



File Code: 2670/1350-2/1570-1

Date: August 28, 2009

Route To:

Subject: Compliance with July 1, 2009, Adverse Ruling in Idaho Wool Growers Assoc. v. Schafer, by United States District Court for the District of Idaho

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors

On July 1, 2009, the United States District Court for the District of Idaho issued a decision and order in Idaho Wool Growers Assoc. v. Schafer which found that the Risk Assessment Disease Transmission Committee and the Payette Principles Committee were advisory committees subject to the procedural requirements of FACA. These Committees were established to review information regarding disease transmission between domestic and bighorn sheep. The order states that “the Committees’ finding and /or conclusions are not to be relied upon by the Forest Service with respect to any future agency decisions. Any agency decisions reached in reliance upon the Committees’ reports prior to the date of this Order are expressly not affected by this Order.” Please ensure that all units comply with the Court’s Order.

In September of 2008, the Rocky Mountain Research Station published A Review of Disease Related Conflicts Between Domestic Sheep and Goats and Bighorn Sheep (GTR - 209). The GTR-209 was prepared to provide a summary of the published scientific literature concerning the issue of disease transmission between bighorn sheep and domestic sheep and goats. Since GTR - 209 included the principles developed by the Payette Principles Committee, it would not be appropriate for the Forest Service to use GTR - 209 in future agency decisions or policy development in light of the July 1, 2009, decision. Given these circumstances, the agency has retracted GTR - 209.

Do not directly cite GTR-209 to support your analyses or decisions related to wild and domestic sheep disease transmission issues. However, you should continue to draw upon the large body of sound science cited in GTR - 209 and any other relevant information, including new literature. The order does not preclude the underlying scientific literature reviewed by the committee. This issue requires us to work collaboratively with the States, permittees, and the public. I want you to maintain and build on the collaborative relationships you have developed.

We should view the Order as a reminder that we must ensure compliance with FACA in the establishment of advisory committees. Questions regarding the applicability of FACA requirements to cooperative activities should be directed to regional or Washington Office administrative units and/or the Office of General Counsel.



Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs
and WO Directors

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If you have questions about GTR-209 as applied to the forests in your Region, please contact Anne Zimmermann (202) 205-1205, Watershed, Fish, Wildlife, Air, and Rare Plants (WFWARP) staff or Janette Kaiser (202) 205-1185, Rangeland Management.

/s/ Richard W. Sowa (for)

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