



# M Watersheds MESSENGER

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photo ©Michael Crist  
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In Memory of Kent Christopher



## Can Sage Grouse Save the American West? by Jon Marvel

On March 5, 2010, in response to a court order from an earlier Western Watersheds Project lawsuit, Interior Secretary Ken Salazar and the U.S. Fish and Wildlife Service (FWS) announced that Greater Sage-Grouse warranted the protection of the Endangered Species Act but that the FWS was precluded from listing the species by higher priorities. At the same time the FWS found that rare and declining subspecies of Sage-Grouse found in the Mono Basin of California and eastern Washington State were warranted for protection but also precluded from listing as threatened or endangered.

The result of this decision is that Greater Sage Grouse and its two subspecies enter into a penumbral world called "candidate species" neither protected by the Endangered Species Act nor denied that protection.

Three days later on March 8, 2010 Western Watersheds Project filed a supplemental complaint in federal District Court in Boise, Idaho challenging the decision as arbitrary and capricious and in violation of the Administrative

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**Western Watersheds Project: Working to protect and restore western watersheds and wildlife through education, public policy initiatives and litigation.**

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# Sage Grouse

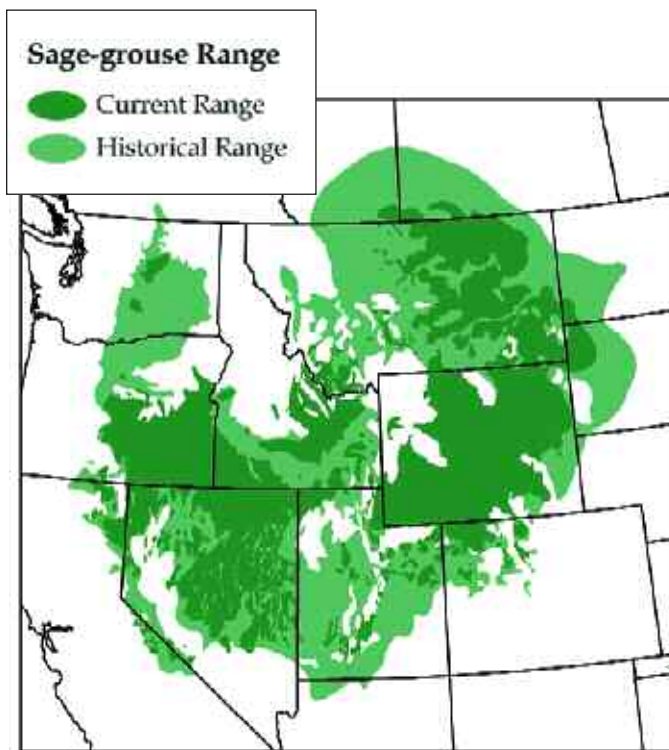
## *Centrocercus urophasianus*

The largest grouse in North America, where it is known as the Greater Sage-Grouse. Its range is sagebrush country in the western United States and south-central Canada.

A permanent resident. Some grouse move short distances to lower elevations for winter. Ground-foragers, they mainly eat sagebrush, insects and other plants. They are not able to digest hard seeds. They nest on the ground under sagebrush or grass patches.



Sage Grouse are notable for their courtship rituals. Each spring males congregate in leks and perform a "strutting display". Females observe these displays and select the most attractive males to mate with. Only a few males do most of the breeding. Males perform in leks for several hours in the early morning and evening during the spring. Lek generally occur in open areas adjacent to dense sagebrush stands, and the same lekking ground may be used by grouse for decades.



### *Continued from Page 1*

Procedures Act (APA). WWP expects that case to take at least six months to be adjudicated.

Following up on that filing, on March 29, 2010 Western Watersheds Project joined with two partner groups in filing a 60 day notice letter to the FWS letting the agency know that they face additional legal challenge to their Sage-Grouse decision as a violation of the Endangered Species Act. Should the latter suit be filed, it will undoubtedly be consolidated with the APA litigation.

All of these legal actions underline the fact that the survival or extinction of Sage-Grouse in the American west creates a watershed moment in the history of the United States.

The importance of this moment cannot be understated as it may be the last time that a huge part of the American west, in this case the sagebrush sea that is the sole habitat of Sage-Grouse, can receive protection that will create a sea-change away from the historic attitude of western civilization that all resources of the earth are provided solely for the benefit of humans without regard to the survival of all other species with which we share our world.

In keeping with the long-stated mission of WWP to protect and restore all western watersheds and wildlife, all of us at WWP look forward to the positive outcome of this effort now approaching its climax.

***Jon Marvel is executive director of WWP.  
He lives in Hailey, Idaho.***



Map: Center for Native Ecosystems  
 Historical Range: USGS Sagemap  
 Current Range: Michael A. Schroeder/WDFW  
 male grouse ©Michael Crist  
 female grouse © <http://www.flickr.com/people/goosegrease/>



## **Arizona Update: The Battle to Protect The Sonoran Desert National Monument Continues**

**By Greta Anderson**

Western Watersheds Project members have heard a few times in these pages about the efforts of our Arizona office to remove livestock grazing from the Sonoran Desert National Monument. There have been many twists and turns in this legal battle, including a settlement agreement in February 2010, but the fight for environmental protection is far from over.

As readers might recall, WWP and Advocates for the West filed a lawsuit against the Bureau of Land Management in August 2008, challenging the undue delay and mismanagement of the monument, which included grazing permit renewals rubber-stamped without any National Environmental Policy Act analysis. In 2009, in a rare WWP loss, Judge Murguia ruled that the BLM was entitled to renew the permits under a legislative rider and that the monument's establishing Proclamation didn't have the force of law to compel management action.

The ruling was a major blow, but the setback was only temporary. Twenty-five law professors around the country wrote a letter to the Judge, telling her that the interpretation of the force of a Presidential Proclamation was highly divergent from numerous other legal opinions. She was asked to reconsider her ruling and she did; this reopened the lawsuit's claims regarding delay. Faced with a high-probability of losing to WWP in court, the BLM initiated settlement agreements with us in the late summer of 2009.

By February, we hammered out a pretty good deal. In exchange for agreeing not to sue the BLM again until the management plan for the monument was complete, BLM agreed to finish the plan by December 2011. The agency also agreed to keep 55,000 acres closed to off-road vehicles and to conduct actual monitoring to estimate forage resources before authorizing ephemeral livestock use. In addition, the BLM needs to notify WWP of monitoring trips and provide us with field

data in a timely fashion. The settlement was the first WWP legal win in Arizona.

Unfortunately, this reprieve is only temporary. We have heard from the BLM that it is redoing some of the previous studies that had provided damning evidence of livestock's adverse impacts on monument objects. As readers who work with the agency likely know, getting the BLM to conduct monitoring once is remarkable. Getting the BLM to conduct monitoring twice is highly suspect. Presumably, the agency is hoping to find different results in order to justify continued grazing use under the forthcoming Resource Management Plan. It's just a shame that taxpayer money gets wasted on these types of shenanigans.

There is one more potential wrench for the gears of BLM's grazing ambitions: the potential listing of the Sonoran desert tortoise under the Endangered Species Act. Tortoise populations on the monument have declined by 87 percent since 1987. The US Fish and Wildlife Service issued a favorable 90-day finding on WWP and WildEarth Guardians' petition to list the Sonoran desert tortoise under the ESA and a listing decision is expected by the end of 2010. If the Fish and Wildlife Service provides the protection this species needs to recover, livestock grazing on 8 million acres of BLM land- including much of the monument- will need to radically change.

***Greta Anderson is WWP's Arizona Director.  
She lives in Tucson.***



**Desert Tortoise**  
photo ©Jeff Servoss/USFWS



## Lines Drawn in Rich County, Utah By John Carter

In 2001, after reviewing EAs for livestock grazing in Rich County, the Utah Office began surveying and reporting on conditions. We did this as a direct result of BLM statements that degradation of the North Fork Sage Creek was due to highway construction decades earlier. Yet one could see a direct comparison of healthy conditions within the fenced highway right of way where livestock were excluded as compared to the incredibly degraded conditions in the allotment, grazed by cattle, across the fence. The blatant disregard for facts typified by this analysis set in motion ten years of work that is still underway.

We challenged these EAs for Rich County as well as Box Elder, Utah, Toole Counties, covering over 1.4 million acres. With legal representation by Advocates for the West, we went to Federal Court. A settlement was reached in 2005 that required BLM to engage in a number of steps on the 3.2 million BLM acres managed by the Salt Lake Field Office. These included monitoring by methods we accept, provide reference areas, justify water developments through analysis of their consequences, determine allotment capacity and so forth. BLM has not complied with the settlement agreement, instead carrying on business as usual and issuing decisions that go counter to

that settlement such as eliminating stubble height and utilization standards.

As a result of the litigation and settlement, Rich County Commissioners, BLM, Utah Division of Wildlife, NRCS, permittees and others established the Rich County CRM to obtain funding, ostensibly to enhance wildlife habitat, but in reality to fund fences, water developments and vegetation treatments. The first allotment in their sights was the Duck Creek allotment. In 2004, BLM issued an EA to construct fences for six pastures, a pipeline and 40 water developments, while permittees treated thousands of acres of sagebrush on private lands within the allotment. We appealed and went to a hearing where, after one week of testimony, the Judge suggested BLM settle with WWP as they were evidently losing the case. WWP attorney Judi Brawer and John Carter went up against a room full of BLM staff, scientists and experts – and prevailed.

Due to the focus of Rich County and BLM on the Duck Creek allotment, we began intensive data collection with a partner, the Wild Utah Project, to challenge BLM methods and data. Since then, we have annually clipped hundreds of plots to determine current production and utilization, measured riparian stubble heights, conducted detailed stream habitat assessments, done hundreds of photo points, measured sage grouse habitat requirements and sampled streams for assessment of compliance with State Water Quality Criteria.

Counter to BLM claims, we have documented that current production is a small fraction of

*Two of 29 Springs on Duck Creek being excavated by cattle hooves. This ultimately leads to dewatering and loss of function. Slopes with cheatgrass behind. photos ©John Carter*





***Images of North Fork Sage Creek (left) and Duck Creek at Red Spring. “BLM, Rich County and the State of Utah under the guidance of Kathleen Clarke, former BLM Director, are ramping up efforts to impose the unproven and flawed example of Deseret Land and Livestock supposedly followed on Duck Creek on all the public lands in Rich County.” photos ©John Carter***

potential, that native bunchgrasses are depleted, while grazing tolerant species are increasing, that riparian criteria are never met, that all streams sampled exceed criteria for fecal pollution, that sage grouse guidelines are not met and that BLM’s qualitative methods are designed to report what they want to see, not what is actually occurring on the ground.

BLM, Rich County and the State of Utah under the guidance of Kathleen Clarke, former BLM Director, are ramping up efforts to impose the unproven and flawed example of Deseret Land and Livestock supposedly followed on Duck Creek on all the public lands in Rich County. This system has not restored degraded habitats, yet the State and BLM don’t question the system or produce data showing the actual conditions of the plant and riparian communities. Yet, they wish to impose this across Utah, beginning with Rich County.

After losing the hearing in 2005, BLM came back in 2008 with another EA for a four pasture system, fences and more water developments. In the meantime, we continued to collect data. We are in the midst of a year long hearing, having completed four weeks of testimony to date with an additional two weeks scheduled in May. Costs for transcripts of the hearing are heading for \$40,000 in addition to the time required for preparation and participation in the hearing. This situation raises serious questions about accountability to the

public. What private citizen could find relief in a system so bureaucratic, so politically driven and so unwilling to deal with the facts on the ground? This massive effort demonstrates what is required to get to the truth and affect management to protect habitat on just one allotment out of the thousands managed by BLM across the West. This is not Change we can believe in!

***John Carter, is WWP’s Utah director.  
He lives in Mendon, Utah.***



## **WWP Blog Now Online**

For a look at a more irreverent and personal take on public lands, watersheds, and wildlife issues by a few dedicated WWP authors, WWP invites readers to check out the WWP Blog: <http://wwpblog.com>. Comments are always welcome or join in as an authorized author by contacting WWP: [wwp@westernwatersheds.org](mailto:wwp@westernwatersheds.org).





**Solar Rush  
In the Golden State**  
by Mike Conner

The verdict is still out on what the specific impacts of global climate change really will be for our desert wildlands but government responses are definitely posing new challenges to already stressed wildlife on public lands. Climate change does pose a threat to biodiversity and may even threaten entire ecosystems. Meeting these threats requires more protection of sensitive habitats, particularly those providing connectivity for species movements, to preserve ecological flexibility. Unfortunately, so far the response of the agencies has been just the opposite of what is needed. They are allowing many of the public lands that would provide this flexibility to be considered for the industrial scale development of so-called green energy projects by private industry.

The BLM has been accepting applications for the construction of power plants on vast tracts of public land in the sunny deserts of the southwest. "First dibs" applications have been submitted for over 120 solar and wind energy plants on over a million acres of public land in the California Desert Conservation Area alone. Hundreds of thousands of acres of our precious public lands could be bulldozed flat to provide "renewable energy" power plant sites. Most of these power plants proposals have been filed as "right-of-way" applications, an ad hoc process that fails to take a broad look at the natural resources of our public lands and fails to direct development to areas of low resource value.

One such project is the Ivanpah Solar Electricity Generating Plant. The six square mile power plant would dominate the North Ivanpah Valley near the California-Nevada border. This desert area is familiar to anyone who has traveled

along Interstate 15 between California and Las Vegas as the area to the north where Interstate crosses the dry lake near the border. It provides habitat for an important population of desert tortoises, is used by bighorn sheep and other wildlife, is home to a number of rare plants, and has an assemblage of barrel cactus unrivaled elsewhere in the Golden State.

The Ivanpah Valley is the only place in California where Northeastern Mojave desert tortoises occur. These tortoises are the most genetically distinct of the California populations. The Ivanpah power plant would severely impact this population and as such poses a threat to the entire listed population. This power plant uses a novel technology that has never been deployed on this scale before. This is entirely the wrong place to build a massive, experimental power plant.

There are alternatives to this project. Photovoltaic technology is improving in leaps and bounds making roof top solar options much more efficient and cost effective. There are degraded private lands where projects could be built. The environmental review for the Ivanpah power plant was rushed propelled by \$1.4 billion of stimulus funding (i.e. taxpayers' money) that will be made available if the project is shovel ready by fall 2010. Western Watersheds Project has intervened in the licensing process and is keeping a close watch on this poorly located project.

The BLM and state agencies in California have both embarked on planning efforts to guide placement of new power plants. Good planning should ensure that any needed energy plants are located on degraded lands and do not lead to further degradation of our fragile deserts. Since the agencies don't exactly have a stellar record in the planning arena, Western Watersheds Project is keeping a close watch on these processes too.

*Dr. Michael J. Conner is WWP's California Director. He lives in Reseda, CA*



Land-Hungry Solar Power Development in California  
photo ©Mike Conner



**Climate Change and Cattle:  
The One-Two Punch for Cutthroat**  
by Larry Zuckerman

When Captain Meriwether Lewis spoke of “speckled trout” in his 1805 journal entry at Great Falls, Montana and then again in 1806, at Fort Clatsop near Astoria, Oregon, he was unaware that he was first to write about these distinctive Western trout, which now bear the species name “clarki”, in honor of expedition partner, Captain William Clark. He also didn’t know he was describing two different subspecies: Westslope cutthroat trout in the Upper Missouri River and coastal cutthroat trout, an anadromous form, from the Columbia River. In fact, “Lewis and Clark’s trout” or Westslope cutthroat trout, the state fish for Idaho and Montana, bears Latinized versions of the brazen explorers’ names – *Oncorhynchus clarki lewisi*.

There are 14 subspecies of cutthroat trout in the West as described by eminent ichthyologist, Dr. Robert Behnke of Colorado State University. While two are extinct, the remaining 11 Interior subspecies have suffered catastrophic declines. Examining most of the 19th Century accounts of the Interior cutthroat trout, one would find only non-natives like brown trout, brook trout, and rainbow trout at historic sites like the Green River, Rio Grande, and Lake Tahoe.

Cutthroat trout, like elk, grizzly bears, and grey wolves, were not always restricted to the High Country, but for many of these Western salmonids, the headwater tributaries are all that remained as sanctuaries. Many of the West’s fly angling “meccas” such as Idaho’s Henry’s Fork, Montana’s Madison River, Colorado’s Gunnison and South Platte rivers, and Wyoming-Utah’s Bear River watersheds did not always support exotic brown trout, introduced brook trout, or descendants of domesticated rainbow trout and

Yellowstone cutthroat trout hatchery plants, but rather native representatives of 14 geographically-isolated cutthroat trout subspecies.

Often miniscule by matching relatively miniature habitats, many of the cutthroat trout retain the genetic resources to be trophies. Legendary Lahontan cutthroat trout, now protected under ESA, from Nevada’s Pyramid Lake historically reached 65 pounds while in an isolated stream population impacted by BLM-permitted livestock grazing, rarely exceed 10 inches!

What were once refugia for the remnants of the West’s cutthroat trouts are often becoming death traps. Overgrazing by domestic livestock, irrigation, historic mining and logging, ORVs, over-fishing, introduced fish as competitors, hybridizers, and predators, chemical weed spraying, exotic parasites and diseases, and now the latest, climate change, pose to place the final nails in the collective coffins of cutthroat trouts.

Through WWP’s efforts with legal challenges against defective Federal decisions that ignore special status species like native cutthroat trouts, ESA petitions for listings and designated critical habitats, restoration grants, and fights against expansive water claims, WWP is trying to put the horse back in front of the cart! As we predict what our public lands and their watersheds will be like with impending climate changes, we demand restoration of past damages from livestock and other betrayals of the public trust so that the many varieties of native cutthroat trout can persist and perhaps, recover to some semblance of the immense numbers that amazed Lewis and Clark and other early Western explorers.



**Westslope Cutthroat Trout**  
photo ©Pat Clayton

**Larry Zuckerman is a fisheries biologist and Central Idaho Director for WWP.**

Pat Clayton is a professional fish photographer from Driggs, Idaho who has graciously donated one-time use of his photos of cutthroat trout in this newsletter.

<http://www.fisheyeguyphotography.com>

# Washington State Asotin Wildlife Area



*by Kristin Ruether*

Western Watersheds Project has won an important lawsuit in Washington State concerning livestock grazing in southeast Washington's Asotin Wildlife Area.

WWP has pursued a series of cases against the Washington Department of Fish and Wildlife's so-called "pilot grazing project" to introduce subsidized, commercial grazing (at no cost to the rancher) onto state Wildlife Areas. Records document that the pilot project was instigated as a result of political pressure from Washington Governor Christine Gregoire and the Washington Cattlemen's Association. In addition to costing many hundreds of thousands of dollars to Washington taxpayers in a time of high budget deficits during a recession, the project has caused real damage to lands that are supposed to be managed to benefit wildlife.

Under this pilot program, WDFW recently opened the Asotin Wildlife Area to grazing. This was despite the fact that portions of the area were purchased with funding from the Bonneville Power Administration to serve as "fish and wildlife mitigation" for the Columbia River dams. In fact, Asotin Creek is such an important steelhead stream that Washington designated it as a "wild steelhead refuge." Other native species on the area include deer, elk, and mountain quail as well as several rare plants such as Spalding's catchfly and Stalk-leaved Monkeyflower.

WWP filed suit in 2009, charging, among other things, that WDFW's authorization of grazing was unlawful under the Washington Administrative Procedures Act. We cited many memos from the agency's own scientists documenting that the grazing was harming the native fish and wildlife. Impacts included trespass cows trampling in the streams, erosion, heavy removal of native grasses, and increasing weeds. WWP's efforts were greatly aided by WWP Advisory Board members and Washington residents Dr. Don Johnson of Carlton and Dr. Steven Herman of Yelm who are personally knowledgeable about the wildlife areas. WWP's Biodiversity Director Katie Fite also visited the Asotin Wildlife Area to document the degraded conditions caused by cattle.

In April, Chief Judge Paula Casey of the Thurston County Superior Court in Olympia ruled that the challenged grazing authorization was indeed unlawful. Judge Casey focused her decision on how WDFW had disregarded its own scientists.

This is the second grazing permit found unlawful in Washington State through WWP litigation. Last year, the same court ruled that a separate WDFW grazing lease on the Whiskey Dick/Quilomene Wildlife Area violated the law for failing to do any analysis under the State Environmental Protection Act. WWP has a pending action challenging the WDFW's plans to expand grazing and fencing throughout the Whiskey Dick Area, home to one of the last remnants of the highly imperiled Washington sage-grouse.

We hope this ruling spurs the agency to abandon its ill-advised pilot grazing project and return to managing its Wildlife Areas for wildlife.

*Kristin Ruether is a 2005 graduate of Lewis and Clark Law School and joined Advocates for the West in December 2007. In her spare time she volunteers with Boise's community of refugees from Bhutan.*



In 200

# Victory Protects Area!



2007, WWP's Katie Fite and Don Johnson traveled to Washington to document the damage done by grazing in the Asotin Wildlife Area. Documentation assisted WWP's legal efforts. photos ©Katie Fite 2007



## Important Payette National Forest Decision on Bighorn Sheep Expected Soon

By Debra K. Ellers

Will wild Rocky Mountain Bighorn sheep survive in the West?

Covering a large swath of important bighorn habitat in the Hells Canyon and Salmon River ecosystems in Western Idaho, the Payette National Forest is expected to issue an important decision this May, which will strongly influence whether the answer will be “yes” or “no.” WWP and its legal partners at Advocates for the West have been at the forefront of working to ensure bighorn survival on public lands in the Payette and neighboring land management agencies, by stopping harmful domestic sheep grazing in crucial bighorn territory.

**History:** Wild bighorn sheep have seriously declined since the advent of European-American settlement.<sup>1</sup> Before the mid-1800’s, bighorn sheep were abundant and widely-distributed in the West, estimated at 1.5 to 2 million wild sheep. Drastic die-offs of bighorns started in the late 1800s and early 1900s as a result of overharvest, habitat loss, and competition for forage with and disease from domestic livestock.

Currently, bighorn sheep occur at less than 10% of historic numbers and at a distribution of less than 33% of their original habitat.

The Payette presents a microcosm of this decline in both major bighorn habitat areas it encompasses. The Hells Canyon area along the Idaho/Oregon border supported an estimated 10,000 bighorn sheep before the arrival of European settlers, with Nez Perce history describing bighorn sheep as more plentiful than other large mammals like deer and elk. Sadly, the native Hells Canyon bighorns had completely died out by about the 1940s. In the late 1960s-early 1970s, Oregon and Idaho state wildlife agencies began relocating wild bighorn back to Hells Canyon, before the disease transmission from domestic sheep was well

understood. At least seven major die-offs have happened in the Hells Canyon bighorn herds since reintroduction, and the recent estimates place the reintroduced sheep are at just 875. One herd, the McGraw band, is considered completely extinguished, and several others, including the Muir, Myers, Sheep Mountain and Upper Hells Canyon bands, have had substantial mortality from disease outbreaks.

The Salmon River bighorn population is native, never having been completely extirpated. Because they are one of the few remaining native stocks, Salmon River bighorns are vitally important genetically. Interestingly, the Salmon River bighorns are more migratory than their reintroduced ken in Hells Canyon, which makes them even more unpredictable and susceptible to contact with domestic sheep grazing nearby. They, too, have been experiencing extreme declines in numbers, with die-offs and low lamb recruitment noted in the past couple decades,

particularly in the South Fork Salmon River, Main Salmon River and Big Creek bands. Idaho Fish and Game counts in the past decade put the native Salmon River population at about 635.

### **Disease Background:**

Both field and laboratory studies confirm that domestic sheep transmit bacteria that cause a pneumonia-like disease in wild bighorn sheep.<sup>2</sup> Bighorn sheep are native to North America, and appear to lack resistance to these germs spread by domestic sheep, an

introduced species which evolved in Eurasia. Just one contact between one domestic sheep<sup>3</sup> and one wild bighorn sheep can result in lung disease spreading among bighorns in a “domino effect.” This disease is especially pernicious for bighorn survival, because lambs appear particularly susceptible to it. With their young coughing, gasping and dying at a rapid rate, and adults sickening and dying at an unnaturally high rate as well, bighorn bands can’t survive, much less thrive.

**Bighorn Sheep “Management:”** To minimize the risk of contact and disease between the wild and domestic species, wildlife experts recommend that bighorn sheep have a “buffer” from domestic sheep. The extent of that “buffer” needs to account for wild



Hell’s Canyon, Oregon  
photo ©<http://www.flickr.com/people/thinspread/>

bighorn sheep's natural propensity to roam, with trips of up to 50 miles from their home range documented. Tough terrain such as swift deep rivers or steep, rocky slopes poses no obstacles to bighorn. They are known to swim across major western rivers like the Salmon or Snake, and bound energetically up steep, rocky terrain where a human would need technical climbing gear. Controlling the movements of these wild creatures is not feasible. With this inability to predict or control bighorn movements, state wildlife agencies have frequently resorted to "management" by killing wild bighorn sheep they suspect may be infected with disease. Bighorn sheep therefore face double jeopardy of either becoming infected from germs spread from domestic sheep and later dying, or if state agencies suspect contact has occurred, getting killed by a state fish and game official.

**Public Lands Conflicts:** Domestic sheep grazing on public lands pose big risks to wild bighorn. These domestic sheep are not benignly run in a few dozen, Little Bo Peep-sized bands of sheep. Instead, they often number several hundred to several thousand baa-ing, restless farm animals, milling and grazing scythe-like across the landscape. One band of thousands of domestic sheep typically has two shearers tending it, almost always foreign nationals from Third World countries like Peru or Mongolia, working for sub-minimum wages under a special visa program.<sup>4</sup>

Expecting these shearers to detect the presence of nearby wild sheep, especially in rugged mountainous terrain, over a 24 hour day, 7 days per week, is unrealistic. Before the shearers realize it, one or two domestic sheep can also stray from their band, and quickly interact with wild sheep undetected. The stage is then set for a new outbreak of disease among bighorns.

**Sheep Battles on the Payette:** The Payette is at the epicenter of this conflict between wild and domestic sheep. When it issued a new Forest Plan in 2003, the Payette failed to change its management of domestic sheep grazing, despite other Forests' actions to end domestic sheep grazing on the Oregon side of Hells Canyon a decade earlier. The Payette's 2003 Forest Plan continued to authorize nearly 20,000 domestic sheep—the private livestock of just four livestock producers—to graze on 24 livestock allotments under existing permits. These allotments cover more than 100,000 acres of national forest land, including some of the most scenic high meadows and dramatic canyons in the western U.S. More crucially, these domestic sheep allotments are on or near occupied bighorn habitat.

Fearing for the bighorn's ultimate survival, conservation groups and tribes with treaty rights to traditional bighorn cultural uses appealed the Payette's failure to address long term viability of bighorn survival



photo © <http://www.flickr.com/photos/b1ubb/>



under the National Forest Management Act (NFMA) and the Hells Canyon National Recreation Area Act (HCNRAA). Then Forest Chief Bosworth ruled in 2005 that the Payette had failed to address bighorn survival and long-term viability, and instructed the Payette to conduct a more detailed analysis of domestic sheep grazing impact on bighorns.

In 2006, the Payette convened a panel of experts to analyze the risk of disease transmission from domestic sheep grazing within its boundaries to bighorn sheep. The panel rated two allotments near Hells Canyon as “very high risk,” and others as high risk to bighorn viability. Yet the Payette took no action to address this finding from its own experts until WWP and other conservation groups sued it in Spring, 2007 in federal district court in Idaho. After Advocates for the West’s skilled attorney, Laurie Rule, won several legal skirmishes on behalf of WWP, the Payette agreed to close the two highest-risk allotments (Curren Hill and the western part of Smith Mountain, both adjacent to Hells Canyon NRA), as well as a nearby high risk

trailing route—across the top of Cuddy Mountain near Hells Canyon—to domestic sheep grazing. Additionally, the Payette agreed to perform further scientific, economic, cultural and legal analysis under NEPA in a Supplemental Environmental Impact Statement (SEIS) on Bighorn Viability.

In September, 2008, the Payette issued its draft SEIS on Bighorn Viability, in which it extensively reviewed the science of disease transmission, and recommended cutting domestic sheep grazing acreage by over 60%. The SEIS also analyzed a detailed “no grazing” alternative, which the tribes, hunting and conservation communities heavily supported as the most protective of bighorns. Ultimately, the Payette received over 14,000 public comments on its draft SEIS, about 90% of which favored ending or drastically cutting domestic sheep grazing in favor of saving wild bighorn sheep.

Despite the overwhelming scientific evidence and public support favoring removal of domestic sheep from bighorn habitat, retrograde Idaho state politicians and the declining domestic sheep industry have pressed for

## Notes

1. This history is from the USDA Forest Service Intermountain Region “Update to the Draft Supplemental Environmental Impact Statement” (January 2010) at pages 3-2 through 3-5.
2. See e.g. T. Schommer, et al., “A Review of Disease Related Conflicts Between Domestic Sheep and Goats and Bighorn Sheep,” (USDA, RMRS-GTR 209, May 2008).
3. Domestic goats and llamas are also considered to be a source for spreading pathogens to wild bighorn sheep. This article focuses on domestic sheep, but domestic goats and llamas also present a disease risk to bighorn sheep, and should be treated similarly to domestic sheep in any management plan or disease analysis. See e.g., report in cited in footnote 1 and Western Association of Fish and Wildlife Agencies (WAFWA) Wild Sheep Working Group Initial Subcommittee, 2007, “Recommendations for Domestic Sheep and Goat Management in Wild Sheep Habitat.”
4. The prevailing wage for sheepherders in Idaho in 2009 was \$750 per month. See link at Idaho Department of Labor website, at <http://www.foreignlaborcert.doleta.gov/reader.cfm>. For a revealing account of the difficult labor conditions foreign sheepherders in the U.S. experience, see A. Bedoya, “Captive Labor,” Dollars and Sense (September/October 2003), on-line at <http://www.dollarsandsense.org/archives/2003/0903bedoya.html>
5. The current federal grazing rate is \$1.35 per month for five ewes and their offspring, which makes for a taxpayer-subsidized grazing rate of pennies per head per sheep each month.

continued widespread domestic sheep grazing on public lands.<sup>5</sup> Accordingly, the Payette commissioned experts at the University of California-Davis (UC Davis) to conduct a detailed study, which used GIS and telemetry data to model the risk of contact and disease to wild sheep on the Payette allotments. In January, 2010, the Payette released this study in an Update to the SEIS on Bighorn Viability, and again rated the “no domestic sheep grazing alternative” as the best way to achieve long-term bighorn sheep survival. Again, WWP and other conservation groups provided detailed comments supporting the “no grazing alternative.” And again, the Payette received a huge volume of public comments, at last count numbering over 11,000, the vast majority of which favor increased bighorn protection.

Now, after seven years of administrative appeals, court cases, thousands of pages of NEPA documents, and over twenty-five thousand public comments, the Forest Supervisor for the Payette, Suzanne Rainville, will soon issue the long-awaited Final Decision on Bighorn Viability. This decision will show whether the Obama administration is truly committed to the “best available science” and preserving wildlife. Given the Payette’s prior willingness to close problem sheep allotments and the thorough, technical analyses in the SEIS documents, WWP is hopeful that the Payette will do the right thing for wildlife. If the Final Decision removes domestic sheep where they pose risks to bighorns, it will give wild bighorns the chance they need to recover and thrive in the future.

It’s no exaggeration to say that the fate of wild bighorn sheep in the West hinges on the Final Decision. Widespread bighorn die-offs occurred in Montana, Washington, Nevada and Utah over this past winter, and as noted above, Oregon and Idaho’s bighorn herds have been consistently declining. Other federal land management agencies are closely watching the Payette’s actions to use as a precedent for their own bighorn protection actions. WWP will carefully scrutinize the Final Decision from the Payette, and will support a good decision, challenge a bad one, and in any event, continue working to save wild bighorn sheep throughout the West.

***Debra Ellers is WWP’s Western Idaho Director.  
She lives near McCall, Idaho.***



## Western Watersheds Project 2009 Annual Financial Report

### Income

Memberships and Contributions....	\$265,800.00
Grants.....	\$399,400.00
Events and Earned Income .....	\$28,900.00
<b>Total Income .....</b>	<b>\$694,100.00</b>

### Expenses

Accounting.....	\$3,800.00
Bank Charges .....	\$5,900.00
Conferences & Meetings.....	\$2,900.00
Contract Services .....	\$209,200.00
Equipment Rental & Maintenance ....	\$2,600.00
Insurance .....	\$6,600.00
Legal.....	\$201,700.00
Occupancy.....	\$31,400.00
Payroll .....	\$405,500.00
Payroll Expenses.....	\$34,000.00
Postage & Shipping.....	\$8,400.00
Printing & Publications .....	\$99,200.00
Grazing Leases .....	\$600.00
Program Expense .....	\$2,600.00
Supplies .....	\$12,500.00
Telephone.....	\$9,500.00
Travel .....	\$56,300.00
Website .....	\$1,400.00
<b>Total Expense .....</b>	<b>\$1,094,100.00</b>

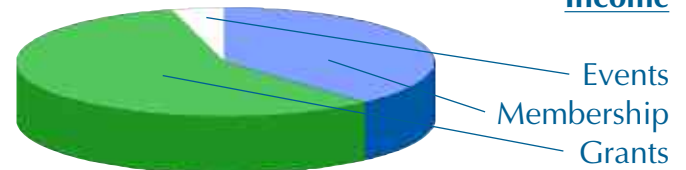
**Net Ordinary Income .....** -\$400,000.00

**Net Income .....** -\$400,000.00

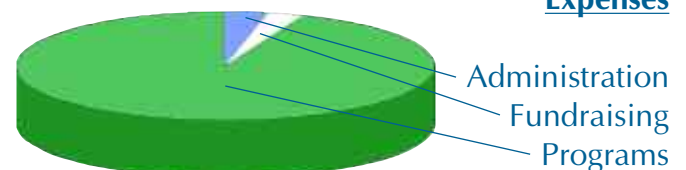
**Transfers from Capital Assets .....** \$460,000.00

**Year End Balance .....** \$60,000.00

### Income



### Expenses



(All Figures Rounded)

**WWP extends special thanks to the following supporters, each of whom contributed \$100 or more to our efforts since the last newsletter. This generous assistance helps to preserve and restore habitat for many species.**

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Sage Grouse in Flight  
 photo ©Ken Cole



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**^ “The survival or extinction of Sage-Grouse in the American west creates a watershed moment in the history of the United States.”**

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