-based duty to remove culverts that diminished the number of fish that passed to and from the treaty tribes' usual and accustomed fishing stations.

First, by the language of the Treaty itself, the right of "taking" fish must have had obvious significance to the tribes' relinquishing a portion of their pre-existing rights to the United States. It was thus the right to take fish, not just the right to fish, that was secured by the treaties. Id. at \*8 (internal citations omitted). Second, Governor Stevens, the United States official who negotiated the treaties, specifically assured the Indians that they would have access to their

normal food supplies now and in the future. *Id.* at \*9. And third, the Tribes were persuaded to cede huge tracts of land by the promise that they would forever have access to this resource, which was thought to be inexhaustible. *Id.* The court held:

In light of these affirmative assurances given the Tribes as an inducement to sign the Treaties, together with the Tribes' understanding of the reach of those assurances...this Court finds that the Treaties do impose a duty upon the State to refrain from building or maintaining culverts in such a manner as to block the passage of fish upstream or down, to or from the Tribes' usual and accustomed fishing places. This is not a broad environmental servitude or the imposition of an affirmative duty to take all possible steps to protect fish runs as the State protests, but rather a narrow directive to refrain from impeding fish runs in one specific manner.

*Id.* at \*10.

The court determined, therefore, that under the particular facts underlying the dispute, the State of Washington did have a duty to refrain from blocking fish access to spawning grounds and rearing habitat. *Id.* at \*6.

Applying that decision to bighorn/domestic sheep conflict on the PNF, and recognizing that treaties are the supreme law of the land, U.S. Const. Art. VI., Cl. 2, the Tribe takes the view that federal-sanctioned activities on the Payette National Forest that are incompatible with or interfere with a reasonable exercise of the Tribe's treaty-reserved rights, such as, in this case, domestic sheep grazing that transmits fatal disease to bighorn sheep resulting in substantially diminished tribal harvest and cultural opportunities, must, as a matter of law, yield to the degree that those activities compromise the treaty right.

The Tribe recognizes that federal law other than the 1855 Treaty require maintenance of viable populations of bighorn sheep on the Forest. Although the Tribe considers minimum viable populations to be a step in the right direction for restoring healthy and harvestable bighorn sheep populations on the Forest, the Tribe does not consider this regulatory standard to be sufficient for purposes of discharging the United States' responsibilities under the 1855 Treaty for achieving abundant, healthy, harvestable populations of bighorn sheep across age and sex classes on the Forest.

As the Tribe indicated in its February 27, 2009 public comments, the Tribe could support the agency-preferred Alternative 7G with strengthened Forest Plan amendment language because the Tribe believes that this adaptive management approach is the appropriate starting point for healthy, harvestable bighorn sheep populations above minimum viable levels. The Tribe expects that the PNF will take appropriate, long-term management action to provide for sufficient habitat on the Forest that ensures robust, healthy and harvestable bighorn populations across age and sex class so that tribal members may reasonably exercise their treaty-reserved hunting rights now and for future generations. To be sure, this responsibility is firmly rooted in the 1855 Treaty and

the United States' fiduciary obligation to honor it. Providing habitat that meets the minimum threshold requirement for viable populations only will simply not meet tribal demand.

**The Tribe's Sensitive Species Designation Request Should Be Meaningfully Considered In Evaluating Future Bighorn Sheep Management Direction.**

In or around April, 2008, before the Forest released the DSEIS, the Tribe sent a letter to Regional Forester Forsgren requesting that bighorn sheep be added to Region Four's Sensitive Species List. In that letter, the Tribe provided information, including data taken from Idaho Fish and Game's website, demonstrating the need for immediate management action to protect declining bighorn populations in the Snake and Salmon River Canyons. As of this date, we are not aware of any action the Regional Forester has taken regarding the Tribe's request. However, the Tribe is confident, based on the Forest Service's sensitive species criteria and actions already taken by other Forests designating bighorn sheep as sensitive species, that the Tribe's request will be honored. Accordingly, the PNF will need to consider the implications of this likely designation on the actions proposed in the SEIS and future bighorn sheep management direction generally.

**The DEIS Fails to Adequately Assess Nez Perce Cultural and Socioeconomic Resources.**

As indicated above, Nez Perce Tribal members continue to maintain close cultural ties to bighorn sheep. However, because bighorn sheep populations have drastically declined from their historic levels, the Tribe has significantly curtailed its treaty-reserved harvest. The result is a loss of a portion of the Tribe's cultural identity and heritage. As explained above, the substantial loss of readily available traditional foods, such as: bighorn sheep has resulted in the health of Tribal members being dramatically affected. The Tribe seeks to restore healthy, harvestable levels of these species in order to reestablish traditional spiritual, cultural and dietary ways.

After reviewing the DSEIS, the Tribe was unable to identify any meaningful of the potential effects on Nez Perce cultural resources of continued bighorn sheep losses on the PNF resulting from domestic sheep grazing. The PNF has an obligation under federal law to consult with the Tribe on issues or concerns that may affect properties of historic or cultural significance. The Tribe has requested on numerous occasions that the PNF conduct an analysis of the potential diminishment or loss of bighorn sheep hunting opportunities on the Tribe's economy. That analysis was not included in the DSEIS. The PNF has developed a detailed analysis of the potential economic loss of domestic sheep grazing opportunities on the PNF. Although the Tribe recognizes that the socioeconomic effects of diminished domestic sheep grazing on the PNF should be addressed, the PNF's analysis should, at minimum, be balanced to properly address socioeconomic and cultural issues related to the Tribe, as well as the socioeconomic benefits of restoring bighorn sheep for the enjoyment of local and national conservation groups, outfitters, and wildlife viewers.

In summary, the Tribe has outstanding policy concerns about PNF bighorn sheep habitat management that require further dialogue with the PNF at a government-to-government level. The Tribe also expects to work with PNF staff on revising the draft tribal rights section of the DEIS so that the Tribe's views on the 1855 Treaty, cultural resources and bighorn sheep are

Suzanne Rainville  
March 16, 2009  
Page 6

NSG BHS SEIS 14053

7505

more appropriately addressed in that section. In the meantime, the Tribe looks forward to a timely formal consultation so that the product of our conversation can be meaningfully considered before the PNF publishes the FEIS. Please contact Mike Lopez, our staff attorney, to schedule a formal consultation, or to address any comments or concerns you may have.

Sincerely,



Samuel N. Penney  
Chairman

**KEN ANDRUS**  
DISTRICT 29A  
BANNOCK COUNTY

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## House of Representatives State of Idaho

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NSG BHS SEIS *10/1/08*  
STATE AFFAIRS  
**RECEIVED**  
MAR 04 2009  
PAYETTE NF  
SUPERVISOR'S OFFICE

March 2, 2009

Payette National Forest  
Attention: Bighorn Sheep Comments  
800 W Lakeside Ave.  
McCall, ID 83638

To Whom It May Concern:

I would like to comment on the Payette National Forest, draft Supplemental Environmental Impact Statement (DSEIS). There is no sustaining scientific evidence that bighorn sheep contract life threatening disease from domestic sheep. Research has been ongoing for over 20 years in this area with no documented proof that disease transmission occurs on the open range.

Also, I would hope that the US Forest Service be amenable to keeping their word in regard to the agreement made that domestic sheep shall be held harmless when big horn sheep invade domestic sheep allotments.

Sincerely,

A handwritten signature in cursive script that reads "Ken Andrus".

Ken Andrus, Representative  
District 29A, Bannock County



United States  
Department of  
Agriculture

Forest  
Service

Wallowa-Whitman  
National Forest

Baker CMSG BHS 9213.4

13708  
**RECEIVED**

Reply to 2210

**MAR 04 2009**

Date January 16

PAKESJE NF  
SUPERVISOR'S OFFICE

Idaho Woolgrowers Association  
Mr. Stan Boyd, Executive Director  
P. O. Box 2596  
Boise, ID 83701

**RECEIVED**

**MAR 11 1997**

**I. W. G. A.**

Dear Mr. Boyd:

The effort to transplant bighorn sheep into historic habitat in Hells Canyon is a cooperative project involving the States of Idaho, Oregon, and Washington, The Foundation for North American Wild Sheep, the Forest Service, and the Bureau of Land Management. The Hells Canyon Bighorn Sheep Restoration Committee (the committee) is interested in having the support of the woolgrowers industry for this effort to repopulate parts of Hells Canyon with bighorn sheep.

The Committee understands that bighorns may occasionally migrate outside of their designated range and come into contact with domestic sheep. These bighorns will be considered "at risk" for potential disease transmission and death. There is also the potential for an exposed bighorn to leave the area and spread disease to other bighorn sheep. Under these conditions, the Idaho Department of Fish and Game, the Oregon Department of Fish and Wildlife, and the Washington Department of Wildlife will assume the responsibility for bighorn losses and further disease transmission in their respective states. The three Departments will also take whatever action is necessary to reduce further losses of bighorn sheep without adversely impacting existing domestic sheep operators. The enclosed map clearly delineates the project area within the Hells Canyon complex. Bighorns straying into currently active sheep allotments will be considered "at risk" by all of the Committee entities. This means that the Committee recognizes the existing domestic sheep operations in or adjacent to the Hells Canyon complex, on both National Forest and private lands, and accepts the potential risk of disease transmission and loss of bighorn sheep when bighorns invade domestic sheep operations.





Idaho Woolgrowers Association

NSG BHS SEIS 13708

The Committee will make every effort to keep interested parties informed about actions being considered by the Committee in its effort to repopulate Hells Canyon with bighorn sheep. We will provide all health information gathered on bighorn sheep to the woolgrowers industry and other interested parties.

Sincerely,

*Bill Richmond*  
USDA Forest Service, Wallowa-Whitman NF

Jan. 16, 1997  
Date

*Tom Rieck*  
Idaho Dept. of Fish and Game

JAN 23, 1997  
Date

*James W. Steyer*  
Oregon Dept. of Fish and Wildlife

Feb. 26, 1997  
Date

*Don White*  
Washington Dept. of Fish and Wildlife

Feb 21, 1997  
Date

*Allan E. Thomas*  
Bureau of Land Management

Jan. 24, 1997  
Date

*Quinn B. Silchert*  
Foundation for N. American Wild Sheep

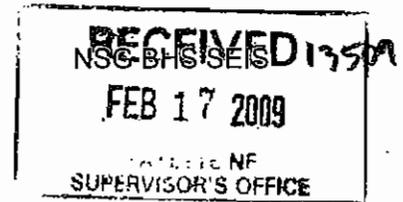
March 4, 1997  
Date

Enclosure

cc: Forest Supervisor, Payette NF  
Forest Supervisor, Nez Perce NF



THEODORE R. KULONGOSKI  
GOVERNOR



February 11, 2009

Ms. Abigail Kimbell, Chief  
US Forest Service  
201 14<sup>th</sup> Street SW, MS 1144  
Washington, DC 20250

RE: Payette National Forest Bighorn Sheep  
Draft Supplemental Environmental Impact Statement (DSEIS)

Dear Chief Kimbell:

Citizens and agencies of Idaho, Washington and Oregon have worked together for over 37 years to restore bighorn sheep in Hells Canyon. Oregon's bighorns move into Idaho and back regularly. As a result, management decisions made by the Payette National Forest can have a direct impact on bighorn sheep management programs in Oregon. In recognition of this connection, the Oregon Department of Fish and Wildlife (ODFW) was granted Cooperator Status and participated with the Payette National Forest Planning Team in development of the bighorn sheep DSEIS

The Governor's Office wishes to acknowledge the efforts the Payette National Forest has made in development of the DSEIS. With this document, the Payette National Forest has attempted to address the conflicts between domestic sheep grazing on federal allotments and native bighorn sheep. In reviewing the DSEIS, we feel that the best alternative that will truly address this conflict and provide the level of protection needed for Oregon bighorn sheep while minimizing impacts to domestic sheep grazing is Alternative 7G. This Alternative is consistent with the goals and objectives of Oregon, Hells Canyon National Recreation Area and the National Forest Management Act.

Over the last 12 years, ODFW has collected 51,000+ bighorn sheep telemetry locations in Hells Canyon. This data shows bighorn sheep (especially rams) move between Oregon, Washington and Idaho extensively. Bighorn sheep from Lewiston, Idaho, to Brownlee Dam are inter-connected by these movements. Recently, two groups of bighorn sheep that use habitat in the Hells Canyon National Recreation Area and Payette National Forest have had severe disease outbreaks. Herds in Oregon located in the Upper Hells Canyon and Sheep Mountain have experienced heavy losses of lambs and adult bighorn sheep from pneumonia. Currently, only 20-25 animals remain in each herd. A third bighorn sheep herd in McGraw Creek completely died off after interacting with a diseased ram that returned from a Payette domestic sheep allotment. Telemetry studies show extensive movements into Idaho, especially the area occupied by domestic sheep within the Payette National Forest.

Chief Abigail Kimbell  
February 11, 2009  
Page Two

Research by Washington State University Veterinary School has documented domestic sheep and goats carry respiratory diseases that cause severe die-offs in wild sheep. For that reason, it is desirable to keep bighorn sheep separated from domestic sheep and goats. Long-term studies conducted in Hells Canyon confirm respiratory disease is the primary cause of bighorn mortality. When domestic sheep are on the Payette grazing allotments the desirable habitat is no longer available for occupation by bighorn sheep. Domestic and bighorn sheep would use the same areas during the same time of year if allowed.

Since the first re-introductions in 1971, the Foundation for North American Wild Sheep, Oregon Hunters Association, Nez Perce Tribe and the people of the State of Oregon have invested millions of dollars in efforts to restore Rocky Mountain bighorn sheep herds in Northeast Oregon. These animals are icons of Hells Canyon; commercial jet boat operators advertise that bighorn sheep will be observed in the canyon as one of the feature species. Recreational visitors exceed 150,000 people in Hells Canyon annually, a significant economic factor in this area.

In 1997, ODFW entered into a Tri-State effort (Hells Canyon Initiative) to restore bighorn sheep in Hells Canyon. The three states, in cooperation with the Forest Service, Bureau of Land Management, Wild Sheep Foundation and Nez Perce Tribe, developed an extensive plan for bringing back wild sheep in the canyon. Several experts predicted that over 10,000 bighorn sheep could occupy Hells Canyon. The Tri-State effort has used a number of tools including trap and transplant, telemetry monitoring, and disease monitoring to increasing bighorn populations. While the Tri-State group has had some successes in increasing bighorn sheep numbers, disease transmission from domestic to wild sheep and reduced use of desirable habitat by bighorn sheep continue to be road blocks for recovery of wild sheep. The DSEIS preferred alternative is a major first step to restore a robust bighorn sheep population to Hells Canyon.

Forest Supervisor Suzanne Rainville selected alternative 7G as the preferred alternative. Oregon supports this alternative because it strives to reduce the conflict of domestic sheep grazing within bighorn sheep ranges in Hells Canyon, seeks to place domestic sheep on other grazing allotments and complies with the Hells Canyon National Recreation Area Act. We would like to thank the Payette National Forest for allowing Oregon representatives to participate as a cooperator to the DSEIS process.

Respectfully,



Michael Carrier  
Natural Resources Policy Director

MC:jb

cc: Suzanne Rainville, Payette National Forest Supervisor  
Harv Forsgren, Regional Forester



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

NSG BHS SEIS #12903

Patt  
PK?

December 29, 2008

Ref: 98-024-AFS

RECEIVED

DEC 29 2008

Suzanne Rainville  
Forest Supervisor  
800 West Lakeside Avenue  
McCall, ID 83638-3602

Dear Ms. Rainville:

The U.S. Environmental Protection Agency (EPA) has reviewed the supplemental draft Environmental Impact Statement (SEIS) for the **Southwest Idaho Ecogroup Land and Resource Management Plans** in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

The SEIS evaluates 5 additional alternatives (7E, 7G, 7H, 7J, and 7K) to the selected alternative (Alternative 7) in the 2003 final EIS in order to address big horn sheep viability in the Payette National Forest (NF). The Regional Forester received appeals to the ROD based on the allowance of domestic grazing within the range of the bighorn sheep, threatening their viability. The Appeal Reviewing Officer found that the Forest Plan did not protect or maintain bighorn sheep habitat in the Hells Canyon area and the Regional Forester's 2003 decision was reversed. In particular it was deemed that the bighorn sheep were not protected from current and future threat of disease transmission from domestic sheep, a major threat to the survival bighorn sheep. The 5 alternatives in the SEIS are evaluated based on big horn sheep habitat, rangeland resources/socio-economic impacts, and Tribal rights and interests. These alternatives comply with the Hells Canyon National Recreation Area Act by not allowing grazing within the Hells Canyon National Recreation Area, an improvement over alternatives analyzed in the 2003 final EIS.

The SEIS discusses extensive scientific literature supporting the linkage between bighorn sheep and contact with domestic sheep. Because bighorn sheep can be highly susceptible to disease carried by domestic sheep, namely bacterial pneumonia caused by a large and diverse group of *Pasteurella* spp.), it is critical to understand current, historic and potential habitat to reduce risk of contact with domestic sheep. In order to develop and compare alternatives, three (3) components were modeled and overlaid on the geographic population ranges (GPR) for bighorn sheep - Hells Canyon (2) locations where bighorn sheep might contact domestic sheep, and (3) habitat that exists, which is habitat that contains macrovegetation that contributes

to positive population growth for a species in a specified area and time. From this, a risk factor for potential contact was generated for areas that remain open to domestic grazing for each alternative. The range of alternatives developed from the analysis span from Alternative 7E, which designates all of the Payette NF as unsuitable for domestic sheep grazing, 2,300,353 acres, and has the least risk of bighorn sheep contact with domestic sheep (0%) to Alternative 7K, which designates 122,231 as unsuitable for domestic sheep allotments with a remaining 72% risk of contact. The Agency Preferred Alternative (Alternative 7G), balances protection of bighorn sheep, Tribal access, and socio-economics of domestic grazing. Alternative 7G determines that 1,172,564 acres are unsuitable for grazing and that there remains a 20% risk of contact.

We recognize the challenge of balancing NF management to protect natural resources while supporting other forest uses. We believe that the Preferred Alternative encourages bighorn sheep viability and balances tribal interests and rangeland resources. However, under this alternative, there remains risk of contact (20%) between bighorn sheep with domestic sheep. The SEIS states that reducing contact is a critical component in the viability of the species. Because of the potential risk of contact, the preponderance of evidence discussed in the SEIS concluding that contact between bighorn sheep and domestic sheep causes disease spread and mortality, the inherent uncertainty in modeling, and lack of information on monitoring, we have rated the Preferred Alternative, Alternative 7G, EC-2 (environmental concerns - insufficient information).

The SEIS does an admirable job of discussing and incorporating relevant publications. The Forest Service conducted the analysis, "*Risk of Analysis for Disease Transmission Between Bighorn Sheep and Domestic Sheep on the Payette National Forest*" (USDS Forest Service 2006) to better understand interactions and disease within the forest. We also commend the Forest Service for seeking direction from groups such as the Payette Science Panel, which is comprised of scientists from livestock and wildlife disease communities and the Wild Sheep Working Group who are part of the Western Association of Fish and Wildlife. These two groups made the following conclusions, "it is prudent to undertake management to prevent contact between these two species [bighorn sheep and domestic sheep]" and "effective separation between wild sheep and domestic sheep and goats should be a primary management goal..." We also appreciate that the SEIS includes a discussion of agency, Tribal, and public involvement through the Interdisciplinary Team (IDT), which included the Forest Service, cooperating state and Tribal governments, and solicitation of public comments in development of the EIS. We support the continued involvement of these groups in future planning and recommend that the EIS discuss whether or not the Payette Science Panel and IDT will continue to provide input for future management decisions.

The SEIS points out that not all data are available to make direct links between the risk of contact and viability and that there is a lack of population modeling available at this time (Pgs. 3-28 and 3-29). Although it appears that the SEIS utilizes the best science and approaches to determine risk that are available at this time, there are inherent uncertainties with the modeling and gaps in the data. Therefore, we have concerns regarding the ability of the models to accurately predict risk and recommend that as data become available, modeling be refined and that GPRs be adjusted as needed. The EIS should discuss how future data will be validated and incorporated into future planning.

Monitoring is a key component in determining whether or not management strategies are effective and also in determining the accuracy of modeling. Although the SEIS identifies monitoring as essential to understanding the management implications, the SEIS does not provide details of a monitoring plan for the reviewer to evaluate whether or not it is appropriately designed. We recommend that the final EIS include information on a proposed monitoring plan, including how monitoring will be funded, who will conduct monitoring, how often, and how results will be used to adapt management strategies.

Thank you for the opportunity to review this draft SEIS. If you would like to discuss these issues, please contact Lynne McWhorter at (206) 553-6382.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Reichgott".

Christine Reichgott, Manager  
NEPA Review Unit



United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
620 SW Main Street, Suite 201  
Portland, Oregon 97205-3026

12878

NSG BHS-SEI



9043.1  
IN REPLY REFER TO  
ER08/1045

*Electronically Filed*

December 31, 2008

Suzanne Rainville  
Forest Supervisor  
Payette National Forest  
800 W. Lakeside Avenue  
McCall, Idaho 83638

Dear Ms. Rainville:

The Department of the Interior has reviewed the Draft Supplemental Environmental Impact Statement for the Southwest Idaho Ecogroup Land and Resource Management Plans, Boise National Forest, Payette National Forest, and Sawtooth National Forest, Counties in Idaho, Oregon, and Utah. The Department does not have any comments to offer.

We appreciate the opportunity to comment.

Sincerely,

Preston A. Sleeper  
Regional Environmental Officer



## Washington County, Idaho

### Board of County Commissioners

*Rick Michael, Chairman*

*Roy Mink*

*Michael T. Hopkins*

256 E Court Street, P O Box 670

Weiser, ID 83672; 208-414-2789 Fax: 208-414-3925



Payette National Forest

Attention: Bighorn Sheep Comments

800 Westlake Avenue

McCall, Idaho 83638

RECEIVED

FEB 04 2009

PAYETTE NF  
SUPERVISOR'S OFFICE

Washington County will use the suggested questions listed in the letter from the Payette National Forest, dated 18, September to submit comments on the Bighorn Sheep issue

1. Are opposing viewpoints and uncertainties surrounding the science considered?

There is no attempt to imitate a science background in this effort to offer counter measures. However, we come to rely upon a degree of certainty from the science generated from the designated professionals from the government to offer the fact that the domestic sheep herd disease will affect the bighorn sheep herd. A degree of certainty must exist that if the domestic grazing is halted, this sacrifice will indeed guarantee the survival of the bighorn herd, make it disease free, or at least free it from the die offs that are attributed to the domestic herds. Lacking such certainty leaves to the imagination the intent of the USFS. Since 1997, the sheep men have been operating under an agreement that they felt gave them some security for the continuity of their operations. Recently a court decision rendered this agreement void, thus it would seem that perhaps the motive for removing the domestic sheep herds is only punitive in nature.

2. Are pertinent references included and used in the analysis?

The projected timeframe requirements to substantiate the references are beyond the ability to fully analyze the data. However, is there a degree of certainty that the telemetry data showing bighorn sheep in the area of domestic grazing areas is accurate? Comments made at the Adams County Resource Advisory Committee meeting on 11-24, suggested the distinct possibility that predator activity may have moved the bighorn sheep population out of this area. If the bighorn has vacated the area to North of Granite creek, then separation has been accomplished.

### 3. What level of risk of contact is acceptable?

Even with the complete absence of domestic sheep the layperson can surmise the chances of a pathogen linked to die off is almost certain to be present, given the presence of other animals that may, or may not transmit the pathogens. Even with considerable scientific studies, it is safe to deduce, the contact risk is debatable. There appears to be nothing that addresses the occurrence of contact by recreationalists that have become accustomed to the use of Llamas and pack goats. Certainly these animals carry the pathogens, as well as other species such as elk.

### 4. What other options/methods can be analyzed to achieve separation between domestic and bighorn sheep?

Confine the bighorn sheep area to between Granite Creek on the South, and Cougar Creek to the North. This area is void of most domestic animals, except for recreational use.

### 5. Are there potential actions to minimize contact that have worked in other parts of the country?

Other parts of the country may not have the predator action that is present in the Payette National Forest. The scattering of bands of domestic sheep caused by marauding predators can only make the no-contact scenario impossible to achieve. Budget constraints limit the realistic ability to try experimental actions. However, the Pyrenees guard dogs used by the sheep men will not allow the intrusion of bighorn sheep into the domestic herd.

### 6. What suggestions are there to improve implementation of standards and guidelines?

Local governments should be involved in the decision to relocate animals such as bighorn sheep. Agencies that promote the translocation of such critters need and must be expected to generate management plans that define upper number expectations of such animals, and a plan to limit the range of their grazing. The plan must detail a method to keep numbers within the ability of the range to support such grazing, and the agencies must be responsible to remove animals whenever their numbers reach a critical stage where the range they have established is degraded by their grazing. Natural boundaries will not be enough to prevent bighorns from establishing ever expanding ranges that will bring them in contact with other domestic sheep, even if the domestic herds are removed from their historical grazing areas. It would be folly to expect entire herds of domestic sheep that never set a hoof on public lands be exterminated for the sake of the bighorn. 4-H livestock would in all likelihood be a reservoir of pathogens, and ever expanding herds of bighorns will surely come into contact if grazing ranges are not monitored.

## 7. What other options or alternatives are missing from the analysis?

As stated, local representation must be an integral part in the relocation and expanse of bighorn sheep. Local economies and governments stand to sustain a substantial economic loss, both in sales of supplies and in the potential loss of agriculture property tax, if these domestic sheep producers are summarily placed in the position of losing their livelihood.

In the west, we are constantly combating the threat of forest and wild fires. One of the general benefits of domestic sheep grazing programs is for the elimination of both noxious weeds and wild fire fuel loads on the ground in our national forests. As required by state law, we are required to combat noxious weed infestations within our county borders. The tool of using domestic cattle and sheep grazing helps to contain or reduce the spread of these identified noxious weeds and fire fuel load on our federal lands.

## 8. Are there any other issues or concerns that have been overlooked?

Washington County has a very successful and well known, (throughout the state and nation), noxious weed control project that uses domestic goats instead of chemicals to control Leafy Spurge along the Weiser River Corridor. We are concerned that the Bighorn Sheep issue could jeopardize projects such as this.

The hard work, dedication, and ability to pay the bills of anybody that engages in the sheep industry is to be admired. Not just anybody can face the challenge, do the organization, and manage a profitable operation. The local economy will suffer from the loss of the sheep industry, there will be a loss of sales from supplies, and a loss of jobs, something that is very important given these troublesome financial times. From the standpoint of lost agriculture property tax revenues, local county government entities are very troubled. Certainly, if these businesses are forced out of business, it is only natural to assume that sooner, rather than later their demise will result in more urban sprawl, higher property tax burdens, and increased pressures on local government to expand, something very distasteful to conservative ideals. The principals involved in this have been very adamant that this discussion not put bighorn sheep against domestic sheep, but rather center the discussion on the relevant fact that there was a past agreement that should have guaranteed their ability to follow their profession without experiencing the failure of government agencies to fulfill their promises, and pursue personal agendas. There is another troublesome aspect of this situation, and that is that it appears that the conglomeration of agencies known as the Hells Canyon National Recreational Area, has the dubious distinction of having the ability to enter into binding agreements, and when convenient at a later date have a judge with his own agenda declare the HCNRA not to have the authority to do so.

Thank you for the opportunity to comment:

A handwritten signature in blue ink, appearing to read "Rick Michael", written over a horizontal line.

Rick Michael, Chairman

A handwritten signature in blue ink, appearing to read "Roy Mink", written over a horizontal line.

Roy Mink, Commissioner

A handwritten signature in blue ink, appearing to read "Michael T Hopkins", written over a horizontal line.

Michael T Hopkins, Commissioner

**AGENCY, ELECTED OFFICIALS AND TRIBAL LETTERS ON THE UPDATE TO THE DSEIS**

Environmental Protection Agency, Region 10  
State of Idaho, Department of Fish and Game  
State of Oregon, Governor Theodore Kulongoski  
Montana Fish, Wildlife, and Parks, Region 3 Citizens Advisory Council  
State of Washington, Department of Fish and Wildlife  
State of Idaho, Governor C.L. Butch Otter  
Washington County, ID, Board of County Commissioners  
Shoshone-Bannock Tribes  
Nez Perce Tribe, Tribal Executive Committee  
Shoshone-Paiute Tribes



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ECOSYSTEMS, TRIBAL AND  
PUBLIC AFFAIRS

March 22, 2010

Suzanne Rainville  
Forest Supervisor  
800 West Lakeside Avenue  
McCall, Idaho 83638-3602

Re: EPA comments on Update to the Draft Supplemental Environmental Impact Statement (SEIS) for the Southwest Idaho Ecogroup Land and Resource Management Plans  
Project Number: 98-024-AFS

Dear Ms. Rainville:

The U.S. Environmental Protection Agency (EPA) has reviewed the update to the SEIS for the Southwest Idaho Ecogroup Land and Resource Management Plans in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

The updated SEIS evaluates fourteen alternatives. Nine of these were evaluated in the 2003 FEIS and include (1B, 2, 3, 4, 5, 6, 7, 7E, and 7G) and this updated analysis considers five additional alternatives (7L, 7M, 7N, 7O, and 7P). Seven of the alternatives evaluated in the previous 2003 FEIS are grouped into two categories and analyzed together. These are: (1) Alternatives 1B, 2, 5, and 7, which designated all acres of the Payette National Forest (NF) as suitable for domestic sheep grazing and (2) Alternatives 3, 4, and 6, which determined portions of Smith Mountain Allotment as unsuitable for domestic sheep grazing. The other alternatives consider a range of suitable rangeland habitat for domestic sheep grazing including the most protective Alternative E, which designates no area in the Payette NF suitable and has the least risk of contact and disease spread. Alternatives 7M and 7P are viewed as middle ground alternatives with a moderate risk of contact and Alternative 7N and 7O protect the most source habitat while retaining minimal rangeland suitable for domestic sheep.

This SEIS includes an updated source habitat model, core herd home range analysis, new risk of contact model and development of a disease model. In addition to the updated modeling, this version also includes an updated analysis based on the 2009 designation of bighorn sheep as a sensitive species for Forest Service, Region 4 and an update to the economic analysis. EPA commented on the previous draft SEIS and expressed concerns with impacts to bighorn sheep from contact with domestic sheep and potential spread of disease. We also recommended that additional modeling be conducted on site specific populations and potential disease spread as information became available. We commend the Forest Service for continuing this analysis and

the significant updates to population modeling including using telemetry data to measure behavior of bighorn. We also support the Forest's research efforts with disease modeling experts from University of California at Davis to develop models based on the telemetry data. As we stated on the previous document, the SEIS includes a considerable amount of reference to research and scientific literature supporting the linkage between bighorn sheep die off and contact with domestic sheep.

We appreciate the refined data on behavior of bighorn sheep, modeling of potential contact with domestic sheep and relative ranking of alternatives based on modeled contact. While this information is extremely useful, the document stresses multiple times that it is critical to avoid contact in order to reduce the spread of disease. Under "Management Recommendations" (pg 5) the SEIS states that, "separation, either spatially, temporally, or both of bighorn sheep from domestic sheep has been recommended by leading bighorn sheep disease experts." We acknowledge the difficulty in balancing the need to manage land for multiple use and protect natural resources. From our review, we understand that a high probability of contracting disease (namely bacterial pneumonia) occurs from contact of bighorn sheep with domestic sheep and the SEIS notes that the spread of these bacteria has been reported as the number one cause for bighorn sheep population declines throughout North America. Because of this threat we continue to have concerns with alternatives that could result in population decline of individual herds. We have rated this updated SEIS Environmental Concerns (EC). Based on our review, we believe that a high level of protection is needed to promote the viability of bighorn sheep populations and support avoiding contact between bighorn sheep and domestic sheep. We believe it will be extremely important to continue research and collect site specific monitoring data if an alternative is selected that maintains a level of risk of contact. We recommend that Forest Service utilize adaptive management as more data becomes available on bighorn sheep behavior and disease occurrence.

Thank you for the opportunity to review this draft SEIS. If you would like to discuss these issues, please contact Lynne McWhorter at, (206) 553-0205 or via email at [mchworter.lynne@epa.gov](mailto:mchworter.lynne@epa.gov).

Sincerely,

//s//

Christine B. Reichgott, Manager  
Environmental Review and Sediment Management Unit



**IDAHO DEPARTMENT OF FISH AND GAME**

600 South Walnut / P.O. Box 25  
Boise, Idaho 83707

C.L. "Butch" Otter / Governor  
Cal Groen / Director

March 22, 2010

Forest Supervisor, Suzanne Rainville  
Attn. Bighorn Sheep Comments  
Payette National Forest  
800 W. Lakeside Avenue  
McCall, ID 83638-3602

Dear Supervisor Rainville:

Thank you for the opportunity to comment on this Update to the Payette Forest DEIS on bighorn sheep (Update). As the agency responsible for bighorn sheep management in Idaho, as a collaborator on the forest, and as the source of much of the information on bighorn sheep used in this document, the Idaho Department of Fish and Game (Department) offers the following technical comments.

The Update presents a number of newly developed models for source habitat, forays outside of source habitat, and risk of disease transfer. For the reader to understand and critically evaluate these models, each model and the data on which it is based must be clearly described, as must any changes from data presented earlier.

For example, the Update describes changes made to the "Source Model" concerning escape terrain and winter habitat models that adjusted predicted habitat by 2% and 18%, respectively. These changes need a more thorough description and justification to allow the reader to understand improvements made to the model. Other changes such as increasing the minimum mapping size should also be explained more explicitly, rather than stating that they did a "better job of habitat mapping" (p. 4). Similarly, the basis for the "Foray Model" (e.g., the number of individuals and animal-years on which the model is based) should be clarified. Were there differences in movements between resident and translocated animals? Assumptions underlying the "Disease Model" are unclear and should also be stated explicitly and supported by reference to published data.

As the source for much of the bighorn data used, the Department is particularly sensitive to misrepresentation of that information. For example, on page 4 of the Update the statement is made "*Hells Canyon Bighorn sheep populations that are disconnected from other bighorn sheep core populations appear to perform better than interconnected populations that have potential contact with bighorn sheep*" referencing the Hells Canyon Bighorn Sheep Restoration Plan (Cassirer 2004) and "Dynamics of Pneumonia in a bighorn sheep metapopulation" (Cassirer and Sinclair 2007, *Journal of Wildlife Management* 71:1080-1088). In fact, neither report presents data relating the amount of contact with domestic sheep or connectivity among populations with

*Keeping Idaho's Wildlife Heritage*

Supervisor Rainville

March 22, 2010

Page 2

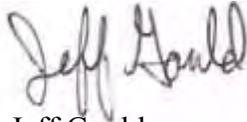
population performance. What was reported was that in Hells Canyon *“the potential exists for all populations (including those that had no pneumonia-caused mortalities) to have contact with domestic sheep or goats”* and that *“...pathogens might have been transmitted among populations by movements of sheep, especially males. We documented such movements during the study”* (Cassirer and Sinclair p. 1086).

In Appendix B (p. 3) it was reported that the Hells Canyon Initiative habitat model used the National Land Cover Dataset to map vegetation types suitable for bighorn sheep. In fact, vegetation information was obtained from a supervised classification of TM satellite imagery (Hells Canyon Bighorn Sheep Restoration Plan 1997, p. 5). Additionally, the statement was made that *“A population is based on the entirety of the breeding individuals independent of shared range.”* This statement suggests that there is some measure of the relatedness of animals used to define a population, and while such an assumption may be plausible, no data to confirm the relatedness of individuals within the named herds was presented or available.

Finally, the Department urges responsible officials to secure an objective review of all models and assumptions contained in the Update as soon as possible. Objective review by independent outside experts may be critical to support any decisions resulting from this information and any legal challenges that may result.

Thank you for the opportunity to comment.

Sincerely,



Jeff Gould  
Chief, Bureau of Wildlife

JG:DT:das

cc: Jim Unsworth  
Brad Compton  
Bonnie Butler  
Brian Oakey

**THEODORE R. KULONGOSKI**  
GOVERNOR



March 26, 2010

Mr. Tom Tidwell, Chief  
US Forest Service  
201 14<sup>th</sup> Street SW, MS 1144  
Washington, DC 20250

RE: Payette National Forest Bighorn Sheep  
Draft: An Update to The Supplemental Environmental Impact Statement (DSEIS)

Dear Chief Tidwell:

First, congratulations on your appointment! I had hoped to personally offer my congratulations last week when we assembled for the Wildland Fire Leadership Council meeting but understand you were called to testify before Congress and unable to attend the second day of the meeting. Regrettably, my participation in the Council meeting caused me to miss the deadline for comments on the above-mentioned DSEIS.

Citizens and agencies of Idaho, Washington and Oregon have worked together for over 38 years to restore bighorn sheep in Hells Canyon. Oregon's bighorns move into Idaho and back regularly. As a result, management decisions made by the Payette National Forest can have a direct impact on bighorn sheep management programs in Oregon. In recognition of this connection, the Oregon Department of Fish and Wildlife (ODFW) was granted Cooperator Status and participated with the Payette National Forest Planning Team in development of the bighorn sheep DSEIS as well as the update to the Draft Supplemental Environmental Impact Statement.

Please allow me to express my sincere appreciation for the efforts of the Payette National Forest staff in the development of these two documents. With the documents, the Payette National Forest has strived to address the conflicts between domestic sheep grazing on federal allotments and native bighorn sheep. In reviewing the updated DSEIS, we feel that the best alternative for reducing this conflict, providing adequate protection for Oregon bighorn sheep, and minimizing impacts to domestic sheep grazing is Alternative 7-O with the following modifications:

1. This alternative needs a well defined buffer between herd home ranges and occupied domestic sheep habitat. The distance needs to be determined on the ground by personnel familiar with bighorn sheep habitat and movements.
2. The risk level of .03 for the Upper Hells Canyon Herd (table 3-5, Alternative 7-O) needs to be reduced to near 0. Westside domestic sheep allotments may need further modifications to reduce risk levels.
3. A disease outbreak in Upper Hells Canyon would likely affect many Hells Canyon herds because of well documented bighorn movement between herds.

Mr. Tom Tidwell, Chief  
March 26, 2010  
Page Two

Over the last 13 years, ODFW has collected 54,000+ bighorn sheep telemetry locations from over 400 different sheep in Hells Canyon. This data shows bighorn sheep (especially rams) move between Oregon, Washington and Idaho extensively. Bighorn sheep from Lewiston, Idaho to Brownlee Dam are inter-connected by these movements. Research by Washington State University Veterinary School has documented domestic sheep and goats carry respiratory diseases that cause severe die-offs in wild sheep. Recent Washington State University studies have proven transmission of disease causing bacteria from domestic sheep to bighorns with fatal results. This was done with 2 different bacteria species in independent studies, one of which is implicated in lamb deaths caused by pneumonias that are common in Hells Canyon. Pneumonia is a serious problem for western bighorn sheep populations and at this time seven disease outbreaks are ongoing in three western states.

Since the first re-introductions in 1971, the Foundation for North American Wild Sheep, Oregon Hunters Association, Nez Perce Tribe and the people of the State of Oregon have invested millions of dollars in efforts to restore Rocky Mountain bighorn sheep herds in Northeast Oregon. These animals are icons of Hells Canyon; commercial jet boat operators advertise that bighorn sheep will be observed in the canyon as one of the feature species. Recreational visitors exceed 150,000 people in Hells Canyon annually, a significant economic factor in this area.

Oregon supports Alternative 7-O with modifications because it strives to reduce the conflict of domestic sheep grazing within bighorn sheep ranges in Hells Canyon. It also seeks to place domestic sheep on other grazing allotments and complies with the Hells Canyon National Recreation Area Act. We would like to thank the Payette National Forest for allowing Oregon representatives to participate as a cooperator in the DSEIS process.

Respectfully,



Michael Carrier  
Natural Resources Policy Director

MC:jb  
c: Suzanne Rainville, Payette National Forest Supervisor  
Harv Forsgren, Regional Forester



April 1, 2009

Suzanne Rainville, Forest Supervisor  
USDA Forest Service, Intermountain Region  
800 West Lakeside Ave.  
McCall, ID 83638-3602  
(208) 634-0812 (Pattie Soucek, Forest Planner)  
[pavettebighorn@fs.fed.us](mailto:pavettebighorn@fs.fed.us)

**Subject:** Comments regarding Bighorn Sheep in the Update to the Draft Supplemental EIS, January 2010

Dear Suzanne:

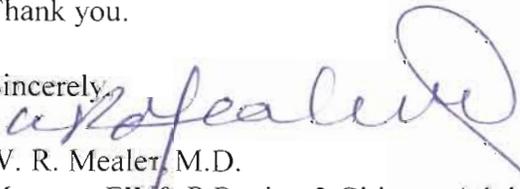
The management of bighorn sheep habitats in the Payette National Forest is important to hunters in North America. Populations of bighorn sheep have suffered significant die offs in the Rocky Mountains this past winter. Disease spread from domestic sheep or limited habitat and caloric intake appear to be suspects for these wild bighorn sheep deaths. Limited habitat creates limited shedding of parasites and re-infection of them. The Regional Forester has determined that bighorn sheep are a sensitive species in Region 2, which includes the Payette National Forest which I support.

After reviewing the Update to the Draft Supplement EIS, I conclude that alternate 7E is the best course for the USFS to pursue to conserve this wonderful native species, bighorn sheep. Some source habitat for bighorn sheep on the Payette National Forest is currently unsuitable due to a presence of domestic sheep. Alternative 7E creates responsibilities to comply with applicable laws and regulations regarding bighorn sheep viability in many areas and the Hells Canyon National Recreation Area. I appreciate the USFS mapping the potential source habitat and corridors for bighorn sheep across the Forest. This is a project we are about to begin in Montana to best find areas for new bighorn sheep transplants. The USFS notes that risks to bighorn sheep may recur from domestic sheep grazing in adjacent private or public lands. The USFS must protect the bighorn sheep source habitat within its control. Alternative 7E has clearly risen to the top in this regard. Domestic sheep have plenty of flat lands to graze without entering into historic bighorn sheep source habitat.

I am thankful for the huge effort that went into the development of this supplemental EIS. I hope this type of analysis can take place in the future on other Forests without the need for legal intervention.

Thank you.

Sincerely,

  
W. R. Mealer, M.D.  
Montana FW&P Region 3 Citizens Advisory Council  
SCI North American Conservation Committee



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**



Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207  
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

March 29, 2010

Ms. Suzanne Rainville  
Forest Supervisor  
Payette National Forest  
Attention: Bighorn Sheep Comments  
800 West Lakeside Avenue  
McCall, Idaho 83638

RE: Update to the Draft Supplemental Environmental Impact Statement

Dear Ms. Rainville:

I am writing in response to your request for comments on the *Update to the Draft Supplemental Environmental Impact Statement* (DSEIS) on bighorn sheep viability within the Payette National Forest (PNF), Idaho. Washington's bighorn sheep are part of a meta-population along with bighorn herds located in Oregon and Idaho within the Hells Canyon National Recreation Area (HCNRA). As such, Washington Department of Fish and Wildlife (Department) was granted Cooperator Agency Status and participated with the Payette National Forest Planning Team in the development of the DSEIS.

The Department has a vested interest in the DSEIS and the PNF's final decision. The management decisions and actions on the PNF directly impact bighorn sheep in the HCNRA and therefore bighorn sheep in Washington. As already demonstrated in 1995, bighorn sheep in the HCNRA suffered a massive die-off due to a *pasturella* disease breakout. Immediately following the die-off, the three bordering states, plus the Forest Service, Bureau of Land Management, and Foundation for North American Wild Sheep initiated a project to recover bighorn sheep; all cooperators are signatories to a project called the Hell's Canyon Initiative (HCI). To date, the HCI is an unprecedented blend of technical and management expertise, and has functioned as a unified team for bighorn sheep in the HCNRA and for field investigations on communicable disease in bighorns. Over the last 14 years, the HCI project has documented extensive bighorn sheep movements between all three states.

Given the meta-population structure of bighorns in Hells Canyon and demonstrated history of the effects of a die-off, we believe it is important for the PNF to state clearly that this issue affects not only decisions relative to Idaho land management, but also that of adjoining states as well. Washington has invested hundreds of thousands of dollars and decades of effort to restore native bighorn sheep to eastern Washington and Hells Canyon. Bighorn sheep are endemic to Washington and the Hells Canyon area, and they provide the citizens of Washington with a

Ms. Suzanne Rainville  
March 29, 2010  
Page 2

significant, renewable wildlife resource that generates thousands of recreation days and dollars every year.

In our review of the update to the DSEIS, the Department prefers Alternative 7O, with some modifications to further reduce risk. We understand that the Forest Supervisor can make modifications from the draft to the final version of the SEIS. We would like to request the following modifications to ensure the viability of the upper Hells Canyon herds, which are directly linked to the populations under our management authority:

- **Incorporate a buffer around the 95% Core Herd Home Range boundary of the Upper Hells Canyon herd.** I understand the methods used to calculate the “core herd home range” represent occupied bighorn sheep range. However, by definition, the 95% contour does not include an animal’s entire home range (i.e., excludes the 96–100% contour band) (Millspaugh and Marzluff 2001, Worton 1989). Grazing domestic sheep directly adjacent to the 95% contour is still grazing within the herd home range and is inconsistent with the objective for bighorn sheep viability. I recommend a buffer around the 95% core herd home range boundary based on the ram foray data on pages 3-24 through 3-27 in the update to the DSEIS.
- **Reduce the risk of contact to less than the 0.09 contacts/year.** There is no empirical data indicating what percentage of contacts are “effective,” therefore I believe it is prudent to reduce the risk of contact to less than the 0.09 contacts per year. I believe incorporating a buffer around the 95% Core Herd Home Range boundary will reduce the contact rate to ensure long-term viability.
- **Dedicate funding to monitor bighorn sheep status and movements.** The effectiveness of any of the Alternatives that may be chosen is dependent upon effective monitoring. Monitoring must be done on the status and movements of bighorn sheep, domestic sheep AOI implementations, and status of disease research. Your plan states a dependence upon annual surveys (WIOB14) to assess changes in bighorn sheep habitat use. I recommend that you dedicate funding to accomplish this objective.

Since bighorn sheep are a wildlife resource that frequently crosses political and jurisdictional boundaries, Washington strongly believes that there is a multi-state and multi-agency responsibility to protect this resource for the future, as directed by treaty, federal law, and state management authorities. Thank you for the opportunity to comment on update to the DSEIS. I look forward to working with you on this issue as the PNF implements the final SEIS.

Sincerely,



Philip Anderson  
Director

cc: John Mankowski, Washington State Governor’s Office



C. L. "BUTCH" OTTER  
GOVERNOR

March 22, 2010

Suzanne Rainville, Forest Supervisor  
Payette National Forest  
Attn: Bighorn Sheep Comments  
800 West Lakeside Ave.  
McCall, ID 83638

Dear Suzanne,

The State of Idaho (State) submits the following comments regarding the Update to the Draft Supplemental Environmental Impact Statement (Update) released for public review by the U.S. Forest Service (USFS) for the Payette National Forest on January 25, 2010. The State submitted comments on the Draft Supplemental Environmental Impact Statement in February 2009.

The Idaho Department of Fish and Game (IDFG) is charged with preserving, protecting, perpetuating and managing bighorn sheep in the State for the benefit of Idaho's citizens and others. To that end, IDFG has numerous biologists, scientists, habitat managers and policy experts engaged in the management of bighorn sheep in the State. Similarly, the Idaho State Department of Agriculture (ISDA) is responsible for promoting Idaho's agricultural interests including, but not limited to, assisting in the improvement of farm occupations. The final decision from the Payette National Forest arising from the Draft Supplemental Environmental Impact Statement and the Update undoubtedly will have an impact on the State's delivery of services with respect to bighorn sheep and domestic sheep in Idaho.

The State appreciates the efforts of the Payette National Forest to compile and present additional information in the Update. Upon reviewing the Update, it appears that the Payette National Forest views existing domestic sheep allotments as the only areas within the forest suitable for grazing by domestic sheep. All proposed alternatives within the Update have the unfortunate impact of displacing either bighorns or domestic sheep and leaving sportsmen or permittees with no alternative to litigation.

The State recognizes the importance of developing and maintaining sufficient habitat to sustain a viable and growing population of bighorn sheep. The State also recognizes that bighorn sheep habitat cannot be moved to another location.

Domestic sheep grazing allotments can, however, be shifted, and the State strongly urges the Payette National Forest to commit to locating alternative grazing for any domestic sheep permittee displaced from any existing allotment. The State believes this approach not only will reduce the likelihood of litigation, but that it will go far toward treating all affected parties equitably.

Suzanne Rainville

March 22, 2010

Page 2

The State is in the process of developing a statewide bighorn sheep management plan. The State is committed both to protecting bighorn sheep habitat and maintaining domestic sheep grazing. Idaho needs to preserve both natural resources and viable rural economies, and we strongly urge the Payette National Forest to work with us in this effort.

My hope is to find a collaborative solution that will not displace bighorn sheep in favor of domestic sheep or vice versa. Alternatives presented in the Update, unless accompanied by efforts to replace domestic sheep grazing that may be lost depending on the decision made, do not achieve the State's goal.

Thank you for your consideration of our comments.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in black ink, appearing to read "C.L. Butch Otter". The signature is stylized and cursive.

C.L. "Butch" Otter  
Governor of Idaho



## Washington County, Idaho

### Board of County Commissioners

*Rick Michael, Chairman*

*Roy Mink*

*Michael T. Hopkins*

*256 E Court Street, P O Box 670*

*Weiser, ID 83672; 208-414-2789 Fax: 208-414-3925*



March 22, 2010

### BIGHORN VIABILITY UPDATE Comments

RECEIVED

MAR 22 2010

PAYETTE NF  
SUPERVISOR'S OFFICE

The zeal and determination to eliminate domestic sheep grazing in order to prevent comingling of domestic sheep with Bighorn Sheep will undermine the economic viability of Idaho Counties, such as Washington County. The multiple use concepts of federal lands in conjunction with local private ownership of lands within the County served to enhance the viability by allowing the use of federal lands to provide profitable operations that in turn allowed a continued and reasonably predictable tax base for the County, and the State as a whole. The multiple use concepts allow the use of nontaxable federal lands to provide funding by ranching, logging, recreation and mining for the good of all citizens. These facts need to be reiterated and not forgotten. The history before the adoption of the multiple use concepts that allowed productive use of federal lands for the good of all is not a pleasant history. Without the ability to legitimately use federal lands, they become "off limits" and a liability to local governments that have such properties within their boundaries. This fact also cannot be forgotten in the storm of controversies that surround the question of the Bighorn Sheep, and other interactions between human activities and animals.

Gross income from sheep and lamb production in Washington County, using the USFS's own data provided at the February 18, 2010 meeting in Weiser, Idaho detailed an income of nearly \$1.5 million. The dollar amount alone is enough to appreciate the beneficial results of domestic sheep, but including the other beneficial result of such activity makes the suggestion of not having these activities ludicrous. The supposed benefit of sacrificing domestic sheep for the sake of Bighorns are difficult to achieve, and even in best case scenarios cannot begin to make any argument against the beneficial result of raising domestic sheep. It just doesn't make any sense to sacrifice the domestic sheep for the sake of the Bighorn.

Given the fact that if elimination of chance encounters between the two species is the desired outcome, then the only solution is to define the area of Bighorn habitat to north of Granite Creek, and somewhere south of Cougar Creek. This should provide adequate area for the Bighorn Sheep. This may require physical barriers, such as fencing along with natural barriers that will provide the required separation that is seemed needed

Page 2  
Bighorn Sheep Viability Update  
March 22, 2010

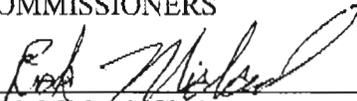
for the elimination of extirpation of these herds. Physical barriers have been used extensively for the supposed benefit of sensitive species, the Desert Tortoise, being one. United States Department of Fish and Wildlife, who are responsible for management of these herds, needs to be reminded of the use of physical barriers for the intended benefit of these sensitive species.

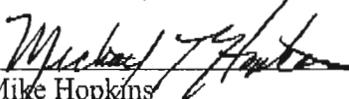
The revelation that diseased Bighorns are appearing in the near Frank Church Wilderness areas, far from any domestic sheep should be enough to doubt the supposed need for separation from domestic sheep. There are other factors entering into the picture, and without adequate science to determine the complete scenario to make domestic sheep the scapegoat for sick Bighorns isn't realistic. There will continue to be interaction between domestic and Bighorns no matter what is done to prevent it, if for no other reason than without containment, the Bighorn herds will expand into settled areas where domestic sheep are.

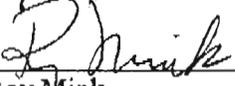
Thank you.

Sincerely,

BOARD OF WASHINGTON COUNTY  
COMMISSIONERS

  
\_\_\_\_\_  
Rick Michael, Chairman

  
\_\_\_\_\_  
Mike Hopkins

  
\_\_\_\_\_  
Roy Mink

BWCC/bjt

# The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION  
PHONE (208) 478-3700  
FAX # (208) 237-0797



FORT HALL BUSINESS COUNCIL  
P.O. BOX 306  
FORT HALL, IDAHO 83203

March 19, 2010

Suzanne Rainville  
Forest Supervisor, Payette National Forest  
800 West Lakeside Avenue  
McCall, ID 83638-3602

## **RE: SHOSHONE-BANNOCK TRIBES COMMENTS TO THE PAYETTE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

The Shoshone-Bannock Tribes (Tribes) reviewed the available information from the Supplemental Environmental Impact Statement (SEIS) and the comments provided at the formal government to government consultation in Fort Hall, January 28, 2010; and, submit the following comments.

The alternatives discussed in the SEIS, with the exception of alternative 7E, leave a significant risk of extirpation on the landscape from continued contact and subsequent disease spread among native Bighorn Sheep herds. The alternative that would provide the greatest security for bighorn populations is the retirement of all domestic sheep allotments on the Payette, via alternative 7E. The Tribes cannot support the selection of an alternative which leaves a continued risk of disease transmission and extirpation of bighorn populations on the landscape; therefore, the Tribes view alternative 7E as the only viable alternative.

### **Treaties**

Various un-ratified treaties were negotiated and signed between the numerous bands of Shoshone and Bannock and the United States. The Fort Bridger Treaty of July 3, 1868 was the only treaty ratified by Congress, between the Eastern Shoshone bands and the Bannocks. In 1867 an Executive Order reserved the Fort Hall Reservation as the permanent homeland of the Shoshone and Bannock peoples. The 1868 Fort Bridger Treaty (15 Stat 73) affirmed the reservation and reserved certain off-reservation hunting and gathering rights for the Tribes. Article IV states:

*The Indians herein named agree, when the agency-house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied land of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.*

The Tribes continue a subsistence lifestyle, reserved by the Fort Bridger Treaty, to maintain Tribal traditions, improve our health, and return to our aboriginal territories. The Tribes, through the

Fort Hall Business Council and Fish and Game Commission, promulgate Tribal regulations for the hunting of big game species each year; as authorized by the Tribes 1976 Big Game Code. The Tribal Fish and Wildlife Department has issued permits to hunt big game species (deer, elk, moose, antelope, and bison) on 'unoccupied lands of the United States' since approximately 1976, with harvest monitored collaboratively by Tribal wildlife biologists and Tribal enforcement personnel. The assessment area is a traditional area utilized by Tribal members for hunting of fish and wildlife, particular to this discussion big horn sheep. The Forest Service should take a conservative approach to ensure management provides for the harvestable populations of big game species.

### **History**

The reference on page 3-2 of the DSEIS remains in spite of numerous references in formal Tribal comment letters, "***Human settlement of Idaho in the mid-1800s increased harvest of bighorn sheep and introduced domestic sheep onto these landscapes***". The reference is clearly in error and should be restated to better reflect the obvious meaning, as noted in previous Tribal comments. Please correct this statement.

### **Socio-Economic Analysis**

The SEIS states that alternative 7E would result in a complete loss of income from grazing and the jobs associated with it. However, on page 3-67 the document claims that a risk of transmission remains on the landscape due to private, state and BLM sheep grazing activities. A point of clarification is requested for this due to the seemingly inconsistent messages in the analysis. In one section the FS is claiming alternative 7E would fundamentally destroy the grazing industry in the region and in another the FS is clearly stating that grazing would continue, just on other lands, thereby modifying the economic impact of removing sheep allotments on the Payette; as laid out in alternative 7E.

Grazing on Forest Service lands is a privilege, not a right. The Forest Service is obliged to manage resources in a manner which provides sustainable opportunities for the multiple users of the Forest Service resources. Providing a private privilege for economic gain does not outweigh the risk of far-reaching impacts to big horn sheep populations. A single transmission can effectively cripple a population for multiple generations, according to the Forest Service's own risk analysis.

The Tribes suggest the Forest Service and other federal land managers identify other regional grazing allotments for domestic sheep the permit holder can reasonably utilize, in lieu of Forest Service allotments. These allotments would need to be outside of any identified big horn sheep habitat and maintain a zero-risk of transmission, but also within a reasonable distance of current production operations.

### **Disease Risk**

The critical issue at the heart of this dispute is the risk of adverse population level impacts to native bighorn sheep herds from diseases borne by domestic sheep and transmitted to individual bighorn. It is stated, very clearly, under every alternative except 7E, there is a substantial risk over the long-term of extirpation among all analyzed populations. Disease transmission may impact a herd immediately and persist for multiple generations of bighorn; reducing productivity and impacting the social structure and genetic exchange of small populations. One particularly pertinent example of this risk may be viewed through the Sheep Creek herd; where risk of extirpation remains high among all alternatives due to previous infections which have diminished herd numbers and age class to the point of no likely recovery.

An important consideration is the potential impact of this management action on the Salmon River meta-population. This is a bighorn population that has never been extirpated and is a unique genetic resource for repopulation efforts throughout the state. The evidence presented in the document clearly demonstrates that there are potential exchanges between the analyzed populations and this larger metapopulation; increasing the likelihood of a contact and transmission. The Tribes are not in support of any management action which could result in a compromised Salmon River population due to disease transmission. Prevention of disease transmission could prevent potential impacts to this herd and would help protect, preserve and enhance a significant resource of the Tribes.

In the SEIS, page 2-13, the conclusion statements for 7M,N,O, and P assert that the alternatives may impact individuals but won't likely result in a trending toward species listing. This statement is inconsistent with the disease risk analysis and available scientific data. Impacts from an **individual** contact and disease transmission to a bighorn *have* had a population level effect and further transmissions may result in a trend toward federal listing of the species. The Tribes would prefer a conservative approach to the management of risk on the landscape and would like the management actions to reflect a goal of zero contacts and/or transmissions from domestic sheep to native bighorn.

### **Voluntary Disease Prevention Measures**

Most voluntary disease prevention agreements, site specific management plans, and BMPs have a common theme; the permittee is provided authority to lethally remove a bighorn in contact with domestic sheep. In essence these agreements promote the lethal control of native species, at risk of extirpation, in favor of domestic sheep grazing in bighorn habitat. Relying on voluntary grazing measures and other actions in bighorn habitat, especially those actions not reasonably certain to occur or mitigate potential impacts, leaves the bulk of the risk on the landscape and ensures long-term conflict between wildlife and grazing. A clear solution to these long-term conflicts, requiring very little monitoring and evaluation or voluntary conservation measures, would be to retire all domestic sheep grazing allotments on the Payette. The Tribes request the Forest Service to make every effort to retire these domestic sheep allotments as quickly as possible.

### **Scope of Analysis and Inter-Agency Cooperation**

The Tribes have an issue with the preferred alternative because the scope of analysis is limited to the Payette. The Cumulative Effects analysis, notes land management strategies and private activities may have an impact on meta-populations. Although the Tribes realize the limited authority the Payette Forest wields over activities beyond its boundaries, there is a definite need to broaden the discussion to the interested land management agencies where bighorn sheep are found, in particular the Salmon River meta-population.

The effectiveness of any resource management plan is going to hinge on the availability of interested cooperators in the region, including other land managers and other forests. The Tribes are encouraging the Payette Forest to undertake the most conservative alternative (7E), until management agencies can agree to a basic set of principles regarding bighorn sheep and domestic sheep grazing. This would provide an opportunity to collect the data regarding utilization of source habitat outside the Payette boundary, and encourage a more knowledgeable decision regarding the impacts of interaction between the two species.

The other forests and the adjacent BLM land managers have data regarding the range of big horn populations which may also interact with the Salmon River Meta-population. This potential interaction affects an entire region of Idaho and Montana. The Tribes request a comprehensive big

horn analysis for the region be performed with all interested agencies, including; Idaho Fish and Game, Idaho Department of Lands, Forest Service, Bureau of Land Management, and the Shoshone-Bannock Tribes. The practical result of this request would be a stay on implementing any grazing, consistent with alternative 7E, pending a regional approach to this issue.

### **Big Creek**

The Tribes remain concerned about the potential interactions between domestic sheep allotments and the Big Creek population of bighorn sheep, as proposed in the majority of alternatives in the SEIS. The Big Creek population utilize habitat for lambing and summer range that overlaps with several populations from the Middle Fork Salmon River.

The population on Big Creek experienced five years of low lamb-to-ewe ratios and an all-age-die-off in 1990, and research confirmed the presence of a highly virulent strain of *Pasteurella* in the Big Creek population. The SEIS noted a high degree of uncertainty regarding the conclusion that domestic sheep grazing allotments would not likely threaten the viability of the overall Salmon River meta-population. The SEIS does confirm the loss of the genetic diversity of this meta-population could affect the bighorn sheep persistence and restoration at scales much larger than the Payette National Forest. The concern stems from an empirical look at the counts from the Idaho Department of Fish and Game, showing a drastic decline in total sheep counts; evidence of a persisting problem in regional populations.

The conclusion from the SEIS was that domestic sheep grazing on the east side of the forest, particularly the Big Creek allotment, would not impact the viability of the population of bighorn. There remains a great deal of uncertainty about the potential interaction with other herds from the greater Salmon River meta-population. Given the confirmed presence of the highly virulent strain of *Pasteurella* in the Big Creek population, further contact may compromise the entire region. Without a regional risk analysis, a conclusion to permit domestic sheep grazing on this allotment is irresponsible and against the weight of the evidence gathered for the SEIS. One interaction and transmission has the potential to cause irreversible impacts to the Salmon River meta-population and compromise a genetically valuable resource for bighorn sheep restoration efforts.

### **Conclusion**

Based on the information provided in the document, the Tribes conclude that alternative 7E is the only viable alternative because it provides the maximum amount of separation available to the FS under law; promoting healthy, sustainable bighorn herds and reducing the risk of disease transmission to other bighorn herds in the Salmon River meta-population. If 7E is selected, and conditioned on bighorn numbers increasing, there will be new risks to analyze. The Tribes, as a co-manager, would be willing to track the issue and provide management recommendations based on sound science, in the best interest of this special species. The Tribes encourage the Forest Service to seriously consider the risk that one single contact and transmission from domestic sheep grazing could have irreversible and far-reaching consequences. It is in the best interest of the public, the Tribes and most importantly, the native bighorn sheep, to make every reasonable effort to protect, preserve and enhance bighorn populations by removing domestic sheep from the Payette.

The Tribes would appreciate the opportunity to continue this important discussion with the Forest Service to preserve our unique Tribal cultural heritage and an iconic species. This issue is a priority for the Tribes and with diligent effort and in government-to-government consultations; a mutually beneficial conclusion can be reached. For more information regarding this submission, please contact Yvette Tuell, Environmental Coordinator (208) 239-4552 or by email, [ytuell@sbtribes.com](mailto:ytuell@sbtribes.com).

For policy questions please contact Claude Broncho, Fish and Wildlife Policy Representative, (208) 239-4563 or email at [cbroncho@sbtribes.com](mailto:cbroncho@sbtribes.com) .

Sincerely,

A handwritten signature in black ink that reads "Nathan Small". The signature is written in a cursive, flowing style.

Alonzo A. Coby, Chairman  
Fort Hall Business Council,  
Shoshone-Bannock Tribes

CC: File

SBT: Claude Broncho  
SBT: Daniel Stone  
SBT: Leander Watson  
SBT: Hunter Osborne  
SBT: Yvette Tuell  
SBT Attorney's Office 99



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

March 19, 2010

Suzanne Rainville, Supervisor  
Payette National Forest  
800 West Lakeside Ave  
McCall, ID 83638-3602

Re: Nez Perce Tribe comments on the *Update to the Draft Supplemental Environmental Impact Statement* to the Final Environmental Impact Statement of the 2003 Payette National Forest Land and Resource Management Plan and an *Update to the Draft Amendment to the Payette National Forest Land and Resource Management Plan*.

Dear Suzanne,

The Nez Perce Tribe (Tribe) would like to thank the Payette National Forest (PNF) for its efforts to strengthen the environmental analysis of the *Draft Supplemental Environmental Impact Statement* (DSEIS). The Tribe believes the analysis contained in the *Update to the Draft Supplemental Environmental Impact Statement* (UDSEIS) is a significant improvement, in terms of application of quantitative science, over the qualitative approach applied in the DSEIS. The Tribe appreciates the opportunity to comment on the UDSEIS and would like to express its gratitude for your willingness to hold a public meeting in Lapwai earlier this month on this important issue to the Tribe.

This letter formally conveys our comments on the UDSEIS. They are organized into two broad sections: General Comments and Specific Comments. General Comments encompass broad science-based principles and management approaches the Tribe feels are important underpinnings that must be incorporated into the Final Record of Decision (ROD). Specific Comments include more detailed issues we address to support the broader science-based principles outlined in the General Comments section.

The Tribe encourages the PNF to reconsider the Tribe's previously submitted comments on the DSEIS. We feel these comments are still germane and form the foundation for our review including: (1) adhering to the foundational science-based principles of removing risk of contact, providing effective spatial separation, and use of no-grazing buffers; (2) establishing Forest Plan language to promote bighorn sheep restoration and range expansion, maintain long-term

effective spatial separation, and require effective monitoring; and (3) adopting an adaptive management mechanism allowing responsive and timely management actions that maintain long-term bighorn sheep viability across changing future conditions. The Tribe re-affirms our commitments to the principles contained in our previous comments and encourages the PNF to employ those principles in the ROD.

## **General Comments**

### **1. The Tribe's Long-Term Vision**

As you know from the Tribe's previous comment letters, formal consultations, cooperator meetings, staff-to-staff meetings, and most recently, the Tribal public meeting in Lapwai, the Tribe has maintained strong cultural ties to bighorn sheep since time immemorial. This relationship resonates in the Tribe's 1855 Treaty with the United States, which reserves, among other guarantees, the Tribe's right to hunt on open and unclaimed lands, including National Forest System lands, off-reservation.

To reiterate the Tribe's position, the Forest Service, as an agency of the United States, has a solemn obligation under the treaty to ensure that the Tribe's opportunities to continue hunting bighorn sheep on National Forest System lands within the Tribe's aboriginal territory are not foreclosed by management decisions, such as continued domestic sheep grazing in occupied or adjacent bighorn range, that threaten the very existence of these animals on their native landscape. Indeed, the Tribe views the dramatic declines of bighorn sheep on the Payette National Forest and elsewhere within the Tribe's treaty territory as a direct threat to its culture and vitality. To halt this alarming trend, the Tribe seeks to restore the population to healthy and harvestable numbers across all sex and age classes so that future generations of Nez Perce citizens will know and celebrate bighorn sheep as our ancestors did. Providing adequate habitat, free of the threat of fatal disease transmission from domestic sheep, is an important first step in realizing this goal.

### **2. Bighorn Sheep Viability**

According to the UDSEIS, the document responds to the appeal instructions received from the Chief of the Forest Service on March 9, 2005 pertaining to the issue of bighorn sheep viability.

The NFMA regulations governing the Southwest Idaho Ecogroup Land and Resource Management Plans (LRMP) require, in relevant part, that the Forest Service provide for viable populations of bighorn sheep on the Forest. Specific direction concerning viability is provided in the 1982 NFMA implementing regulations at 36 CFR 219.19:

Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be

well distributed so that those individuals can interact with others in the planning area.

The Chief's 2005 decision states that continued domestic sheep grazing in or adjacent to occupied range on the PNF threatens the viability of bighorn sheep across the forest. The Tribe has urged the PNF to recognize that existing conditions on the PNF indicate that bighorn populations are currently not viable. First, the long-term trend surveys conducted by the Idaho Department of Fish and Game indicate a steady and downward trend among the Salmon River population. Second, there have been dramatic bighorn sheep losses and extirpations along the Snake River. Third, low lamb recruitments in both the Salmon and Snake River populations have been consistently documented in recent years. Fourth, domestic sheep grazing continues to occur in and near occupied bighorn sheep habitat. Finally, Region Four of the Forest Service has designated Rocky Mountain bighorn sheep as a sensitive species.

Because the current bighorn sheep populations on the PNF are, in the Tribe's view, not viable, the PNF must select a final alternative and adopt forest plan direction that will provide sufficient source habitat for bighorn sheep population restoration and range expansion. Preserving the status quo is unacceptable to the Tribe and will fail to provide long-term viability for the species.

### **3. Science-Based Approach**

The Tribe agrees with the PNF's science-based approach in evaluating domestic sheep grazing and bighorn sheep source habitat management to assure viable bighorn sheep populations across the forest. We agree with the agency that: (1) domestic and bighorn sheep are incompatible on sympatric range due to lethal disease transmission to bighorn sheep, (2) the fundamental underlying issue is the risk of contact between the two species, (3) contact between domestic and bighorn sheep must be avoided to insure viable bighorn sheep populations, and (4) the consensus approach and only viable option at this time for preventing contact is through effective spatial separation of the two species. Adhering to the fundamental science-based principles surrounding this issue is vital for restoring and retaining bighorn sheep viability across the PNF.

The implementation approach of these science-based principles is all important for assuring long-term bighorn sheep viability (see Specific Comments). Science supports a risk removal approach, the notion that risk of contact must be removed or minimized to very low levels from the landscape through effective spatial separation by precluding domestic sheep grazing within or near occupied bighorn sheep habitats. The Tribe does not support a risk management approach, which relies on the notion that risk can be managed or reduced to acceptable levels through implementing Best Management Practices (BMPs) or increasing monitoring effort. Neither BMPs nor increased monitoring demonstrates, as a matter of science, that risk can be reduced to "manageable" or "acceptable" levels. Implementation of BMPs and/or increased monitoring should not be considered appropriate rationale for selecting a final alternative with an inherent unaccepted level of risk.

The Tribe urges the PNF to select the final alternative that minimizes the risk of contact through effective spatial separation. The Tribe discourages the PNF from selecting a final

alternative that relies on the implementation of BMPs, increased monitoring or other unvalidated measures that are purported to effectively reduce the risk of contact to “acceptable” levels.

### **3. Analysis Approach**

The Tribe agrees with the PNF that, overall, the quantitative analysis approach included in the UDSEIS represents an improvement over the qualitative approach used in developing the original DEIS. The Tribe felt documentation of model assumptions, adjustment terms and other variables, and results found in Appendix B – Modeling and Analysis Technical Report were somewhat vague for some models (particularly the disease model), making it difficult to follow and understand modeling approaches and results. Increased detail and clarity in this area would be helpful in the ROD. Overall, the Tribe supports the home range and foray analysis approach as sound science and an improvement over the analysis contained in the DSEIS, although the Tribe argues the risk of contact model underestimates true risk of contact, and agrees with the PNF on the limitations of the disease model (see Specific Comments).

The Tribe urges the PNF, therefore, to select an alternative that seeks to address the model’s inherent underestimation of risk by adopting a conservative, spatial separation approach which effectively eliminates the risk of contact between the two species.

### **4. Action Alternatives**

After a thorough review of the new analysis contained in the UDSEIS, the Tribe will support alternative O with modifications, as discussed below as the final alternative selected in the ROD. Based on the new analysis, alternatives N and O are the minimal alternatives assuring some certainty of long-term viability for bighorn sheep while providing continued domestic sheep grazing on the PNF. The analyses indicate all other action alternatives, excluding alternative E, do not reduce the risk of contact to an acceptable level, would not provide for long-term bighorn sheep viability, and would foreclose meaningful restoration efforts. When comparing alternatives N and O, the Tribe advocates for alternative O as the selected alternative in the ROD because alternative N leaves a substantial amount of risk of contact on the landscape, while alternative O provides significant increases in protections afforded bighorn sheep with a minimal decrease in suited rangeland for domestic sheep (see Specific Comments).

Alternative O still retains a 9% modeled risk of contact which we argue is an underrepresentation of the true risk (see Specific Comments). The Tribe believes maintaining long-term bighorn sheep viability under Alternative O, as proposed, would be questionable, and suggest modification of this alternative to further reduce the risk of contact. We are particularly concerned about the area on the west side of the forest where active domestic sheep grazing is permitted immediately adjacent to modeled bighorn sheep Core Herd Home Range (CHHR). This is an example of trying to manage risk rather than remove risk through effective spatial separation. The Tribe urges the PNF to focus on efforts that remove risk through effective spatial separation rather than attempting to managing risk. We suggest application of a no-grazing buffer in this area to further separate the two species (see

Specific Comments). We also suggest the forest plan language must be strengthened as outlined below to insure the successful implementation of alternative O.

## **5. Appendix H – Update to Draft Forest Plan Amendment**

Management direction standards and guidelines are critical for successful implementation of the final selected alternative as they guide day to day management activities. To successfully maintain long-term bighorn sheep viability, it is important forest plan standard and guidelines effectively and clearly establish an adaptive management approach to allow for responsive and appropriate management actions in response to changing future conditions. Such an adaptive management approach must: (1) provide for bighorn sheep restoration opportunities and range expansion, (2) maintain long-term effective spatial separation between bighorn and domestic sheep, and (3) incorporate an effective monitoring program (see Specific Comments).

The Tribe, in prior comments on the DSEIS, submitted extensive recommendations for standards and guidelines. Draft language in the UDSEIS does not fully reflect Tribal concerns and suggested recommendations. The Tribe re-affirms our recommendation submitted in earlier comments and urges the PNF to reconsider those comments. The Tribe is particularly concerned about potential impacts from the State of Idaho's policy to remove bighorn sheep in close proximity to domestic sheep. In light of this policy, the Tribe believes long-term bighorn sheep viability can only be achieved through a combination of: (1) selecting a final alternative that removes sufficient source habitat from suited rangeland for domestic sheep to provide for bighorn sheep expansion and (2) establishing an effective adaptive management approach in the forest plan direction that insures continued opportunities for bighorn sheep restoration.

## **Specific Comments**

### **1. Science-Based Approach**

There is considerable agreement based on current science that contact between domestic and bighorn sheep must be reduced to acceptable levels and that effective separation is the current most prudent management approach for reducing risk of contact. However, there is still debate over defining an acceptable level of risk, and what constitutes effective separation for reducing risk.

#### Acceptable Level of Risk of Contact

Because a single disease outbreak can have dramatic, widespread, and long-lasting impacts to bighorn sheep populations; even low levels of risk of contact across source habitats can jeopardize long-term bighorn sheep viability. In the DSEIS, the PNF repeatedly acknowledged that risk of contact must be "absent or extremely low to ensure bighorn sheep viability across the Payette National Forest" (DSEIS, page 3-28). The PNF also acknowledged the work of Clifford et al. (2007) in the DSEIS who suggested there is likely no, or an extremely minimal, level of contact at which a bighorn population can persist, indicating even a 2% risk of contact was too high to maintain long-term bighorn sheep viability in the population they studied (DSEIS, page 3-28). Based upon the large body of science demonstrating the dramatic impacts of disease outbreaks and risk assessments

conducted to date, it is clear the appropriate management goal should be to eliminate or minimize the risk of contact to the fullest extent possible. We therefore urge the PNF to choose the final selected alternative that minimizes risk of contact on the landscape.

#### Effective Separation to Reduce Risk of Contact

Although there is widespread consensus that effective separation is the most prudent management approach for reducing risk of contact to acceptable levels, there is debate over what constitutes effective separation. Two very different approaches have been advocated during the course of this debate on the PNF; (1) removing risk through effective spatial separation which is supported by science and (2) managing risk through implementation of BMPs which is not.

*Risk Removal Approach Through Effective Spatial Separation* - Based on the scientific literature, there is considerable consensus among wildlife scientists, managers, and veterinarians that removing risk of contact through effective spatial separation is currently the most effective means to insure long-term bighorn sheep viability. Implicit in the notion of effective spatial separation is; (1) precluding domestic sheep grazing from within or adjacent to occupied bighorn sheep habitat and (2) incorporating no-grazing buffers between areas grazed by domestic sheep and occupied bighorn sheep habitat. In other words, effective spatial separation implies physical geographic separation by distances relative to potential capable movements of both bighorn sheep and straying domestic sheep to prevent shared occupancy or overlap of range. Because bighorn sheep and straying domestic sheep are capable of moving extensive distances (on the order of tens of miles), effective spatial separation implies geographic separation in terms of many miles, depending on landscape configurations.

*Risk Management Approach Through Implementation of BMPs* - Recently, the State of Idaho has advocated a very different approach suggesting risk can be reduced to acceptable levels without geographic separation. Contrary to science, the State has legislatively decreed that risk of contact would be reduced to acceptable levels and effective separation achieved, even when both species share sympatric range, by implementing BMPs; management activities such as additional guard dogs and herders, increased monitoring, and removing bighorn sheep in domestic sheep allotments. In the fall of 2009, this risk management approach was adopted by the Bureau of Land Management (BLM) for the Partridge Creek allotment. This federal decision was successfully challenged in federal court based on the lack of science behind this risk management approach, which resulted in a decision invalidating the application of this approach for effectively reducing risk of contact, providing effective separation, or maintaining long-term bighorn sheep viability.

The Tribe does not support a risk management approach. The notion that risk can be managed or reduced to acceptable levels through implementing BMPs is not supported by science. Effectiveness of individual BMPs has not been validated through science and field experience indicates BMPs do not effectively reduce the risk of contact nor provide effective separation. Further, the validity of BMPs to reduce risk and provide separation has been discredited through federal court rulings.

*Monitoring* - A common misconception of the risk management approach is that increased monitoring can reduce the risk of contact. Although monitoring is vitally important for

evaluating effectiveness of alternative implementation (effectiveness monitoring) to assure long-term spatial separation, it should not be relied upon to reduce the inherent risk of contact or rationale for adopting an alternative with unaccepted levels of risk. Because timely detection of bighorn sheep presence across the forest is realistically infeasible regardless of monitoring effort, monitoring should not be relied upon to reduce risk across the landscape. The ability to detect the presence of bighorn sheep in a timely fashion (prior to contact) wanes with increased proximity of domestic and bighorn sheep (with increased risk of contact). Monitoring may alert managers to potential comingling events, but documenting contact does not reduce the risk of contact. A recent example includes radio collared bighorn sheep R14. Despite being radio collared and increased monitoring by tribal, federal, state, and private personnel, this animal came into contact with domestic sheep and could not be removed despite daily efforts for 2 weeks. Increased monitoring did not reduce the risk of contact to acceptable levels, separation could not be maintained, and the potentially infected bighorn sheep could not be removed from the population until he had comingled with the rest of his ram group for an extended period of time. Increased monitoring only alerted wildlife managers that contact had occurred.

*Wandering Sheep Policy* – A central theme in the risk management approach legislated by the State of Idaho is implementation of a wandering sheep policy; or the lethal removal of bighorn sheep found in close proximity to domestic sheep. The Idaho department of Fish and Game is mandated by law to implement this policy. Implementation of this policy by State personnel and resulting impacts to bighorn sheep on the Payette National Forest is directly influenced by the selection of the final alternative. The combination of an alternative that provides minimal spatial separation between bighorn and domestic sheep coupled with a policy to remove bighorn sheep found in close proximity to domestic sheep will prohibit any meaningful opportunity for bighorn sheep restoration and range expansion jeopardizing long-term bighorn sheep viability across the forest. The Tribe suggests the selected final alternative must include allowances for bighorn sheep restoration and range expansion and the amended forest plan direction must consider the potential impacts of the wandering sheep policy to insure bighorn sheep restoration opportunities and long-term viability.

The Tribe is concerned the PNF may be, in part, adopting a risk management approach in the UDSEIS. Page 3-84 of the UDSEIS states:

“The adoption of Best Management Practices for sheep management coupled with an intense monitoring program is designed to reduce the risk of contact as the bighorn sheep expand their territory. But the effectiveness is not substantiated by research and in some cases it is questionable (Schommer, 2009, Appendix F). Husbandry practices such as removing domestic sheep well before the onset of rut, following vigilant herd management to reduce strays, and responding to wandering bighorn sheep, are other methods to separate the species and reduce risk, but extensive monitoring efforts are required and are not always effective (DSEIS IDT and Cooperators 2007, 2008).”

There is no new research presented in the UDSEIS, contrary to the judicial decision issued last fall invalidating the effectiveness of BMP's. This issue has been addressed in court, and the federal government (BLM) has agreed and complied with the court decision.

The Tribe encourages the PNF to review the science based arguments the Tribe presented to Judge Winmill regarding the BLMs BMP Strategy and suggest the PNF reword this section to more closely align it with the recent court ruling and clarify the appropriate application of monitoring.

The Tribe believes implementing a risk management approach will fail to provide long-term bighorn sheep viability and strongly urges the PNF to maintain a risk removal approach based on effective spatial separation by selecting the final alternative that minimizes risk of contact on the landscape. Although monitoring and implementing responsible management practices are important for insuring long-term effective spatial separation, they should not be used as a substitute for effective spatial separation or as rationale for selecting an alternative with an unacceptable level of risk.

## **5. Analysis Approach**

Overall, the Tribe supports the analysis approach recognizing, as does the PNF, limitations of available data for the disease modeling.

### Core Herd Home Range and Foray Analysis

After review, we believe the home range analysis and foray modeling is scientifically sound, represents a best approximation of bighorn sheep movements based on available data, and provides an improvement over the approach in the DSEIS.

### Risk of Contact Model

We recognize the difficulty in modeling risk of contact between the two species given the ecological complexities of this relationship. Recognizing these inherent difficulties, we recognize any modeling approach is a simplified representation of the true ecological relationship. Given the above, we believe the analytical approach is sound, but may underestimate the true risk of contact as it does not incorporate the influences of: (1) documented natural attraction between the two species, (2) straying domestic sheep, (3) domestic sheep grazing adjacent to CHHR (lack of no-grazing buffers), and (4) edge effect on the risk of contact modeled for each alternative. Additional factors specific to the Little Salmon and Salmon South Fork Herd include paucity of radiotelemetry data and inability to model documented sightings of uncollared bighorn sheep. The Tribe suggests the PNF recognize and address these limitations when developing/selecting the final alternative in the ROD.

*Natural Attraction between the Two Species* - The natural attraction between the two species, particularly during the rut, increases the risk of contact and disease transmission. This attraction could be compounded by grazing estrous ewes in or near occupied bighorn sheep habitat. Two of the four permittees holding active domestic sheep grazing permits on the PNF breed their ewes on the allotments.

*Stray Domestic Sheep* - Excluding the risk posed by straying domestic sheep is a major factor influencing underestimates of modeled results. Risk of contact is determined by movements of both bighorn and straying domestic sheep. Straying domestic sheep can pose a serious risk of contact by extensive movements within and outside of domestic sheep allotments and by persisting on the range after the active grazing season. The UDSEIS cites work by Coggins (2002) which documented minimum movements of a stray ewe of 48 kilometers

(UDSEIS, page 3-74). The Idaho Department of Fish and Game documented two stray domestic sheep within the Upper Hells Canyon CHHR in February four months after the active grazing season closed the previous October. Strays that persist on the range during the bighorn sheep rut in November and December increase the risk of contact as bighorn sheep movements increase during that time of year in search of ewes. As modeled in the UDSEIS, risk of contact is solely determined by bighorn sheep movements into domestic sheep allotments during the summer (May-October) grazing season, while movements and persistence of straying domestic sheep into occupied bighorn sheep habitat during and after the grazing season are not modeled.

*Grazing Adjacent to Core Home Range* - Alternatives, M, N, O, P all allow domestic sheep grazing either within or adjacent to the Upper Hells Canyon CHHR. As an example, alternative O, has a 3% modeled risk of contact for the Upper Hells Canyon Herd and allows domestic sheep grazing within the Price Valley allotment immediately adjacent to the Upper Hells Canyon CHHR. Although the Price Valley allotment does not contain significant mapped bighorn sheep habitat, given the natural attraction between the two species and potential movements of bighorn and stray domestic sheep, allowing domestic sheep grazing immediately adjacent to a herd's CHHR poses a significant risk of contact. It stands to reason that the risk of contact can't be 100% inside the CHHR and only 3%, a few feet across the line in the Price Valley allotment. The Tribe believes maintaining a common boundary between an active allotment and a CHHR will result in a high likelihood of disease transmission because there is no effective spatial separation, and in this instance the model underestimates the true risk of contact. The Tribe highlights this as an example of attempting to manage risk of contact rather than removing risk through effective spatial separation. We urge the PNF to establish no-grazing buffers between CHHRs and domestic sheep grazing for the Upper Hells Canyon Herd.

*Edge Effect* – (see Action Alternatives below)

*Paucity of Radiotelemetry Data and Sightings of Uncollared Bighorn Sheep* – Modeled results for the Little Salmon and Main Salmon South Fork herds may further be underestimated because of the paucity of available radiotelemetry data and inability to model documented sightings of uncollared bighorn sheep. The Tribe suggests there is not sufficient radiotelemetry data to fully understand bighorn sheep distribution within the ranges of these two herds. Given the paucity of radiotelemetry data for these two herds, the documented presence of uncollared ewes in areas outside those currently used by radio collared animals is particularly important in understanding the potential risk for contact within these two herds. The Tribe requests the PNF assess the possibility of augmenting the UDSEIS analysis to include a qualitative approach that recognizes and accounts for the documented presence of uncollared bighorn sheep in the Little Salmon and Main Salmon South Fork herds.

*Use of Term "Foray" and "Wandering"* – The term "Foray" implies exploratory and/or infrequent or aberrant movements outside areas normally used by individuals. In addition, the UDSEIS was referred to "wandering" bighorn sheep again implying aberrant movements (UDSEIS, page 3-84). The Tribe feels it is important to clearly define these terms, as aberrant movements, are usually associated with individual sheep that are thought to be expendable or nonessential to the health of their herd, because they are removed from and no longer closely associated with their herds, are found outside of typical bighorn sheep habitat,

and likely pose management risks making them subject to removal. Many times aberrant movements are associated with young dispersing bighorn sheep which are no longer or loosely tied to their herd as opposed to resident bighorn sheep which are closely tied to the herd. The Tribe is concerned, by characterizing all movements outside of a CHHR as forays, gives the impression all bighorn sheep located outside of CHHR are expressing aberrant movements, are therefore nonessential to their herd, may pose a management risk, and may *or should* be subject to management action including removal. This line of thought will preclude meaningful opportunities for bighorn sheep restoration and range expansion.

Although we understand the Foray Model tries to capture such movements, we feel describing all movements outside the CHHR as forays is misleading in a way that dismisses the importance of; (1) resident bighorn sheep found outside the 95% volume contour, but still within their normal herd home range, to the health of their herd, and (2) bighorn sheep recolonizing new source habitats as herds expand. More clearly and accurately characterizing movements of bighorn sheep outside of CHHRs would be helpful in the ROD. We suggest the PNF avoid describing bighorn sheep movements as forays or identifying bighorn sheep as wandering sheep, unless these terms specifically refer to bighorn sheep that are exhibiting aberrant movements.

#### Disease Model

We agree with the PNF the disease modeling effort was hampered by a lack of available data requiring some variables to be estimated through expert opinion or bracketed by a range of reasonable values. We also agree proper interpretation of specific model results is important. Given its limitation however, the analysis is instructive, in a general sense, as it demonstrates the dramatic and widespread impacts disease can have on bighorn sheep populations occurring within the contiguous habitats of this region. Although there is recognized uncertainty surrounding specific modeled results, this analysis demonstrates in a general sense; (1) even a small probability of contact can result in dramatic and unacceptable impacts to bighorn sheep populations, (2) the potential for a disease outbreak to spread across interconnected bighorn sheep herds well beyond the borders of the PNF, and (3) all of the action alternatives, except E, provide some level of uncertainty for long-term persistence of bighorn sheep populations on the PNF. As an example, using a reasonable range of rates of disease transmission given contact of 25-75%, the two most protective alternatives (O and N) having a modeled probability of annual contact between 9-13%, result in a modeled 13-50% probability of extirpation for the Salmon River South Fork herd and a 38-81% probability of extinction for the Upper Hells Canyon herd. The important message from this analysis is that all proposed action alternatives, except alternative E, retain sufficient levels of risk across bighorn sheep source habitats that may preclude long-term viability of bighorn sheep populations along the Salmon and Snake Rivers within the borders of the PNF. This understanding must be considered when developing/selecting the final alternative in the ROD and should provide additional rationale for selecting the alternative that minimizes risk across the landscape.

*Disease Transmission Rate Estimates* - Values used for modeling probability of disease transmission given contact can significantly influence model outcomes. The Tribe questions the rationale for the range and classification scheme used for values of this parameter as the rationale was not clearly presented in the UDSEIS. Both the range (0.05–1.00) and classification (low = 0.05, moderate = 0.25, and high = 1.00) (UDSEIS, page 2-12) appear to

imply extremely low disease transmission rates. We understand the uncertainty surrounding this parameter, but wonder why the disease model did not use the same approach as the foray model when addressing similar uncertainty surrounding the risk of contact given presence of a bighorn sheep within an active allotment (range 0.25-1.00).

If no data existed for estimating this parameter or for suggesting its propensity one way or the other, it would seem appropriate to use a non-skewed classification scheme such as 0.25, 0.50, 0.75, etc... The skewed classification scheme used in the disease model suggests there is some rationale for inferring low disease transmission rates however the UDSEIS does not provide a rationale for this inference. Although the UDSEIS does not include references to studies of disease transmission rates from domestic to bighorn sheep in the wild, it does mention penned experiments from which transmission rates can be calculated. Base on penned experiments it appears disease transmission rates given contact can be quite high. Elsewhere in the UDSEIS, the PNF infers, based on the scientific literature, that disease transmission rates are more than likely higher rather than lower supporting results of penned experiments. The PNF states “A principle assumption from the published literature is that direct contact between domestic sheep and bighorn sheep results in a high likelihood of disease transmission to bighorn sheep and disease outbreaks in local bighorn herds” (UDSEIS, page 3-7); and “...field observations suggest that bighorn sheep have a high probability of contracting fatal pneumonia following contact with domestic sheep, which has led to numerous independent experiments. The results of these experiments provided strong corroboration that bighorn sheep have a high probability of contracting fatal pneumonia following contact with domestic sheep” (UDSEIS, page 3-11).

The Tribe suggests available data indicates disease transmission rates should be skewed higher rather than lower. Using a rate of 0.05 is contrary to available information on this subject and falsely implies disease transmission is not a significant management issue for bighorn sheep. Skewing disease transmission rates downward also appears inconsistent with the available data presented in the UDSEIS. The Tribe suggests if available data were insufficient to venture inferences regarding the true probability of disease transmission given contact, an appropriate classification would be 0.25, 0.50, and 0.75 as low, medium, and high respectively. On the other hand, if available data suggesting a high likelihood of disease transmission were deemed sufficient to make reasonable inferences, as the PNF has suggested in the UDSEIS, a skewed classification favoring higher probabilities of transmission such as 0.5, 0.75, and 1.00 for low, medium, and high transmission rates respectively would be appropriate.

### **3. Action Alternatives**

#### Recommendation for the Final Selected Alternative in the ROD

After review of the new analysis, the Tribe concludes alternative O is the minimal alternative that could provide some certainty for long-term bighorn sheep viability and retain domestic sheep grazing on the PNF. We argue for alternative O as the final selected alternative implemented in the ROD for the following reasons:

- a. All actions alternatives analyzed except alternative N, O, and E do not remove sufficient risk of contact across source habitats to insure long-term bighorn sheep viability. Alternatives 1B257, 346, 7G, and 7L all allow continued domestic sheep grazing within core bighorn sheep herd home ranges. Consequently, these alternatives should be categorically excluded from consideration as selected alternatives in the ROD; as they

would not provide effective spatial separation. Of the remaining alternatives, 7M and 7P retain an estimated similar and unacceptable level of risk of contact across source habitats; approximately 20-30% risk of contact per year (or 1 contact every 3-5 years). Because of the unacceptable high levels of risk of contact associated with these alternatives, they should not be considered for the selected alternative in the ROD. Short of Alternative E, realistically, the only remaining viable alternatives for consideration are alternatives N and O.

- b. In comparing alternatives N and O, the Tribe advocates for alternative O as the selected alternative in the ROD because the significant increased protections afforded bighorn sheep by this alternative outweigh the minor decrease in suited rangeland for domestic sheep. Although the trade-off between protected summer source habitat and loss of suited rangelands is minimal, only 2.5-3% between the two alternatives (alternative O removes 2.5% more suited rangelands and adds 3% more summer source habitat than alternative N), alternative O reduces the risk of contact by 50% (cuts the risk in half) for the Main Salmon South Fork herd and reduces the overall risk of contact for this alternative by 31% compared to alternative N. In other words, when considering alternatives O vs. N, a significant reduction (31-50%) in the risk of contact is gained through a minor loss (2.5-3%) in suited rangelands for domestic sheep. Additional significant protection afforded bighorn sheep by alternative O include an 83% increase (12-22 km) in the distance between active domestic sheep allotments and CHHR and a 38% decrease (29%-18%) in the average probability of extinction for the Main Salmon South Fork herd.
- c. A very important concept influencing risk of contact and required effort for effective monitoring is edge effect. Edge effect is determined by the length and shape of the perimeter defining any geographic area or polygon. The degree of edge effect is influenced by three factors: (1) the length of the perimeter defining the polygon, (2) how smooth vs. convoluted the boundary describing the perimeter is, and (3) the degree to which the perimeter bisects the polygon. A smooth perimeter outlining a perfect circle represents the geometric shape with the least amount of edge effect. Edge effect increases with increasing perimeter length, amount of perimeter convolution, and degree to which the perimeter bisects the polygon.

For each action alternative, the perimeter defining the area as unsuited rangelands for domestic sheep (excluded area) describes the potential contact zone between domestic and bighorn sheep. Applying the edge effect concept, the geometry of the excluded area, as defined by its perimeter, determines the potential contact zone thereby influencing the risk of contact. The risk of contact will increase as the geographic area of the potential contact zone increases when the perimeter of the excluded area increases, becomes more convoluted and/or increasingly bisects the excluded area. As monitoring efforts will be focused in and around potential contact zones, the level of effort required for effective monitoring is directly related to the geographic area of the potential contact zone for any one alternative. In other words, the greater the edge effect, the greater the geographic area of the potential contact zone, and the greater the risk of contact and effort required for effective monitoring.

Alternatives N and O are very different in terms of edge effect, with alternative N having a significantly larger edge effect compared to alternative O. Alternative N's perimeter almost bisects the excluded area in half. Allowing an incursion of domestic sheep grazing into the heart of the excluded area along the Upper Payette and Secesh drainages dramatically increases the geographic area of the potential contact zone; increasing the risk of contact and required level of monitoring.

#### Sensitive Species Status

Bighorn sheep are listed as a Sensitive Species within Region 4 of the U.S. Forest Service. As such, each action alternative is evaluated whether implementation would contribute to a trend towards federal listing or loss of viability. This evaluation appears to be inconsistent in the UDSEIS. The PNF determined alternatives N and O, considered to have similar influences on bighorn sheep viability and similar risks of contact (0.13 and 0.09 respectively), would not contribute to sensitive species concerns. The UDSEIS states "these alternatives may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species" (UDSEIS, page 2-13).

Likewise, the PNF determined alternatives M and P had similar influences on bighorn sheep viability, similar levels of risk of contact (0.28 and 0.21 respectively), and also would not contribute to sensitive species concerns. The Tribe finds the PNF determination that these two alternatives would not impact sensitive species status of bighorn sheep inconsistent with results of presented analysis. Alternatives M and P leave substantial and unacceptable amounts of risk on the landscape (double that of alternatives N and O) and the analysis indicated under implementation of these alternatives the Little Salmon, Main Salmon South Fork and Upper Hells Canyon herds may not persist. Referring to these two alternatives the UDSEIS states "The disease model suggests that the Little Salmon, Main Salmon South Fork and Upper Hells Canyon may not persist under these alternatives" (UDSEIS, page 2-13). And yet the UDSEIS, on page 3-13 refers to alternatives M and P as the "middle ground alternatives".

The Tribe suggests the PNF reassess their determinations for alternatives M and P as the analysis in the UDSEIS indicates these alternatives would likely contribute to a trend towards federal listing and loss of bighorn sheep viability on the PNF.

#### Risk of Contact Terminology

Use of the terms "low" "moderate" and "high" when referring to levels of risk of contact is unclear. Using these terms in their proper context is important for proper interpretation of modeled results. As an example, the UDSEIS states "The risk of contact is also considered moderate" (UDSEIS, page 2-13). It is unclear in this statement if "moderate" is in reference to other alternatives or to impacts on bighorn sheep viability.

If the intent is to use these terms (low, moderate, and high) in a relative context to describe modeled rates of contact relative to alternatives, then this should be more clearly explained in the text. An example of using these terms within this context would be "Alternatives M and P had moderate levels of modeled risk of contact compared to lower levels for alternatives N and O, and higher levels for alternatives 7G, 7L, 1B257, and 346".

If, on the other hand, the intent is to use these terms in an absolute context implying absolute levels of risk of contact in relation to impacts to bighorn sheep viability, then the PNF should identify and justify those biological levels and clearly explain the relationship between low, moderate, and high levels of risk of contact and bighorn sheep viability. In other words, in this context, does low risk of contact equate to long-term bighorn sheep viability? Does a moderate level of risk of contact provide for long-term bighorn sheep viability?

Referring to alternatives N and O, the UDSEIS states “contacts per year are low (0.13 and 0.09)”. Using the term “low” in an absolute context implies a 9-13% risk of contact is an acceptable level of risk that would insure long-term bighorn sheep viability, however, the PNF does not provide a science-base justification, or any justification for this assumption. The Tribe suggests available science indicates such levels of contact may not, in fact, insure to a high degree of certainty, long-term viability. Clarification of the use of these terms would be helpful in the ROD.

#### **4. Appendix H – Update to Draft Forest Plan Amendment**

The Tribe has already submitted specific recommendations for forest Plan standards and suggests the PNF review our previous comments on this issue submitted for the DSEIS.

##### Wildlife Resources

*Objective WIOB13* – This objective should pertain to all lands within the PNF, not just the Hells Canyon National Recreation Area.

*Objective WIOB14* – The future of availability of radiocollared bighorn sheep will more than likely wane. It may be difficult to continue to use a radiotelemetry approach in monitoring the changes in distribution of bighorn sheep on the forest. Future monitoring may require other non-telemetry approaches.

*Objective WIOB18* – Suggest omitting this objective. This objective is too prescriptive and restrictive. It assumes a definitive solution without rationale or justification. It also advocates for a single solution while ignoring all other possible solutions without rationale or justification. If this objective is not omitted from the ROD, suggest language such as “insure, through an adaptive management approach, management of domestic sheep and goats and bighorn sheep remains consistent with evolving science related to the interactions of these species”.

*Standard WIST09* – Would strengthen this standard to commit the PNF to develop an effective monitoring plan

*Guidelines WIGU16* – Suggest omitting this guideline. This guideline is too prescriptive and restrictive. It assumes a definitive solution without rationale or justification. It also advocates for a single solution while ignoring all other possible solutions without rationale or justification. If this objective is not omitted from the ROD, suggest language such as “regularly reassess management direction, through an adaptive management process, to reflect evolving science related to interactions between domestic sheep and goats and bighorn sheep”.

### Rangeland Resources

*Goals RAG007* – Suggest changing language to “Manage domestic sheep and goat allotments to insure effective spatial separation and lack of contact between bighorn sheep and domestic sheep and goats”.

*Objective RAOB04* – Suggest changing language to “...designed to prevent contact between...”

*Standard RAST10* – The emergency actions identified in the standard as proposed are not sufficient to insure effective long-term spatial separation. Suggest including a standard that commits the PNF to develop an effective Emergency Response Plan or including such a plan in the ROD.

As source habitats are contiguous across the forest it is highly likely, provided the opportunity, bighorn sheep will recolonize new areas expanding their range in interconnected herds across available source habitats on the PNF. An effective Emergency Response Plan outlining appropriate management actions in response to bighorn sheep observations outside of currently known occupied source habitats should be an integral part of the adaptive management approach to insure long-term spatial separation as recovering bighorn sheep expand their range across new source habitats on the PNF. Appropriate management actions depend on the interactions between observed risk and residency factors; important factors that influence the potential for risk of contact and are indicators of residency or recolonization status. Some of these factors include (1) frequency and duration of observations, (2) size and composition of observed bighorn sheep group, (3) proximity to and herding practices of domestic sheep, and (4) bighorn sheep habitat quality. Establishing clear protocols requiring appropriate management actions to be taken given the matrix of observed risk and residency factors is essential for effective implementation of the Emergency Response Plan.

- a. Frequency and Duration of Observations – Infrequent or isolated observations (e.g. single observations within an area separated by multiple years) of short duration (e.g. observed on one occasion) may be more indicative of single transient bighorn sheep that would be expected to remain in any one area for a short period of time. These types of observations may pose a lower risk of contact as observed bighorn sheep are expected to move through the area quickly. Less aggressive and more temporary management actions may be appropriate to maintain effective spatial separation in these situations.

Frequent or persistent observations (e.g. multiple/year or repeated observations in the same area across years) of longer duration (e.g. multiple consecutive observations indicating continuous habitation within an area over a defined period of time) within a given area may be more indicative of recolonization of new habitats by resident bighorn sheep. These types of observations pose a higher level of risk of contact if observations are located in proximity to domestic sheep and more aggressive and longer-term management actions may be required to maintain effective spatial separation.

- b. Size and Composition of Observed Bighorn Sheep Group – Observations of single bighorn sheep may be more indicative of transient animals, while observations of multiple bighorn sheep in a group may be more indicative of recolonization of new habitats by resident animals. Observations of ewe-lamb groups would certainly indicate resident animals. Indications of recolonizing bighorn sheep based on group size and/or composition increases the risk of contact and requires long-term management actions to maintain effective spatial separation.

Observation of any ram(s) may increase the risk of contact, particularly if domestic ewes are in estrous, and may require more aggressive management actions to resolve.

- c. Proximity to and Herding Practices of Domestic Sheep – Proximity to active domestic sheep allotments is an obvious influence on the potential for risk of contact influencing appropriate management actions. Herding practices including tight vs. loose herding, reproductive status of ewes, and stray management may influence the risk of contact and require different appropriate management actions.
- d. Bighorn Sheep Habitat Quality – Probability of occupancy and risk of contact are directly related to amount and distribution of bighorn sheep source habitat within and surrounding active grazing allotments. As amount and connectivity of source habitats within and surrounding active grazing allotments increase, more aggressive management actions are required to maintain long-term effective spatial separation.

An example of how these risk and residency factors may be integrated to determine appropriate management actions is included in Table 1. The purpose of Table 1 is to illustrate our suggested concept for integrating these important factors for identifying appropriate management direction. Definition of terms and management direction must be carefully considered prior to incorporating in the Emergency Response Plan. Other important elements should also include identification of responsible department or program; coordination and communication within and between federal and state agencies, and Tribes; reporting requirement; and budget needs.

#### Monitoring and Evaluation Strategy

Please refer to our previous comments on this issue. The Tribe does not believe current monitoring requirements outlined in the UDSEIS are sufficient to maintain long-term spatial separation, avoid undetected contact, or provide the needed foundation of an effective adaptive management approach designed to insure bighorn sheep restoration and range expansion for long-term viability. An effective monitoring plan must be included as a critical component of an adaptive management approach. The primary purpose of a monitoring plan should be to document, in a timely fashion, bighorn sheep recolonization of new source habitats as populations rebound and expand their range. The primary purpose of an adaptive management approach should be to use monitoring data to alter domestic sheep grazing patterns across the forest to maintain long-term effective spatial separation between the two species. The Tribe suggests an effective and detailed monitoring plan be developed as part of the ROD.

Table 1. Conceptual matrix for assessing appropriate management actions when bighorn sheep presence is detected near domestic sheep or goat grazing or trailing. Management actions are taken to maintaining long-term effective spatial separation between domestic and bighorn sheep on the Payette National Forest.

| Observation Type               | Risk Factors |                   |                      |                | Residency Status | Management Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------|--------------|-------------------|----------------------|----------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | Group Size   | Group Composition | Domestic Ewes Status | Source Habitat |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Isolated (initial observation) | Any          | N/A               | N/A                  | N/A            | Transient        | Global Management Actions For all Isolated Observations of Bighorn Sheep: Intensely monitor area to assess potential for past or future contact, determine presence and status of bighorn sheep, and assess management action effectiveness as outlined in the Bighorn Sheep Monitoring Plan. If Monitoring results determine resident status of bighorn sheep, follow emergency response guidelines as outlined below. Require close herding practices, vigilant stray management, daily counts and other husbandry practices as outlined in the Emergency Response Plan. |
|                                | Single       | Ewe (no lambs)    | N/A                  | No             | Transient        | Maintain minimum of 1 mile separation radius for duration of grazing season or until it has been verified the bighorn sheep has moved out of the area and location/disposition is known.                                                                                                                                                                                                                                                                                                                                                                                   |
|                                | Single       | Ewe (no lambs)    | N/A                  | Yes            | Transient        | Maintain minimum of 2 mile separation radius for duration of grazing season or until it has been verified the bighorn sheep has moved out of the area and location/disposition is known.                                                                                                                                                                                                                                                                                                                                                                                   |
|                                | Multiple     | Any (no lambs)    | Non-estrous          | No             | Transient        | Maintain minimum of 2 mile separation radius for duration of grazing season or until it has been verified bighorn sheep have moved out of the area and location/disposition is known.                                                                                                                                                                                                                                                                                                                                                                                      |
|                                | Multiple     | Any (no lambs)    | Non-estrous          | Yes            | Transient        | Maintain minimum of 3 mile separation radius for duration of grazing season or until it has been verified bighorn sheep have moved out of the area and location/disposition is known.                                                                                                                                                                                                                                                                                                                                                                                      |
|                                | Multiple     | Ewes (no lambs)   | Estrous              | No             | Transient        | Maintain minimum of 2 mile separation radius for duration of grazing season or until it has been verified bighorn sheep have moved out of the area and                                                                                                                                                                                                                                                                                                                                                                                                                     |

|            |          |                          |         |     |           |                                                                                                                                                                                                                              |
|------------|----------|--------------------------|---------|-----|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | Multiple | Ewes (no lambs)          | Estrous | Yes | Transient | location/disposition is known.<br>Maintain minimum of 3 mile separation radius for duration of grazing season or until it has been verified that bighorn sheep have moved out of the area and location/disposition is known. |
|            | Any      | Ram(s)                   | Estrous | No  | Transient | Maintain minimum of 5 mile separation radius for duration of grazing season or until it has been verified that bighorn sheep have moved out of the area and location/disposition is known.                                   |
|            | Any      | Ram(s)                   | Estrous | Yes | Transient | Remove domestic sheep from allotment until it has been verified that rams have left the area and location/disposition is known.                                                                                              |
|            | Any      | Ewes and lambs;<br>lambs | N/A     | N/A | Resident  | Remove domestic sheep from allotment; emergency allotment closure; remove allotment from suited rangelands for domestic sheep.                                                                                               |
| Persistent | Any      | N/A                      | N/A     | N/A | Resident  | Remove domestic sheep from allotment, emergency allotment closure; remove allotment from suited rangelands for domestic sheep.                                                                                               |

### Monitoring and Evaluation Strategy

Please refer to our previous comments on this issue (attached).

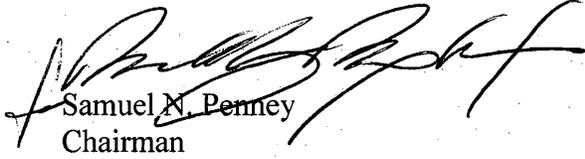
### Closing Remarks

The USDEIS review was generated based on an appeal by the Nez Perce Tribe, and others, to the Chief of the US Forest Service that the 2003 LRMP simply did not protect the bighorn sheep populations. Since the Chief issued his decision on the appeal, the Tribe sought Cooperator status, in order to closely support the development of a science based DSEIS review of the concerns held by the Tribe. The Nez Perce Tribe developed the study plan for the Salmon River Bighorn Sheep study, that the Payette National Forest has joined as a Cooperator. Further you have supported the research financially as well. Now you are using the results of those efforts in the analysis in the UDSEIS. We have shared several formal consultations on a government to government level. The membership of the Tribe has written to you regarding their concerns that you must protect bighorn sheep. You visited Lapwai to present your analysis and hear and understand the comments of the tribal public. We believe there is nothing more we can do to help you understand our concern that the bighorn sheep must be protected. We believe that there is nothing more that we can do to remind you that it is your obligation to protect the treaty rights of the Nez Perce Tribe.

The Payette National Forest, bounded on the west by Hells Canyon and on the North by the Salmon River is dominated by bighorn sheep habitat. You manage resources that are very important to us. It is vital to the Nez Perce Tribe that we restore the health, vitality and viability of the bighorn sheep populations influenced by the management of the habitat

within the Payette National Forest. We urge you, for the reasons we have stated here, to modify alternative "O" to further reduce the risk of contact below the 9% documented by the risk of contact model. That you adopt the new alternative in your Record of Decision, and finally that you implement the changes identified in the ROD in the 2011 grazing season.

Sincerely,



Samuel N. Penney  
Chairman

PO Box 219 Owyhee, NV. 89832



**April 8, 2010**

**Presented at the Wings and Roots meeting**

**With the Payette National Forest**

### Shoshone-Paiute Tribes' Position Statement on Bighorn Sheep

The Shoshone-Paiute Tribes appreciate the opportunity to comment on the "Update to the Draft Supplemental Environmental Impact Statement for the Southwest Idaho Ecogroup Land and Resource Management Plan," released January 25, 2010 (File Code 1950-3).

The Shoshone-Paiute Tribes, whose unextinguished aboriginal territory extends throughout much of Southwest Idaho and who utilized the lands that now comprise the Payette National Forest for hunting, fishing and cultural purposes, is gravely concerned about the future viability of bighorn sheep populations within and surrounding the Payette National Forest. The bighorn sheep is described in tribal legends, stories and is a part of the culture, language and traditional practices of the Shoshone-Paiute people. The Lemhi Shoshone were known as the Sheep Eaters (Tuku Dika). To allow this species to decline into extinction is not an option for the Tribes.

The scientific literature suggests that habitat is not a limiting factor for bighorn populations but rather disease transmission from domestic sheep. Since the introduction of domestic sheep to the region in the 1800s, bighorn populations have declined dramatically. The Tribes believe, and the Update to the Draft Supplemental Environmental Impact Statement (UDSEIS) supports, the best course of action (alternative) to select is the one that provides the greatest assurance of sustaining viable bighorn populations into the future. The analyses undertaken in the UDSEIS suggest the following:

1. That bighorn ewes and rams foray outside of their core herd home ranges (CHHR), with roughly 14% (based on the literature cited) of rams leaving the core herd area each summer and almost 35% of rams leaving the CHHR at least once over the winter months. This foraging behavior increases the risk of bighorns coming in contact with domestic sheep and the potential for disease transmission.

2. An evaluation of “best management practices” (BMPs) for reducing the risk of contact between domestic sheep and bighorn sheep suggested that many of the BMPs have met with limited success. The author of the evaluation, the National Bighorn Sheep Biologist for the USFS, concluded that the best way to avoid disease transmission is to avoid contact between the two species.
3. The surest way of preventing contact between the two species is to disallow domestic sheep grazing on the Payette National Forest.

The UDSEIS supports the Tribes’ recommendation that alternative 7E be adopted, which “designates no area within the Payette NF as suitable for domestic sheep grazing, and leaves no trailing routes open to use within the entire Payette National Forest”.

According to the UDSEIS, implementation of this alternative “provides the greatest protection to bighorn sheep habitats, the least likelihood of contact, and the highest probabilities of persistence for all bighorn sheep populations.” To manage for anything less would be contrary to the Forest Service’s trust responsibilities to the Shoshone-Paiute Tribes, and other Tribes of the region and to the American public.

This winters’ “unprecedented” pneumonia-related die-offs reported by the Western Association of Fish and Wildlife Agencies (WAFWA) remind us that there is precious little time to waste on this important issue.

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