



STATE OF WASHINGTON

Department of Fish and Wildlife

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September 13, 2010

Harv Forsgren
Intermountain Regional Forester
U.S. Forest Service
324 - 25th Street
Ogden, Utah 84401

Dear Mr. Forsgren:

I am writing in regards to the Record of Decision (ROD) for the *Final Supplemental Environmental Impact Statement and Forest Plan Amendment Identifying Suitable Rangeland for Domestic Sheep and Goat Grazing to Maintain Habitat for Viable Bighorn Sheep Populations* (July 2010; Suzanne Rainville). On behalf of Washington Department of Fish and Wildlife (Department), this document serves as an appeal filed pursuant to 36 CFR 219.14(b)(2).

I first want to commend Suzanne Rainville, Payette National Forest (PNF) Supervisor, and her staff for an excellent job completing the Final Supplemental Environmental Impact Statement (EIS) and the process she used. I appreciate the extensive process for external input and review, and am very pleased with the strong scientific basis used throughout the analysis.

The Department supports the selection of Alternative 7O, however we are concerned with the implementation strategy presented. We believe the ROD for implementation is inconsistent with the Chief of the Forest Service (Chief) instruction "to ensure habitat is available to support a viable population of bighorn sheep" (ROD-1); therefore, the Department is appealing the implementation portion of this Record of Decision. Specifically, the Department's points of appeal are:

1. **Delayed implementation of Alternative 7O:** Pages 9-10 of the ROD describe an action that delays implementation of Alternative 7O until 2013. The Department believes the level of risk to bighorn sheep viability is unacceptable during the phased-in period from 2010 to 2013.
2. **Implementation of Alternatives 7P and 7N:** Pages 9-10 of the ROD also describe an implementation plan that initiates Alternative 7P in 2011 and Alternative 7N in 2012. As declared by the selected alternative by the PNF Supervisor, neither of these alternatives satisfy the Chief's instruction to ensure habitat is available to support a viable population of bighorn sheep. As such, the Department believes the use of unselected (and thereby

inadequate) alternatives to phase in Alternative 7O dilutes the message that Alternatives 7P and 7N do not result in a viable population of bighorn sheep; and inadvertently suggests that 7P and 7N may be short-term solutions that, without a disease episode, could become long-term solutions.

While the Department understands the logistical and practical desire to phase in Alternative 7O over a period of years, the recently elevated legal status of bighorn sheep by the U.S. Forest Service to "Sensitive Species" (ROD-8) warrants timelier implementation. As such, the Department respectfully requests the PNF implement Alternative 7O effective in 2011.

Thank you for the opportunity to appeal the Record of Decision for the Final Supplemental EIS and Forest Plan Amendment. I look forward to discussing my concerns and potential solutions with you during the appeals hearing.

Sincerely,



Philip Anderson
Director

cc: Suzanne Rainville, Forest Supervisor, Payette National Forest
Cal Groen, Director, Idaho Fish and Game
Roy Elicker, Director, Oregon Department of Fish and Wildlife
Keith Lawrence, Nez Perce Tribe
Carl Scheeler, Confederated Tribes of the Umatilla Indian Reservation
John Mankowski, Washington State Governor's Office