



# Enclosure: Objection Response for the Intermountain Regional Forester’s List of Species of Conservation Concern for the Ashley National Forest

## Objection Summary

Wyoming Department of Agriculture and JRB, LLC object to the inclusion of Rocky Mountain bighorn sheep (bighorn sheep) on the Regional Forester’s list of species of conservation concern (SCC) for the Ashley National Forest. They contend that bighorn sheep are not at risk in the planning area, therefore, the rationale for inclusion of bighorn sheep is inconsistent with regulations and policies. They are concerned that listing bighorn sheep as a SCC will result in unnecessary impacts to current and future domestic sheep grazing. They also assert that the Forest Service did not provide adequate opportunities for the public to engage and provide feedback on the listing of bighorn sheep as a SCC.

## Objector’s Proposed Remedy

- Remove Rocky Mountain bighorn sheep from the Regional Forester's list of SCC.
- Remove any reference to bighorn sheep as a SCC from all forest plan revision documents including the final environmental impact statement (EIS) and appendices, final record of decision (ROD), and final land management plan (Forest Plan).

## Assessment

The objectors contend that the removal of bighorn sheep from the list of species of greatest conservation need in the state of Utah combined with the vulnerable designation in the state from NatureServe indicate that a species of conservation concern listing for the species is not warranted. However, as the forest indicated in their response to comments received on the draft EIS, “there are other factors in the 2012 Planning Rule that the Ashley was directed to consider in proposing species of conservation concern (SCC), and bighorn sheep met the criteria,” (final EIS, appendix H, p. 179). Specifically, when population trends, threats, and risk factors for bighorn sheep were reviewed, consistent with FSH 1909.12, the forest determined that there was substantial concern for persistence of the species in the plan area and the regional forester concurred with that determination (Intermountain Region SCC Review for Bighorn Sheep, p. 4).

Analysis of bighorn sheep status on the forest was based on population trends, threats, and risk factors but the influence each of these factors had on the conclusions were not clearly articulated. For example, the final EIS notes that the population of the herds ‘appear to have stabilized in recent years’ (UDWR 2019, Forest Service 2021; final EIS, appendix D, p. 19) but it later states that decreases in numbers are attributed to ‘predation and disease’ (final EIS, appendix D, p. 20). The analysis also describes how the State of Utah actively manages cougars for the benefit of bighorn sheep populations (final EIS, appendix D, p. 20) but is less clear on how it incorporates the State of Utah’s culling and augmenting the herds to address the risk factor of respiratory pathogens, despite mentioning these management actions in a different Forest Service 2021 document “Assessment of the North Slope Uintas Bighorn Sheep Herds” (Forest Service, 2021). As these data suggest putative positive and negative outcomes, there is a need to



clarify how this information was utilized in determining bighorn sheep status on the Ashley National Forest.

The planning record shows the public had ample opportunity to comment on development of the SCC list. The forest held a public comment period on the Draft Assessment Report of Ecological, Social, and Economic Conditions on the Ashley National Forest starting in October 2017 that included review of the Species at Risk and the Species of Interest reports. At that time, bighorn sheep were proposed as a species of interest, not as SCC. The forest received a comment from the public requesting bighorn sheep be included as a SCC. After considering public comments and additional data and information, the forest updated the persistence analysis and determined that bighorn sheep met the criteria as a SCC. The Regional Forester concurred with that determination and identified bighorn sheep as a SCC in December 2017 (Regional Forester letter dated December 4, 2017). The public had two additional opportunities to comment on the SCC list, during the scoping period starting in September 2019 (p. 33 of Proposal to Revise the Land Management Plan for the Ashley National Forest), and the 90-day draft EIS public comment period starting in November 2021 (p. 11 of appendix C, draft EIS; pp. D-9 to D-11 of appendix D, draft EIS). The forest considered comments received during the draft EIS public comment period that asserted bighorn sheep did not meet the criteria as SCC, but that did not result in the forest changing their determination.

## Conclusion

I find the bighorn sheep analyses presented in the final EIS appendix D “Persistence Analysis for At Risk Species” document needs to be updated to include the latest best available scientific information, to provide greater clarity in what data and information was relied upon for the analysis, and to make it easier to understand the connections between what data and information was used and the conclusions that were drawn.

## Instructions

Instruct the responsible official to address the following in the Rocky Mountain bighorn sheep persistence analysis:

- Update the analysis with the latest data on population numbers and trends, consistent with state reports on these herds, and make the reports and data available to the public;
- Clarify how state management actions, including predator management and augmentation, were considered in determining the species’ capability to persist in the plan area over the long-term; and
- Clarify the relationship between the factors noted in the threat analyses and state management actions.

Instruct the responsible official to use this information in accordance with FSH 1909.12, Ch. 20, Section 21.22 to determine whether to recommend the Regional Forester change the species of conservation concern list by removing rocky mountain bighorn sheep.

Instruct the Regional Forester to determine whether to change the species of conservation concern list based on this recommendation and to notify the public and responsible official of this determination.



The rationale for the responsible official's recommendation and the Regional Forester's determination should be based on the best available scientific information and the criteria in FSH 1909.12, Chapter 10, Section 12, and documented.

Further instruct the responsible official to:

- If the Regional Forester determines there should be changes to species of conservation concern listing, determine whether the plan components for bighorn sheep should be kept as is, modified or removed. The responsible official may consider whether to keep, change, or remove the plan components based on best available scientific information even if the status of bighorn sheep does not change; and
- Based on clarification of the persistence analysis and determination of whether plan components should be modified or removed, consider if additional monitoring elements are necessary to prompt future review of the persistence analysis and species of conservation concern listing.