

NEWSROOM

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Ron Shirts of *Shirts Brothers Sheep* and Frank Shirts, Jr. announce comments to the public regarding the DEIS released by the Forest Service. Ron Shirts and Frank Shirts, Jr. encourage the public to comment to the DEIS before January 2, 2009, to make a critical read of the DEIS, and to scrutinize the many flaws/omissions in the analysis of the DEIS. Ron Shirts and Frank Shirts, Jr. are third generation domestic sheep operators that are permitted to graze on several domestic sheep allotments in the Payette National Forest. The DEIS is available to review at http://www.fs.fed.us/r4/payette/publications/big_horn/big_horn_sheep_documents_index.shtml.

PAYETTE NATIONAL FOREST RELEASES A DRAFT EIS AS RELATED TO BIGHORN SHEEP AND DOMESTIC SHEEP THAT OMITTS COMMITMENTS MADE IN 1997 AND THAT OMITTS ANALYSIS OF MANY CRITICAL ELEMENTS

Weiser, Idaho. Is removing domestic sheep from the Payette National Forest (PNF) the answer to protecting bighorn sheep? The Forest Service says yes, but we disagree.

The Forest Service released a *Draft Supplemental Environmental Impact Statement* (DEIS) on September 18, 2008. The Forest Service proposes in its DEIS to eliminate domestic sheep grazing on all but 4 domestic sheep allotments within the PNF in an effort to protect the bighorns due to a claimed disease transmission problem between the bighorns and the domestic sheep.

The Forest Service's proposal ignores the fact that the bighorns in Hells Canyon in Idaho were reintroduced only through a commitment that the domestic sheep operators would be held harmless from any disease transmission problem associated with the bighorn reintroduction. The 1997 commitment specifically stated that "*These bighorns will be considered 'at risk' for potential disease transmission and death*", and based thereon, the Idaho Department of Fish and Game (IDFG) and two other sister State agencies committed to "*assume the responsibility for bighorn losses and further disease transmission in their respective states*", and to "*take whatever action is necessary to reduce further losses of bighorn sheep without adversely impacting existing domestic*

sheep operators". See Idaho Code 36-106(e) 5.D. (wherein the Idaho State Legislature enacted a provision effectively adopting the 1997 commitment as State law).

Beyond the 1997 commitment, the Forest Service's proposal is based upon a premise that certain pathogens (bugs) exist which bighorns and domestic sheep can share, and that if these bugs are transmitted between the two animals, the bugs may cause the death of the bighorns. However, there are several elements that are necessary to confirm this premise; namely:

1. The scientific research needs to document that disease transmission occurs between bighorns and domestic sheep.
2. The facts need to disclose that the bighorns themselves are free of the offending bugs.
3. The facts need to disclose that the domestic sheep upon the allotments are carriers of the offending bugs.
4. The facts need to disclose that there are no birds or other animals that are capable of transmitting the offending bugs to the bighorns.
5. The facts need to disclose that contact between the bighorns and domestic sheep actually occurs in the open range-allotments in the PNF.
6. The facts need to disclose, that should contact occur, that a viable dose of the offending bugs are transmitted between the bighorns and domestic sheep.
7. The facts need to disclose, that should a viable dose be transmitted, that the offending bugs will reveal themselves, which only occurs upon the existence of certain environmental stressors, like quality and quantity of food, inclement weather, existence of predators, etc.
8. The facts need to disclose, that should these environmental stressors reveal themselves, that the bighorns will die.

The Forest Service ignores any discussion in its DEIS of these elements in an apparent effort to advocate for the objective to separate the bighorns and domestic sheep and to eliminate domestic sheep allotments on the PNF.

Had the Forest Service discussed each of the above elements, the Forest Service would have been incapable of advocating for its objective, because:

1. While the DEIS speaks of the "science" associated with the disease transmission, the DEIS side steps that even its own *hand-picked* Expert Panel decided that "*The complete range of mechanisms/causal agents that lead to epizootic disease events cannot be conclusively proven at this point.*"
2. Beyond the status of the "science", the inconclusiveness of the "science" should not provide a basis to demand separation between the bighorns and domestic sheep (and to effectively eliminate the existing domestic sheep allotments within the PNF). IDFG documented a "zoo of pathogens" present in the bighorns in the PNF. This begs the question,

which is unanswered by the DEIS; why is any separation between the animals necessary since the bighorns themselves are already carriers of the offending bugs? For example, if two people have the same flu bug, what is the reason to separate them?

3. The facts don't disclose that the domestic sheep grazing upon the allotments in the PNF carry the offending bugs. This also begs the question, which is unanswered by the DEIS; what is the need for separation if the domestic sheep don't carry the offending bugs?

4. The scientists documented that birds can carry the offending bugs, and the facts have documented circumstances of contact between birds and bighorns on the PNF. This also begs the question, which is unanswered by the DEIS; are birds a more likely vector for the transmission of the offending bugs to the bighorns?

5. The facts don't disclose any temporal overlap between bighorns and domestic sheep. In fact, it is curious that at page 3-19, the DEIS reports telemetry information disclosing apparent substantial overlap between bighorns and domestic sheep on the Smith Mountain Allotment. However, the DEIS fails to relate that information to the months that domestic sheep are actually grazing on the Smith Mountain Allotment. If the DEIS had fairly reported the telemetry information, it would have disclosed no bighorns on the Smith Mountain Allotment during the domestic sheep grazing season for the last several years. This also begs the question, which is unanswered by the DEIS; what is the need for separation if the animals are not using the same area at the same time?

6. The scientists speak of not just contact between the animals, but *sufficient* contact to transmit a viable dose of the offending bugs. The facts don't disclose such *sufficient* contact actually occurring on the domestic sheep allotments on the PNF. This also begs the question, which is unanswered by the DEIS; what is the need for separation if *sufficient* contact has never been documented on the PNF?

7. The scientists speak of the fact that the bighorns are capable of carrying these offending bugs, but that these offending bugs cannot reveal themselves unless certain environmental stressors exist. This also begs the question, which is unanswered by the DEIS; what is the need for separation if the Forest Service has not eliminated or mitigated these environmental stressors?

8. Finally, though there may be others, the scientists speak of the fact that the revealing of the offending bugs will only cause the bighorns to get sick, not die. This also begs the question, which is unanswered by the DEIS; what is the need for separation if the Forest Service (in cooperation with IDFG) has not managed the bighorns themselves to fight-off any sickness event to prevent death?

Any one of these elements destroys the premise of the Forest Service's proposal. Separation, in-and-of-itself, between bighorns and domestic sheep is not capable of being the answer under the existing facts in the PNF, as well as the existing analysis in the DEIS. And if "separation" is capable of being the answer, the Forest Service omits any alternative in its DEIS of relocating the bighorns to areas that don't overlap with

domestic sheep allotments in the PNF.

The Forest Service has simply failed to provide a proper basis for its proposal:

The Forest Service failed in its DEIS to assess other alternatives to relocate bighorns and to conform to the commitments made to domestic sheep operators in 1997 as a condition for the reintroduction of bighorns into Hells Canyon in Idaho.

The Forest Service failed in its DEIS to take a hard look in analyzing the purported need to separate the bighorns and domestic sheep.

As a consequence, the Forest Service erroneously proposed to eliminate essentially all of the domestic sheep allotments on the PNF.

Submit comments asking the Forest Service to redo its DEIS and to maintain the existing domestic sheep allotments on the PNF. In so asking, you will not be advocating *for or against bighorns* or *for or against domestic sheep*. Instead, you will be advocating for an objective analysis of bighorn and domestic sheep interaction and for ratification of the commitments made in 1997.

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Comment period ends January 2, 2009. See 73 Fed.Reg 57619-57620 (10/3/08)

Comments to the DEIS may be submitted to the Forest Service via U.S. mail to:

Payette National Forest
Attention: Bighorn Sheep Comments
800 Lakeside Avenue
McCall, Idaho 83638

Or via e-mail to: payettebighorn@fs.fed.us

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Editor's Note: Interested public are invited to speak to Frank Shirts and to Ron Shirts at the telephone numbers listed above, or to arrange a Technical Briefing on these comments. Background information can be provided. Any Technical Briefing will be an informational briefing to aid the understanding of these comments, and in the meantime, additional information is available at <http://www.idahobetrayal.com/> and http://www.fs.fed.us/r4/foia/shirts_bros_sheep/appeal_07-04-12-0001-A251.pdf and *Shirts Brothers Sheep, et al. v. U.S. Department of Agriculture, et al.*, CV-07-151-E-BLW (Lead Case), CV-07-241-E-BLW (Non-Lead Case), U.S. District Court, District of Idaho (Dockets #104, #106). Any Technical Brief could also include: (1) The Forest Service's violation of the *Federal Advisory Committee Act* in relying upon Expert Panels as related to the purported disease transmission issue on the PNF and as part of the DEIS (See *Shirts Brothers Sheep, et al. v. U.S. Department of Agriculture, et al.* (Dockets #105, #106, #110, #113, #117, #118)); (2) The Forest Service's refusal to honor a request by Ron Shirts of *Shirts Brothers Sheep* and

Frank Shirts, Jr. to be cooperators on the EIS; (3) The Forest Service’s refusal to implement the separation strategy agreed to by IDFG, Idaho Department of Agriculture, Frank Shirts, Jr., and Shirts Brothers Sheep on May 1, 2008; (4) The Forest Service’s failure to consider the implications of and the violation to the *Federal Land Policy and Management Act*, 43 U.S.C. 1752(g), in dedicating the domestic sheep allotments to “another public purpose” without compensation to the domestic sheep permittees; and, (5) The Forest Service’s failure to consider its own final rulemaking wherein the viability standard (36 C.F.R. 219.19) is no longer in effect. .

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