



File Code: 1300/2230

Date:

JUL 06 2009

Mr. Kent Holsinger, Laura L. Chartrand
Attorneys for Petitioners
Holsinger Law, LLC
104 Broadway, 3rd Floor
Denver, CO 80203

Dear Mr. Holsinger and Ms. Chartrand,

This letter acknowledges receipt of your letter dated June 11, 2009, and which we received on June 11, 2009 via email. On behalf of the Colorado Wool Grower's Association (CWGA) you have submitted a Request for Reconsideration to your original Data Challenge request and the Forest Service response. The CWGA desires to have the Forest Service retract the Forest Service Bighorn Report, General Technical Report, RMRS-GTR-209, and all reliance thereon in existing and subsequent forest plans and forest plan amendments, as well as decisions on grazing permits and grazing permit renewals.

We are in the process of reviewing your Request for Reconsideration. In accordance with the United States Department of Agriculture (USDA) guidelines, agencies will respond to all requests for appeals within 60 calendar days of receipt. If the request requires more than 60 calendar days to resolve, the agency will inform the complainant that more time is required and indicate the reason why and an estimated decision date.

If you have any administrative questions, please contact the Quality Information Officer, George Vargas, at 202-205-0444 or send an email to gvargas@fs.fed.us

Sincerely,

LORRIE S. PARKER
Acting Director, Office of Regulatory and Management Services

cc: Chris Iverson, Eugene J DeGayner





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Mr. Kent Holsinger and Ms. Laura L. Chartrand
Attorneys for the Petitioners
Holsinger Law, LLC
104 Broadway, 3rd Floor
Denver, CO 80203

Dear Mr. Holsinger and Ms. Chartrand:

This letter is in response to your June 11, 2009, Request for Reconsideration (RFR) of your February 23, 2009, petition for correction of information. It also addresses your July 8, 2009, addendum to your June 11, 2009, RFR. On behalf of the Colorado Wool Growers Association, you submitted a RFR to your original Data Challenge request and the Forest Service response. In addition, you requested that the Forest Service "retract the USFS Bighorn Report, General Technical Report and all reliance thereon in existing and subsequent forest plans and forest plan amendments, as well as decisions on grazing permits and grazing permit renewals."

Your appended RFR references the July 1, 2009, Idaho District Court decision where Judge Winmill ruled that the Forest Service, Payette National Forest, violated Federal Advisory Committee Act (FACA) in the establishment of the "Payette Principles Committee." Judge Winmill ruled that this committee was subject to FACA requirements and the process used to form the committee did not follow FACA framework. Since the development of the Payette Principles Committee was flawed, Judge Winmill ruled that the Forest Service is not to rely on findings and/or conclusions developed by the Committee in future decision making. This committee of scientists from the livestock and wildlife disease community produced a set of eight agreed upon 'principles' that are included in the GTR-209.

Since GTR-209 includes findings and recommendations developed by the Payette Principles Committee, it would not be appropriate for the Forest Service to use GTR-209 in agency decisions or policy development. Given these circumstances, I am retracting GTR-209. Your argument related to the Idaho District Court decision provided a reasonable rationale to retract the GTR-209 without additional analysis of your other concerns included in your request for reconsideration.

Please note that Judge Winmill's decision did not rule on the merits of the science used to develop the Payette principles. Judge Winmill simply ruled on the administrative processes used to develop the Committee. The ruling should not be simultaneously interpreted as an endorsement of Plaintiffs' position on disease transmission between domestic and bighorn sheep.

In conclusion, the information you provided was carefully considered and we are retracting the GTR-209. This completes the correction of information options available under the United States Department of Agriculture Information Quality Guidelines.



If you should have administrative procedural questions, please contact George Vargas, Forest Service Quality of Information Officer, at (202) 205-0444 or gvargas@fs.fed.us.

Sincerely,


for CHARLES L. MYERS
Deputy Chief for Business Operations

cc: Chris Iverson, Eugene J DeGayner