

WAFWA Wild Sheep Working Group 5/29/09 Teleconference (0900-1100) notes  
(Kevin Hurley; drafted 5/30/09)

Participants: Jim Allen (AB), Bob Henry (AZ), Tom Stephenson (CA), Bruce Watkins (CO), Dale Toweill (ID), Mike Cox (NV), Eric Rominger (NM), Ted Benzon (SD), Calvin Richardson (TX), Anis Aoude (UT), Donny Martorello (WA), Kevin Hurley (WY), Melanie Woolever (USFS), Amy Krause (BLM)

Unable to participate: Becky Schwanke (AK), Helen Schwantje (BC), Tom Carlsen (MT), Bruce Trindle (NE), Brett Wiedmann (ND), Don Whittaker (OR), Jean Carey (YK)

**Idaho update:** Dale described Senate Bill 1175 (not signed by Governor Otter) and SB 1232a (signed by Gov. Otter on 5/7/09, sent out by Kevin to WSWG 5/11/09), which basically gives IDFG 90 days (~8/6/09) to meet with domestic sheep permittees (whose participation is voluntary) on NF grazing allotments where BHS occur, to jointly develop BMPs to keep wild and domestic sheep apart. Even though they manage the national forest lands, USFS was not identified or requested to participate in development of these BMPs (for both wild and domestic sheep). Upon initiation of those BMPs, IDFG Director (currently Cal Gruen) must certify (i.e., one time certification, most likely via letter) that risk of contact is acceptable. If the IDFG Director doesn't certify the risks are acceptable, his/her job may be in jeopardy, given the legislative language. Conversely, if the Director certifies the risk is acceptable, catastrophic results to BHS may ensue.

The anticipated date for a formal, final decision to be reached by the Payette NF (PNF) is the end of calendar year 2009, but a draft decision may be circulated by the end of July 2009. PNF cannot deviate from what Judge Winmill previously approved. Dale had to leave the conference call (<1000) to meet with IDFG personnel, to chart a course of how IDFG will proceed, given this ID legislation.

We also discussed the pending/likely listing of BHS as a Sensitive Species by USFS Region 4; possible decision sometime in June 2009 on that proposal. Outcome of that listing suggests the USFS would conduct a higher level of analysis/scrutiny on BHS matters (e.g., allotment permit renewals, habitat treatments, etc.), and that no actions adverse to BHS should be taken. R4 Regional Forester Harv Forsgren has indicated any/all matters pertaining to BHS in R4 be routed through his office, as opposed to local USFS line officers/rangers making any agreements with state wildlife agencies. **Action Item: Kevin will contact Lee Jacobsen in the USFS R4 office, to determine (if possible) the likely decision date for USFS R4 Sensitive Species listing.**

Donny asked how many sites were involved, where IDFG and DS permittees are supposed to come up w/ BMPs; Dale said the Snake River and Salmon River allotments would all be involved (but did not offer a # of allotments). Donny felt that WADFW would follow IDFG's lead. Kevin brought up the question of "should WAFWA [via WSWG and/or Wildlife Health Committee] weigh in on this new ID legislation, the process and timeline laid out, to show support for IDFG and its Director"? The consensus was yes, WAFWA should write a letter (to Gov. Otter, copied to numerous other involved parties) in support of IDFG, since similar actions could very well occur in adjacent states with similar DS/BHS contact issues. Any letter from WAFWA should recommend using the June 2007 WSWG document as a minimum starting point for these BMPs. Science and biology should provide guidance, not politics. **Action Item: Kevin will draft/circulate a letter to/from the WSWG; WSWG members are asked to expeditiously respond with their comments. Once far enough along, this letter should be shared with WAFWA's Wildlife Health Committee, then routed up through Director Sponsor Jim Karpowitz, to be elevated to the highest level(s) of WAFWA Administration, for subsequent action(s).**

It was asked if the Nez Perce Tribe had formally commented on this legislation; Dale felt both NPT and perhaps Confederated Umatilla would likely weigh in, given their historic treaty rights, which predate statehood. It was mentioned

that NPT had withdrawn from Governor Otter's collaborative effort on DS/BHS interaction; this collaborative has disbanded, probably at least till the end of summer 2009.

Dale also discussed ongoing efforts to lethally remove a sick radiocollared BH ram, somewhere in the Snake River Canyon; this ram was healthy when captured/collared/tested, but was now quite clinically sick. IDFG has even tried to remove this ram via helicopter, but has been unsuccessful, to date. Mike encouraged IDFG to document all their required actions, to build a record of what's been done; Dale indicated IDFG was already doing that, thoroughly.

Kevin asked Dale what the "man on the street" public comment had been; Dale indicated ID citizenry had been near completely silent on this situation, and speculated that maybe there wasn't full/complete understanding of what SB 1232a vs. SB 1175 requires.

**California update:** Discussion turned to the Sierra Nevada BHS situation in CA; Tom S. briefly described a series of recent reports, letters, analyses, etc. (which he distributed to the WSWG on 5/13/09) on the SNBS situation. What was supposed to be a ~6-month effort involving CADFG, USFS, USFWS, DS producers, environmental groups, etc. turned in to a ~3-year effort, culminating in the Baumer et al. (Feb. 2009) "Process for Identifying and Managing Risk of Contact between Sierra Nevada BHS and Domestic Sheep." This risk assessment was very "data-based", and involved lots of radiocollar data, modeling, etc.; Tom stated much of the BMP development in the SNBS situation was focused on attempting to reduce straying by DS, rather than keeping BHS away from DS. Tom pointed out that even after ~3 years, this group could not come to agreement on what constituted "acceptable risk". Given the protracted timeline this group operated under, it was pointed out, again, how was IDFG supposed to do this in <90 days, when the SNBS effort couldn't reach agreement after 3 years? It was pointed out that SNBS are federally listed, so ESA rules apply there. It was mentioned that BHS in ID might be suggested for federal ESA listing, depending on how things went. Over 20 BMPs were identified in the Baumer et al. report, but it was also clearly stated and recommended that in some cases, when BMPs wouldn't work, DS grazing allotments should be closed. USFWS included that recommendation in their letter(s)/jeopardy opinion(s). It was pointed out that the Center for Biological Diversity (CBD) had filed the requisite 60-day Notice of Intent to file a lawsuit. It was also noted that ID, CA, and other jurisdictions needed to carefully/completely document when BHS had to be removed or killed, particularly on public land. It was requested of both Dale and Tom to keep the WSWG apprised of new developments in their states; both agreed to do so.

**USFS:** Melanie was asked to update the WSWG on the status of the January 2009 Data Quality Act Challenge to the 2008 USFS General Technical Report (GTR) 209, authored by Schommer & Woolever. Melanie stated that an outside team of USFS personnel/technical specialists, outside the BHS arena, addressed the DQA challenge filed by ~35 groups in ~14 states. Based upon this USFS analysis, the petitioner's request that GTR 209 be retracted or that the USFS issue an amended report was denied. There is a 45-day period wherein the petitioners may request reconsideration; that 45-day period expires ~6/15/09. Stay tuned! **Action Item: Kevin will send both the DQA challenge and the USFS response to the WSWG.**

Kevin asked Melanie to update the WSWG on the USFS R2-led effort to map BHS distribution/ranges against all active/vacant DS allotments on USFS and BLM lands in the western U.S. This has been a difficult process to get accurate, current GIS layers/shapefiles; there have been difficulties integrating USFS and BLM GIS data, as well. **Action Item: Melanie will check back with her GIS person (Janice Wilson) to be sure, but Melanie thought most of the western states had been sent their respective maps, or these might be on the USFS R2 ftp site. Kevin noted some outside agency difficulty in accessing the USFS ftp site and retrieving data/maps; Melanie will check on that, too.**

Kevin asked Melanie to update the WSWG as to the revision of the USFS policy/handbook/manual guidance on the issue of interaction between BHS and domestic sheep/goats. Melanie stated she did not know the current status, but noted that a

new USDA UnderSecretary (Mr. Homer Lee Wilkes) had been appointed, so maybe w/in the next 6 months, there might be movement on this policy front. Kevin pointed out that both USFS and BLM had requested WAFWA to launch a Wild Sheep Working Group, primarily to obtain WAFWA's recommendations. The WAFWA agencies jumped quickly, and WSWG #1 put out their report in June 2007, this report was endorsed unanimously by the WAFWA Directors in July 2007, and WAFWA's official position was conveyed to USFS, BLM, + 4 other federal LM agencies in August 2007. Responses were received from both agencies, and January 2009 briefing papers presented by USFS and BLM reps to the WAFWA Directors affirmed that both USFS and BLM were working toward updated, and somewhat integrated policy guidance for their planning units and the national-level handbook/manuals. Even acknowledging the administration change in Washington, DC, subsequent political appointments, etc., Kevin stated frustration with the pace of this promised policy revision/update.

**BLM:** Kevin asked Amy similar questions as to the status of BLM's policy revision; Amy responded that perhaps in the next 4-6 months, BLM would come out with an updated Instruction Memo (similar to 1992 and 1998 IM's). However, until a west-wide policy is developed and in place, it falls upon local BLM offices and planning units to take/determine their actions. It was pointed out that the WAFWA agencies need to be vigilant and engaged with various Resource Management Plan (RMP) revisions. Amy pointed out that any and all decisions were still at the discretion of local BLM field office managers/state BLM offices. Kevin pointed out that some BLM field offices (e.g., Cody, Worland, Lander, WY) fully acknowledged/referenced the WAFWA WSWG #1 recommendations, while others (e.g., Headwaters FO, Butte, MT, pointed out by Tom Carlsen) completely ignored those recommendations, and continued to permit/advocate/allow conflicting activities in close proximity to occupied BHS habitats. Amy restated the discretionary ability of BLM managers to ignore or adopt recommendations. It was suggested that this topic be addressed at periodic, state-level interagency coordination meetings between fish & game agencies and BLM state offices, or this should be addressed via statewide MOUs between fish & game agencies and BLM. **Action Item: Amy offered to check again with BLM State Biologists, to ascertain where each state is on this west-wide, integrated mapping effort being led by USFS Region 2 in Denver.**

Discussion came back to Idaho BLM situation, in vicinity of PNF/Snake River/Salmon River. Amy indicated that BLM had not, and was not going to, issue a decision to prevent permittee Mick Carlson from turning out/using his BLM allotment (which straddles both sides of Hell's Canyon). BLM opinion was that restricting use of this BLM allotment would lead to increased DS use/presence on private land, with no significant reduction in likelihood of contact. Tom disagreed, stating that any incremental reduction in overlap was worth pursuing. Amy stated that the BLM Cottonwood Resource Area was working with the permittee on turnout dates, etc., but was not going to disallow use entirely. Tom felt that as long as BLM authorizes DS grazing, that was tacit acceptance of risk. Amy reiterated the BLM's multiple-use mission. Tom asked what data or information does BLM use when they conduct/participate in a Risk Assessment, and encouraged the use of strong data sets for making local decisions. Tom further suggested that WAFWA recommend more data-based Risk Assessments, but others pointed out that large, historic, robust data sets were more uncommon than common. Mike mentioned that with NV being 83% BLM land, NDoW was having more problems/issues on USFS lands than w/ BLM lands. Mike also mentioned frequent turnover w/ BLM and USFS employees, and the reality of having to start from scratch, so often, with so many personnel coming and going. Mike lamented the fact that DS trailing routes are not well documented, exacerbating the risk of contact from stray DS during trailing.

Kevin asked Amy if there was such a thing as a draft IM, that WAFWA could look at/be involved with, given the fact that BLM and USFS had requested WAFWA's assistance/input from the beginning; Amy stated that was probably a legitimate question for WAFWA to pose to the BLM.

**GIS Mapping of all WS Translocations:** Kevin briefed the WSWG on progress to date by Richard Jones, who's working for Kevin on this GIS mapping project. Kevin stated that Richard was still progressing for those jurisdictions which had

provided their data (including LatLong or UTM coordinates), but was awaiting data from many states. Kevin recounted the 5/27/09 discussion with Richard Jones and Ray Lee; Ray provided data from an AZ book (current up through 1989), and further offered to work w/ Calvin to come up w/ LatLong or UTM coordinates for transplants into TX. **Action Item: Calvin should coordinate w/ Ray Lee on TX coordinates, to avoid duplication of effort.** Kevin stated that Richard will soon start contacting WSWG agency reps (e.g, Ted B., for SD, Brett for ND) for those jurisdictions where GIS maps have been updated, for proofing purposes. **Action Item: Kevin asked Bruce W. to highlight which CDoW transplants listed in Appendix III of the CO BHS management plan were specifically desert BHS, so Richard could distinguish from RMBHS.** Kevin restated his hope/intent to have this mapping project wrapped up by end of CY 2009. Kevin also mentioned that he would be updating the WAFWA Directors on this mapping project during his July 15, 2009 presentation to their Business Meeting.

Kevin also updated the group on the responses to date, as he puts together a listing of URL links to various jurisdiction wild sheep management plans. **Action Item: Kevin will route the summary, to date, to the WSWG, for them to proof and get back to him on. Kevin also requested WSWG reps to keep him apprised of changes/updates in their contact information, so he can keep the WSWG roster current.**

**July WSWG meeting, CA:** Kevin recounted his recent discussions with Jim Karpowitz and Larry Kruckenberg concerning the July 12<sup>th</sup> WSWG meeting in CA. Kevin stated that in his initial poll of the WSWG members as to whether or not they thought they could physically attend, ~1/3 of the folks felt they could attend. Kevin re-pollled the group, and again, ~1/3 felt they could attend. It was agreed that the scheduled July 12<sup>th</sup> meeting would be held at the WAFWA Summer Meeting, and folks were encouraged to check back w/ their administrations to see if they could obtain travel authorization. **Action Item: Kevin pointed out that he was going to be drafting the agenda for that July 12<sup>th</sup> meeting very soon, so if folks had agenda items they would like included, please send those to Kevin ASAP.**

**WSWG Communication:** Kevin recounted that he and Bruce W./CDoW had checked with Melanie/USFS as to videoconference compatibility between state and federal agencies. Kevin also checked in to web-conferencing options/costs. Bottom line, to enhance communications within/between WSWG reps, in a timely manner, it was strongly agreed to schedule at least bi-monthly (if not monthly) teleconference calls. WSWG reps agreed that the "Doodle" scheduling tool was easy to use, effective, etc.; Kevin encouraged folks to respond ASAP to those Doodle e-mail requests, to facilitate scheduling. Tom S., Amy, and Melanie all offered to set up/conduct teleconference calls within their agencies, rather than having Kevin initiate and pay for those from his operating budget. **[Action Item: In a subsequent phone call, Melanie also offered that the USFS could conduct web-conferencing at the same time a teleconference was going on; she will check further on those options.]**

Multiple WSWG reps stated that this 2-hour information exchange was beneficial, and agreed that we should continue to do these teleconferences. **Action Item: Kevin will send out another Doodle request, to try to arrange another teleconference in late June, prior to the July WAFWA Summer Meeting.**