

# Congress of the United States

Washington, DC 20510

April 23, 2015

The Honorable Tom Vilsack  
Secretary  
United States Department of Agriculture  
1400 Independence Ave, S.W.  
Washington, DC 20250

The Honorable Sally Jewell  
Secretary  
United States Department of Interior  
1849 C Street, N.W.  
Washington, DC 20240

Dear Secretary Vilsack & Secretary Jewell:

We write to repeat our request for steps focused on finding solutions that prevent further loss of the domestic sheep industry and setbacks in the conservation of wild sheep. We appreciate both Robert Bonnie, Under Secretary for the Natural Resources and Environment, and you, Secretary Jewell, for taking the time to address some of the issues raised in our letter dated June 30, 2014. However, multiple questions and concerns were not addressed in your responses and there continues to be a general lack of clarity on the issue. The Forest Service in particular needs to hold the necessary public forums to present maps of presumed risk areas, levels of acceptable risk, and encourage public discussion of how these areas and levels were identified, which areas pose the greatest actual risks, and what options are available to eliminate those risks.

The June, 2014 letter recommended certain actions that would reduce domestic and bighorn sheep conflict and corresponding allotment depletion. We suggested placing potential alternative allotments on the rescissions schedule, under the authority Congress granted the agency, in order to fulfill any requirements and compliance with the National Environment Policy Act (NEPA). We thank Under Secretary Bonnie for addressing allotments in his response stating that the agency is continuing *“to review the status of these allotments and provide information to the field so that they can more readily see what options are available.”* However, neither response addressed the rescissions schedule request.

Our previous letter also raised the issue of alternative allotments, which must be identified and made available if domestic sheep operators are to be relocated. We believe the proper NEPA, environmental and procedural analysis should be completed before relocation occurs. Neither letter addressed what specifically the U.S. Department of Agriculture (USDA) or the Department of the Interior (DOI) is doing to make alternative allotments available. We cannot determine whether the departments even have a reliable method for identifying the entire set of allotments from which they can determine which are suitable for sheep grazing and why or why not. We thank Under Secretary Bonnie for acknowledging that, *“the Washington Office will be working with Regional Foresters to help National Forest managers find alternative allotments that are suitable for domestic sheep use.”* However, we want to know more specifically that managers are reviewing all suitable allotments, including those that have been closed for reasons that would be unaffected by sheep grazing if reopened. This information is necessary to ensure all options for successful transition are considered and that alternative allotments can be found with similar forage types and amounts, in reasonable proximity to current allotments, and in compliance with federal grazing standards before relocation occurs.

In addition, our letter asked that you provide us with the statutory authority the agency is using to justify the U.S. Forest Service's (USFS) decision to include sunset language in its grazing analysis. As was mentioned in our letter, we strongly oppose the action to close all livestock grazing and not authorize forage reserves. It is premature to close allotments before knowing which pose high risks and which low. The decision would be very short-sighted if alternative forage is needed due to drought, wildfire, or wildlife driven relocation. We continue to seek an explanation of the statutory authority used to pursue this action. Furthermore, if alternative allotments for domestic sheep are determined to be in order after consultation with state agencies and other stakeholders, the existing allotments should be made available to other types of livestock grazing or placed in a forage reserve. Existing sheep grazing allotments should not be closed to all livestock grazing due to overlap between bighorn and domestic sheep.

In regards to our inquiry on zero risk/zero tolerance, we acknowledge Secretary Jewell's clarification that, "*the BLM does not have to manage for zero risk to bighorn sheep from domestic sheep grazing, and the Western Association of Fish and Wildlife Agencies' recommendations recognize that zero risk is "impossible" to achieve.*" However, Under Secretary Bonnie did not address zero risk in his response. We seek confirmation that the USFS does not have a mandate to manage for zero risk/zero tolerance when looking at species viability.

We are concerned by the lack of collaboration with the Agricultural Research Service (ARS), state wildlife authorities, and the most knowledgeable and directly-affected stakeholders in analyzing disease transmission. In particular, ARS is the lead scientific research agency for USDA, yet neither of your letters mentioned ARS' involvement in addressing issues facing domestic sheep and bighorn sheep. As you are well aware, the reports that accompanied the FY 2014 and FY 2015 Agriculture and Interior appropriations bills contained congressional guidance specifically directing USFS collaboration with ARS. How are your departments complying with congressional direction?

The November 21, 2014 appellee response brief submitted by the USDA and the Wilderness Society stated that ARS, "*does not have special expertise with respect to the wildlife and habitat-management issue before the Forest Service.*" The brief went on to claim, "*there is no indication that wildlife protection, wildlife disease, and wildlife habitat issues are within the agency's expertise.*" Finally, the brief argued, "*But while the Agricultural Research Service plainly has scientific expertise on many agricultural issues, it is not the go-to research service for scientific questions relating to wildlife; that is the Forest Service.*" In the case of the USDA, is the appellee response brief the official USDA position with respect to ARS research?

Scientific contributions should not be limited to a single USDA agency or to federal agencies alone. Domestic sheep are not wildlife. The Forest Service should be welcoming, not discouraging domestic sheep expertise from within USDA. Not only does ARS have needed scientific contributions on this issue, but state fish and wildlife agencies also have management responsibility for wildlife. We need the science-based reasoning and expertise ARS has to offer in further examining disease transmission. In fact, much of the past and present research conducted on the question of disease transmission has been, and is being, conducted by ARS and affiliated land-grant scientists at the ARS' U.S. Sheep Experiment Station and the Animal Research Disease Unit.

Finally, please provide specific information as to what actions, if any, are being taken by your departments to coordinate responses to bighorn die offs in areas with no domestic sheep presence. Recurrence of disease and transmission among wild sheep are an important part of this problem.

We appreciate your previous correspondence and consideration of our concerns and questions. We look forward to receiving additional answers to the questions and issues contained herein.

Sincerely,

John Barrasso

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cc: US Forest Service Chief Tom Tidwell, BLM Director Neil Kornze, US Forest Service Region IV Regional Forester