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**F.I.M., CORP.**

*Farming and Livestock*

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Testimony  
Before the Committee on Resources  
Subcommittee on Forests and Forest Health

Hearing on "Working Ranches, Healthy Range and Maintaining Open Space"  
July 13, 2006

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INTRODUCTION

I'm Fred Fulstone, thank you for allowing me to present the following testimony to your committee. Along with my family, we own and operate our sheep ranch known as F.I.M. Corporation. Our address is P.O. Box 12, Smith, Nevada 89430.

I am here with my daughter Marianne Leinassar, my son-in-law Scott, and my grandson Kristofor. We represent the third, fourth, and fifth generations on the same ranch in Nevada and adjoining portions of California. I could not have held our business together if it wasn't for my daughter Marianne. She can run this ranch alone and now we enjoy the help of Kris and Danielle. In recent years, we have purchased additional land and grazing permits because we plan to have many more generations of our family own and operate this business far into the future.

FIM Corporation is a family owned sheep ranch which has been in operation for nearly 90 years. We have a work force of 18 employees in addition to our family members.

Our sheep ranch depends on year around grazing on federal lands in Nevada and California. Our employees travel with each band (or flock) of sheep throughout the year camping in tents and packing all their belongings on burros.

We can be dependent on rangeland grazing because our family believes in the highest principles of good stewardship. Knowing that the sheep must repeat this annual cycle of grazing in the same locations each year, means that we care for our plants and soils in the best possible ways to harvest forage this year and return to find healthy productive plants in the next year. Our family could not have succeeded as ranchers for five generations if we did not properly manage our grazing resources.

The first Fulstones in what is now Nevada homesteaded near Genoa in 1854. My Grandfather purchased a ranch in Smith Valley Nevada in 1903, and began running some sheep in 1910. My father purchased his ranch in 1918.

We have always been very active in our community. For example, my father was on the Walker River Irrigation District Board and was instrumental in building both the Bridgeport and Topaz irrigation reservoirs. Those agricultural developments are also known as two of the best trout fisheries in the west.

My mother was a Medical Doctor whose treatment was provided to anyone in need. During the Depression, she was often paid with a chicken or some other form of barter or treated people who couldn't pay at all. My wife, Irene, was a school teacher and my partner in the ranch. She often made thirty mile horse back rides with me to the sheep camps. I have served on the BLM State Advisory Board and the Carson District Board for over 50 years, in addition to other committees.

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We are important to the culture and economy of several Counties because we purchase supplies, pay taxes, and participate in community committees and other activities. All of the benefits to these communities will be lost if the agencies put us out of business.

When I was a youngster, my family went broke during the Great Depression. We were able to borrow a little money to restore our business, buy our ranch back, and eventually buy more livestock. We have also been badly hurt by livestock losses during bad winters over the years. My Grandfather reported that the winter of 1889-1890 killed nearly all the livestock and wild animals that couldn't find the best shelter. More bad weather killed livestock and wildlife in the winter of 1936 and again in 1949.

Over the past 70 years we have purchased additional property and grazing permits to expand our business. F.I.M. Corporation has been successful and now owns over 10,000 head of sheep that graze on private lands, Bureau of Land Management (BLM) allotments, and Forest Service administered lands. This required careful decisions, great risk to our capital, and at least a little courage to make these investments. Economic and natural disasters are business risks that we understand and that we expect to survive. However, as discussed below we may not be able to survive the severity of regulations by our own government under the Endangered Species Act.

OUR HISTORY IS ONE OF UNPREDICTABLE CHANGES IN REGULATIONS

Our permits to graze on Forest Service and Bureau of Land Management lands have been constantly threatened with loss during the past several years. Riparian areas and sagegrouse were used early to limit grazing. Next came the series of arbitrary and destructive regulations based on the Endangered Species Act. For example we were told that a single sheep hoof print on the streambank would harm the Lahontan Cutthroat Trout. One of those streams (Silver Creek) is within the Marine Corps Winter Warfare Training area and agencies declared that any number of Marines and unlimited numbers of recreationists can walk in this stream with no harm to the same fish.

Over the past thirty years, we have purchased additional grazing rights in a number of allotments for two reasons. First, the allotments are a benefit to the productivity of our sheep due to abundant and nutritious forages. Second we wanted to have alternative places for their sheep to graze when the most desirable allotments were not available due to weather, trailing difficulties, or the ever present danger of arbitrary and unpredictable grazing regulations by the federal agents. We are now losing the flexibility that had been a source of strength for management of their ranch.

TRANSPLANTING SIERRA NEVADA BIGHORN SHEEP

Our present difficulty is caused by the presence of transplanted Sierra Nevada Bighorn Sheep.

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We own grazing and water rights in several allotments from Bridgeport Valley south to Lee Vining. Because domestic sheep were present, the agencies sought an agreement with the FIM to tolerate bighorn sheep being transplanted near to our domestic sheep in Lee Vining Canyon. Agencies promised to treat any bighorn sheep that moved into our rangelands as being lost or "failed" transplants and we would be held harmless.

At this time two of our grazing permits have been cancelled and a third permit put into a "rested" status to prevent livestock grazing without cancellation of the permit. We have lost over 50,000 acres of summer range for our domestic sheep. Permits are cancelled because biologists believe that epidemics of pneumonia will always result when domestic sheep are near bighorn sheep. Allegations of disease transmission from domestic sheep to wild sheep continue to be repeated in spite of veterinary research indicating that the conjecture of disease transmission is not supported by scientific evidence in the wild.

These bighorn sheep had been transplanted into Lee Vining Canyon in the late 1980's, well north of their established range. The sheep have suffered severe die-offs at least three times due to winterkill and predation by mountain lions and will winterkill again. Populations that grew to about 100 bighorns in the early 1990's died back to fewer than 20 bighorns by 2005. Based on the observed failures of the biologists and on their apparent antagonism towards domestic livestock, this Northern Recovery Unit is headed towards having neither domestic sheep nor bighorn sheep.

What are now called Sierra Nevada Bighorn Sheep have been a subject of interest and sometimes concern among citizen Naturalists and more recently government Biologists since the 1800's. Included in the literature concerning these animals are reports of near extinction by the late 1800's, mostly due to being eaten by miners; consequently, SNBS were protected from hunting under California law by 1900. Populations rebounded by the mid-1900's to the point there was well over 300 animals. During this period of SNBS population increase domestic sheep were numerous throughout the bighorn range and predators such as coyotes and mountain lions were hunted sufficiently to keep predator populations relatively low. California decided to protect the mountain lion from hunting; along with increased lion populations came a decline in SNBS populations.

While completing their plan for introduction of bighorns into Lee Vining and Lundy Canyons, the agency Biologists noted that this area is deficient in winter habitat and catastrophic winter die-offs are inevitable. Due to the high risk of winterkill, government Biologists planned to capture and transplant any bighorn sheep in excess of a base herd of twenty-five (25) so twenty-five would be the largest number ever put at risk of winterkill. A further contingency plan was written to prescribe actions to be taken in the event of a severe winter and/or extensive winter death losses. This plan directs the agencies to abandon the designation of this area as bighorn habitat, and capture any surviving bighorn sheep so they can be relocated to the more suitable habitats south of Mammoth Lakes.

All of the SNBS were south of Mammoth Lakes until transplanting to Lee Vining Canyon was completed in the 1980's. At the time of transplanting SNBS to Lee Vining Creek and Lundy Creek, at least one sheep rancher was paid to abandon his grazing permit and the F.I.M. Corporation was told, in writing by the California Fish and Game, Inyo National Forest, and Toiyabe National Forest, that the introductions of these bighorns would not result in prohibition of sheep grazing in their Allotments.

#### PRE-TRANSPLANT BIGHORNS

Since 1944 bighorn have been discussed by the District Ranger and myself. We didn't realized the impact the bighorn would eventually have on our operation.

There is a lot of material and notes that state these bighorn came from the mountains east of the Olanca in earlier days and continued to go back and forth. There are also references to the bighorns moving into the northern area from the Walker River during periods of open winters, and no indication that they migrated from the southern populations found from what is now Bishop and further south. This movement of Desert Bighorns into the Sierras seems to still be occurring as evidenced by recent observations of bighorns moving from east to west across Bridgeport Valley.

Back in the 1920's and 1930's residence of Independence reported having seen Sierra bighorn sheep running with the deer herds. Accounts of Sierra bighorn sheep running with elk, cattle, domestic sheep, and goats have proved that such occurrences are common (Seton 1929). Recently, a photograph was taken of a ram crossing Owens Valley during the spring of 2006.

Around the 1940's and 1950's it was estimated that there were between 360 and 390 bighorn in the Southern unit and they were increasing adjacent to domestic sheep grazing. The Sierra Nevada sheep never augmented naturally to the Northern area because of the ruggedness of the mountains and cold snowy winters. The last direct observation of a wild (non-transplanted) bighorn sheep in the area now called the Northern Recovery Unit of the SNBS was in 1878 (refer to the draft Recovery Plan Table No.2) Fulstone Ranch history records that the winter of 1889-90 was so severe that all the livestock and all the wildlife exposed to the outside range died. Severe loss of wildlife and livestock has occurred frequently as indicated by the winters of 1936, 1948, and a number of other years.

In 1984, after many consultations with Eugene E. Murphy (FS) and District Managers, we agreed to a transplant in Lee Vining Canyon adjacent to our allotment, where they were capable of buying out Joe Mendeburrow, which they did at an exorbitant price. On August 27, 1984, we received a copy of a letter from Eugene E. Murphy, Forest Supervisor, and signed by Fred A. Worthley Jr., Regional Manager of region 5 stating, "We do not believe that habitats south of Lee Vining Canyon, particularly the Bloody Canyon allotment, are suitable habitat for bighorn sheep. The Department of Fish and

Game (CDFG) will not request any additional reduction or cancellation of allotments based on the presence of these animals.”

On March 15, 1985, I received a letter from Eugene E. Murphy thanking me for my input into their environmental assessment process which confirmed the lack of bighorn habitat in my allotment.

#### PROMISES BY THE AGENCIES

On the 5<sup>th</sup> and 6<sup>th</sup> of March 1986, CDFG transplanted 27 Sierra Nevada Bighorn Sheep (SNBS) from the Mt. Baxter herd to Lee Vining Canyon, Mono County, CA, by truck. The first year they lost half of their transplanted bighorn. Also in October, of that same year, 5 head moved over into our Bloody Canyon allotment next to our herd of domestic sheep. In March 1988, the Lee Vining herd was supplemented with 11 more bighorn sheep from the Mt. Baxter herd. Biologists believe that natural recolonization was preferable to reintroduction by truck from many miles away; so they eventually trucked them in.

I questioned the FS as to the 5 head that moved into my allotment and what they were going to do about the bighorn with reference to Fred A. Worthley’s letter of August 27, 1984, to which I received no answer. Also in 1988, I received a letter from the District Ranger, at Lee Vining, concerning my Bloody Canyon allotment. He quoted, “The Department of Fish and Game will not request any additional reduction or cancellation of allotments based on the presence of these animals.” This had been our position since the decision to allow the bighorn sheep reintroduction in the Lee Vining Canyon.

The Mono Lake District ranger, in a letter dated December 20, 1989, stated that they would never cancel our allotments or permits because of the bighorn sheep immigrating into our allotments. The 1985 EA and the Inyo NF Forest Plan support that promise.

On March 22, 1999, FIM and our consultant RCI met with the Forest Service and National Park Service to review the concerns that 3 bighorn sheep had moved into our Bloody Canyon Allotment. They wanted our domestic sheep moved out of our allotment. FIM reminded them that the previous agreements promised no interference by bighorn sheep. The agencies had either not been aware or had elected to dismiss the agreements. I then produced the letter supporting the agreement from the Forest Service and the Cal Fish and Game.

At that point the Forest Service said that they would locate a vacant allotment for FIM that would be compatible with our needs and not disrupt our operation. Forest Service could not find a suitable allotment for us, so on July 25, 2000 they cancelled our ten-year permit, after they had previously said they would resolve any issues on a voluntary basis.

### HOW IT LOOKED TO ME

The bighorn were trucked into Lee Vining Canyon in 1986 and they have very few left today due to predators and winter kills. I do not think there are over 15 head remaining there today. We need photo documentation of the bighorn that are there. We also need an objective, independent, third-party to inventory the SNBS in the Northern Recovery Unit.

From the 1940's to the 1980's as the domestic sheep grazed along side the bighorn, and the bighorn numbers stayed pretty good with no die-offs from pneumonia. Then in the late 1980's the CDFG started a lot of translocations and moving bighorn sheep around, and as a result of that, the population's numbers started going down. The agencies tried to blame it on domestic sheep but it was the way they were managing the bighorn. Predators played a big part in the demise of the bighorns and half of the transplanted SNBS died soon after being released into Lee Vining Canyon in 1986. Now they are back to around 300 to 400 south of Mammoth Lakes, as reported by the CDFG.

After 20 years of grazing along side of these bighorn, without any incident of disease, the USFWS, CDFG, and Forest Service decided to cancel our Bloody Canyon permit because they thought our domestic sheep may affect their bighorn. Not one bighorn has died from *Pasteurella* since they were planted 20 years ago.

These bighorn sheep had been transplanted into Lee Vining Canyon in the late 1980's, well north of their established range. The sheep have suffered severe die-offs at least three times due to winterkill and predation by mountain lions and will winterkill again. Populations that grew to about 100 bighorns in the early 1990's died back to fewer than 20 bighorns by 2005.

In the past few years, hundreds of range sheep operators have been ejected from their ranges and culture on the account for the bighorn. About 60,000 sheep are no longer grazing in Mono County. Now they are attempting to put my hundred year operation out of business by trying to build corridors to pipeline bighorn sheep into my area. They have already trucked many bighorns adjacent to my domestic sheep grazing allotments, which is contradictory to all their agency guidelines. The agencies are violating our rights with distorted facts.

Based on the observed failures of the biologists and on their apparent bias against domestic livestock, this Northern Recovery Unit is headed towards having neither domestic sheep nor bighorn sheep.

DEFICIENCIES OF ESA LISTING AND RECOVERY PLAN

In 1999, the SNBS was listed as an endangered species on an emergency basis then listed permanently in January 2000. Biologists claimed that all of the scattered SNBS herds were a single “discrete” population by simply stating that their bighorn sheep are not capable of traveling about 5 miles from West to East where they could interbreed with the Desert Bighorn Sheep in the White Mountains and other nearby mountain ranges; Desert Bighorns, also called Nelson Bighorns, were similarly incapable of traveling a few miles west to breed the SNBS. However the same Biologists also hold the opinion that SNBS populations maintain genetic health by traveling many miles North and South and only breeding with other SNBS.

Both the listing document and the Draft Recovery Plan devoted much attention to the conjecture that domestic sheep will cause epidemics of pneumonia in bighorn sheep by passing *Pasteurella spp.* of bacteria. Several documents state that the causes of bighorn deaths in what was called the Northern Recovery Unit were almost entirely the result of inadequate winter habitat and predation by mountain lions. Lack of seasonal habitat meant that bighorns were in danger from inclement weather and avalanches; and predation by mountain lions caused the surviving bighorns to move to even less suitable areas. This Northern Recovery Unit is too high in elevation to provide dependable winter habitat; there are no solutions, in terms of habitat enhancements, that can overcome the geographic limitations.

SNBS populations are increasing in the Central and Southern Recovery Units. In contrast, the Northern Recovery Unit, which is 50 miles away from the main population, has lost most of its bighorn. Lee Vining and Lundy Canyon are located in the center of this unit. They possibly have 15 head left in this Northern Recovery Unit, which makes up approximately 2% of the SNBS population. At one time there were around 80 bighorn in this area. If we get some more hard winters with relatively windless conditions and the weather warms up it is possible for a crust to develop which would prevent the wind from blowing the snow off of those high ridges preventing those exposed benches, which the bighorn are dependent upon in the Northern Unit as their winter habitat. The bighorn sheep are then unable to reach the sparse growth of the short poor-quality annual grasses. This area, from Mammoth Lakes to Bridgeport Valley is unsuitable as habitat for the bighorn sheep.

Recent bacterial eruptions (pneumonia caused by *Pasteurella*) occurred in the already parasite-weakened lungs of the bighorn sheep in areas such as the White Mountains of California, the Santa Rosa Mountains of Nevada, and the Peninsular bighorn sheep near Palm Springs. These bighorn sheep died from pneumonia without the presence or contact with domestic sheep. The biologists must manage their sheep better and not blame every die off or problem on domestic sheep. With the encouragement of the federal agencies, CDFG have gone too far in the distributing of their wild sheep; there are thousands of wild sheep built up today and the biologists still want more by pushing domestic livestock from the open ranges, this must stop.

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THE AGENCY BIOLOGISTS ARE NOT USING THE BEST AVAILABLE DATA

We have faithfully and at great economic costs, fulfilled all our grazing obligations as required by the USFS, USFWS, and CalF&G. Biologists required that we do a number of things that are not normally a part of our sheep husbandry, for the protection of the Sierra Nevada Bighorn Sheep. We have accommodated these restrictions for each of the past five years. Details of our success are described in the letters prepared at the end of the 2005 grazing season. Please refer to the letter from Bridgeport District Ranger Cheryl Probert to US FWS dated December 2, 2005, and the letter dated November 8, 2005 from F.I.M. Corporation to the Bridgeport District Ranger.

Having demonstrated both our cooperation and success, we were very disturbed by some of the comments in the California Fish and Game report about the 2005 grazing season and the 2006 Forest Service Biological Assessment (BA) that imply that we have not managed our sheep carefully and that our employees are somehow not skillful or trustworthy.

In June of 2004, we were granted applicant status for purposes of ESA Consultation by Forest Supervisor, Bob Vaught. FIM hoped that the ranch would have more opportunity to participate in development of the regulations that affect them. To date the draft Recovery Plan is written by a closed committee in private meetings, the Forest Service has written two Biological Assessments without allowing FIM to comment, and the applicant status participation has been limited to submitting comments to the USFWS with respect to Biological Opinions under Section 7 of the ESA.

We were disappointed, even alarmed, when we saw that the 2006 BA had failed to use some important reference material. They did not refer to any of the material from the Scientific Roundtable seminar in Reno in February 2005 or to most of literature that contradicts the references they selected. They did not even mention that FIM had submitted written comments concerning the 2005 grazing season soon after the season ended. This 2006 BA has now been extensively quoted in the 2006 Biological Opinion prepared by the US Fish and Wildlife Service.

After the 2005 grazing season, each party was asked to provide a written statement about the 2005 permitted use by sheep in Dunderberg, Tamarack, and Cameron Canyon allotments with specific reference to the mitigations or stipulations that were intended to benefit the SNBS in preparation for a meeting on December 5, 2005. FIM submitted their statement on November 8. FS provided their statement near the end of November, and California Fish and Game completed their paper several months later. The CalF&G final version is full of misleading or distorted statements, and yet that paper seems to have become the source of much of the text in the 2006 BA. FS did not discuss the contents of this CalF&G report with FIM and should not have included any citations of this paper without giving FIM an opportunity for rebuttal.

### CONTENTION

Two of the more contentious issues involve (1) the conjecture that catastrophic diseases are transmitted from domestic sheep to bighorn sheep in the wild, and (2) separation of the areas used by the two species by some specified distance or buffer zone will make the bighorns disease free. As discussed below, this amounts to a failure by the biologists to critically review the documents they chose to cite. We believe there is much better scientific data available than what was selected as reference material by the agency biologists.

In spite of factual information to the contrary, allegation of disease transmission is being treated as an established fact. Some of the language indicates that the authors understand how speculative their disease transmission statements actually are. However the authors avoid referring to capable scientists, who state that no direct-contact transmission and immediately associated bighorn sheep die-off has ever been documented in peer reviewed studies or publication. Agency biologists seem to have taken sides in this debate when they could have fairly presented both arguments.

Biologists state that pneumonia contracted from domestic sheep may have been the most important cause of losses, but have not been documented. They state that domestic sheep arrived in the Sierras in the 1860s, ignoring 200 years of preceding history. They make the statement that disease from domestic sheep was catastrophic for bighorn sheep in the wild with no scientific support for the statement. They also persist in their attempt to state without proof that the odds of contact between the species is the same as the probability of a bighorn sheep epizootic event with widespread die-off of the bighorns.

Please refer to the written comment submitted to the Payette National Forest by Dr. Marie Bulgin, Coordinator, Caine Veterinary Teaching and Research Center, University of Idaho, Caldwell Idaho. On July 6, 2006, Dr. Bulgin provided written “Comment Concerning the Risk Analysis of Disease Transmission Between Domestic Sheep and Bighorn Sheep on the Payette National Forest (2006). In that letter, Dr. Bulgin emphasizes that there is no scientific basis for the premise that domestic sheep transmit disease to bighorn sheep on the range.

F.I.M. Corporation hired a professional service to record the presentations during the Scientific Roundtable seminar in Reno, February 25, 2005. American Sheep Industry (ASI) experts then transcribed the recordings so paper copies of the seminar proceedings are also available. Capable scientists stated that no direct-contact transmission and immediately associated bighorn sheep die-off has ever been documented in peer reviewed studies or publication. The ASI transcription provides several examples of the fact that scientific investigation does not support this conjecture of disease transmission. For example:

1. Dr. Aune reported that the last four bighorn dieoffs in Montana had no domestic sheep involvement. He further commented that if a strain of *Pasteurella* were to be introduced with domestic sheep that was so virulent it could be spread through

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- casual contact in the wild, then any bighorn that was exposed to the pathogen would probably die before it could resume contact with other bighorns.
2. Dr. Aune also explained that in Montana, spatial separation was not possible so they have found and continue to develop more cooperative management efforts that are designed to keep bighorn sheep and domestic sheep safe from each other's diseases.
  3. Dr. Stevenson, CalF&G Biologist, said that the identification of “buffer zones” mostly served the purpose of convenience in GPS/GIS map displays. He went on to state that buffers don't necessarily mean that sheep should be excluded from that distance
  4. Dr. Rink explained what scientific investigation is needed relative to both *Pasteurella* and bighorn sheep taxonomy. Dr. Rink further explained that most of the bighorn sheep disease studies in the past twenty years did not apply *Koch's postulates*. This means that when a number of animals are suffering from a particular disease then you must be able to isolate the pathogen from each, and every healthy animal should be free of the same pathogen. “If that is not the case then you are not looking at a sole source of the disease you are studying.” Dr. Rink then used the specific example of a recent die-off of bighorn sheep in the Santa Rosa Range in northern Nevada. These bighorns had acute pneumonia, severe lungworm infestations, and were malnourished especially due to Selenium deficiency. No evidence existed that the die-off was a result of domestic sheep contact.
  5. Dr Rink further explained that since domestic sheep and their respective pathogens arrived in North America a long time ago. That means that the bighorn sheep in North America, as with any mammal, have already undergone the selection processes and the immune systems of the bighorn sheep should reflect this. Dr. Rink explained the concept that genetic heterozygosity within a population means that the population as a whole has a broad enough range in immune system response to handle a large number of different pathogens.
  6. In turn, Dr. Wehausen confirmed Dr. Rink's general statement when he noted that the SNBS are consistently healthy. He had never “seen any evidence of disease in the Sierra bighorn.” He had “never seen a snotty nose...” Dr. Rink explained that even the draft Recovery Plan notes that in 25 years there has been no confirmed disease outbreak in SNBS and that there has always been domestic sheep in the vicinity of these same bighorns.

Sierra Nevada Bighorn Sheep (SNBS) is now proposed as a unique subspecies of bighorn sheep, *Ovis canadensis sierrae*. This scientific name represents a proposed change in taxonomy from that used at the time the SNBS was listed. John Wehausen is the government private contractor, hired by the Forest Service and Park Service to study these bighorns, write the recovery plan, and now is proposing this name change. Several of his articles are cited in the bibliography of the 2006 BA. He has stated in scientific journals and popular magazines that the bighorns in the Sierra's are unique, then stated that they are the same as Desert Bighorns to the East, and also wrote an article in the

California Fish and Game public information magazine that the name should be changed from *O.c.Californiana* to *O.c.sierrae*.

Publication of articles is the stock in trade of academic folks like Wehausen, so writing proposals to alter the taxonomy of a plant or animal is one of the ways that they sustain their reputations and name recognition. However, according to the final Recovery Plan text, also cited by the FS in the BA, the name change is only documented in the California Fish and Game magazine and has not been reviewed and accepted by zoologists in peer reviewed journals.

Agency biologists have failed to be critical of the claims for this taxonomic change especially in view of preliminary indication that SNBS are indistinguishable from Nelson’s (Desert) bighorn sheep. This was presented during the Scientific Roundtable seminar in Reno, February 2005. Nuclear DNA analysis from one SNBS tissue sample was completed in 2005 and compared with some 100 DNA samples from Desert bighorn sheep. Based on a single sample the SNBS is the same as the Desert bighorns although further DNA analysis is badly needed to settle the question. Until then, FS should clearly state that the taxonomy of this SNBS is in question and the proposed change is not the best available scientific information.

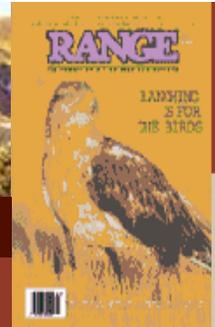
#### HOW WE HAVE RESPONDED TO AGENCIES

Among the comments that FIM politely makes to the biologists, are the following:

1. There is no technically sound data describing any disease epidemic caused by contact between domestic sheep and Sierra Nevada Bighorn Sheep in the wild.
2. The agency SNBS Strategy calls for capture and removal of SNBS from the northern recovery unit area in the event of catastrophic winter death losses; that has now happened several times and the agencies should follow their contingency plan to remove the survivors.
3. The agency Domestic Sheep Strategy ends with a statement that there are sheep ranches that carefully manage their grazing and their sheep and that do not fit within the risk factor tables applied to less well managed sheep; F.I.M. is clearly a part of this group of intensively managed sheep operations and should not be regulated according to the risk worksheets.
4. FIM herds sheep on the open range by applying techniques that have been perfected with 100 years of experience. FIM has never “lost” a sheep when grazing these allotments, every sheep is accounted for at the end of the grazing season.
5. Under ESA, every federal agency is required to base decisions on the best available scientific data; whichever has the best should not concede to less dependable data held by competing agencies.

WHAT WOULD HELP KEEP US IN BUSINESS AND NOT HURT THE BIGHORNS?

1. Move the Northern Recovery Unit boundary line south to the Mammoth Lakes area. All of the mountains north of Mammoth Lakes are so high in elevation that they do not provide dependable winter range for bighorn sheep.
2. Declare the bighorns that do survive from Lee Vining north to Bridgeport Valley to be Nelson’s (Desert) Bighorn Sheep based on: (1)observed travel of bighorns from the Walker River in Nevada towards the Sierra Mountains, (2) Nuclear DNA analysis of a Sierra area bighorn that indicates it is indistinguishable from bighorns found throughout Nevada, and (3)historical comment of bighorn movement from the Walker River area into mountains surrounding Bridgeport Valley.
3. Direct agency biologists to study and apply the best available scientific data regarding disease transmission which should lead to them abandoning the conjecture that domestic sheep pose a danger to bighorn sheep
4. Based on erroneous statements that biologists refuse to correct when provided with accurate and factual information. Discipline and when possible prosecute agency employees who fail to follow the highest standards of scientific ethics.
5. Monitoring bighorn sheep numbers and movements by objective third party observers acceptance of the data by agency employees.



## SILENCING THE LAMBS

*Woolly thinking on the California-Nevada border.*

By Tim Findley

Fred Fulstone began moving his sheep up early into the high summer pasture. It was the second full week in June, nearly a month before he had planned, and it was not even in the same grazing allotment that was on his schedule.

Still, the lambs seemed ready and the grasses were surprisingly plentiful as they pushed the flock of a thousand ewes and more than a thousand lambs up to the higher ridges nearing snow line. It was a compromise, meant to bring another year's progress in the long struggle of the Fulstones to survive the whims of government restriction.

Following the clang and clutch of the belled burro they recognize as their leader, the flock wakened from a late morning siesta midway down the slope and crossed the ridge by 2 p.m., the two-man team of Peruvian herders and their dogs whistling and nipping at their heels. It was cooler at the top, with a light breeze blowing down into an aspen-rimmed meadow.

Unless there might be an impossibly imagined encounter with bighorn sheep up ahead, Fulstone's flock would feed again on the familiar rich grass and sage that has sustained his livestock for 70 summers and more in this same region. They moved slowly in the afternoon, feeding as they climbed steadily higher into the array of blossoming columbine and larkspur that mark the late Alpine spring. The bawls of the lambs and the deep baying responses from the ewes made it a noisy, self-centered passage, curling in light dust.

This was actually Bob Vaught's solution to the problem. Only four days earlier, Vaught had summoned Fulstone and supporters into his conference room at the Humboldt-Toiyabe National Forest headquarters in Reno, Nevada. Chubby-cheeked, with an innocent look that makes him seem self-conscious of his authority, Vaught holds direct power over the largest national forest outside Alaska. It is a huge job made from small streams, long trails, and a bureaucratic chessboard that Fred Fulstone might not fully understand for its current political nuances.

The issue before them was the threatened cancellation of Fulstone's grazing permit on the Dunderberg allotment high above Bridgeport, Calif.,

because of a possible conflict with an “endangered” species of bighorn sheep in the general region. Vaught sat lost amid the crowd, in a chair a third of the way down the long conference table, relinquishing the head seat to an attorney for Fulstone himself. On the blackboard Vaught had scrawled two divisions to his agenda: one the problem, and the other a possible solution. Neither was quite as honest as it could be.

Some federalcrats are known for their infuriating newspeak of acronyms, and while Vaught is not one of them, the issue had been defined for him by Robert Williams in the Nevada office of the U.S. Fish & Wildlife Service. It was Williams’ coinage that the bighorns in question are “SNBS” (Sierra Nevada Bighorn Sheep), supposedly an endangered species apart from just your average bighorns of the Rockies and elsewhere.

“Foreyt and Jessup [1982] published experimental work confirming that bacterial pneumonia [pasteurella] carried normally by domestic sheep can be fatal to bighorn sheep,” Williams wrote. “Thus, domestic sheep grazing on the JBU may affect SNBS if the two species come nose-to-nose with each other.” He worried that a possible “die-off” among bighorns, any die-off, might mark a disastrous violation of the Endangered Species Act. The permit holder could face huge fines and even a prison sentence, and, Williams’ letter hinted, the Forest Service could share the blame for allowing domestic sheep on the allotment.

Even on a slightly altered route, the vague accounting of the Fish & Wildlife Service unsupported by photos or any other evidence suggested that the bighorns might be almost anywhere in the vast ranges of the eastern Sierra. Somewhere ahead of them, an SNBS might be in nose range, but herder Julio Gorriz wasn’t thinking about that as he whipped a dry snap of sage at the stragglers and shouted to his dog Marquesa. She was quickly behind them, urging them on.

“I never seen one,” said Julio, proud of his moderate grasp of English. “Not one. No bones, no horns, no track. Nothing.”

Gorriz is native Basque, but his two decades of herding in this region has earned him resident status. The evidence of his dwindling heritage can be found in almost any grove of aspen trees in this region where lonely Basque herders have carved their names, their dreams and the dates going back a century in a soft-bark record.

“Never a bighorn. I never see one,” Gorriz said again.

Nevertheless, since Fish & Wildlife began its program in 1986 to “reintroduce” bighorn into ranges of Northern California and Nevada where they had not been known before, the animals, numbering 100 or less, have gradually acquired special status to the point of acronym—SNBS. They have become political cousins to CSO (California spotted owl).

In a letter from the regional manager, California Department of Fish and Game to Inyo National Forest Supervisor Eugene Murphy, August 1984, on the matter of reintroduction of bighorn sheep into Lee Vining Canyon:

“We do not believe that habitats south of Lee Vining Canyon, particularly the Bloody Canyon allotment, are suitable for bighorn sheep. Should any number of bighorn sheep...emigrate to an active domestic sheep allotment they will be

considered a ‘failure segment’ of the overall reintroduction element. The department will not request any additional reduction or cancellation of allotments based on the presence of these animals.”

Letter to Fred Fulstone, F.I.M. Corp., from Mono Lake District Ranger Bill Bramlette, U.S. Forest Service, 1989:

"To restate, the bighorn sheep that established in Bloody Canyon area will not be used by the Forest Service, or apparently the California Department of Fish and Game to eliminate any domestic sheep grazing in your Bloody Canyon allotment.”

Yet in 2000, not long after Bloody Canyon was integrated into the Humboldt-Toiyabe National Forest, Fulstone was informed that his grazing allotment there was canceled due to possible interaction of domestic sheep with the bighorns, or SNBS.

It would cost Fulstone a huge amount of money in loss of production and the acquisition of new grazing areas. Fulstone and his herders had been in and out of Bloody Canyon for half a century. They had never seen any sign of bighorn sheep, and there still is no evidence that the bighorn have ever been there. Yet, as even Fish & Wildlife’s own scientists had predicted, SNBS had not adapted well to ranges south of Lee Vining. Their numbers were falling due to predators, heavy winters in the high ranges, and, as in the useful if largely unsupported supposition, interaction with domestic animals.

Bob Vaught really had nothing to do with that. He won the job in Humboldt-Toiyabe close behind the high-boot heels of Gloria Flora, whose career with the Forest Service crashed in 1999 with accusations of “threats” against her employees over the road closure she ordered at Jarbidge to protect the bull trout—another dubiously endangered species. Flora complained to Congress and crowds of eagerly listening environmentalists that property rights radicals were waging a terror campaign against her.

Good-natured Bob Vaught still had final peace to make with the grassroots wave of the “Shovel Brigade” that reopened the road anyway, but the new superintendent at least did not adopt the adversarial stance of Flora.

In fact, it never really was an issue with the Forest Service. Flora’s decision on the road was based on pressure put on her by the Interior Department’s Fish & Wildlife Service, which claimed, but never proved, the existence of bull trout in the area of South Canyon. When then-Interior Secretary Bruce Babbitt heard of what Flora called threats, he made a personal phone call to check—not to Flora, but to Bob Williams of Fish & Wildlife.

Now, what Vaught had before him at his mid-table seat was the message from the enduring Williams warning that SNBS had been seen—yet still not photographed—where they were not expected, in Fulstone’s Dunderberg grazing range.

“Nose-to-nose,” Williams warned, the bighorn might just catch something from the domestic sheep. He suggested that if the Forest Service, a division of the Department of Agriculture, wanted to allow Fulstone on the allotment this year, he and his own rangers might be held liable along with Fulstone for any subsequent die-off. The law of the land, Vaught was reminded, is the Endangered

Species Act, and Fish & Wildlife, a division of the Department of Interior, is responsible for administration of the law.

For Fulstone, still trying to recover from the loss of one major allotment in Bloody Canyon, the cancellation of another permit could mean economic disaster.

“This is preposterous,” erupted David Thawley, the Dean of the College of Agriculture at the University of Nevada, who was one of Fulstone’s invited guests at the meeting. “They [the bighorns] could be hit by a meteor, and it would be blamed on domestic sheep. Once again, policy is being determined by bad science.”

Williams’ fearsomely portrayed “pastuerella” disease is actually a common infection known to be carried by most, if not all mammals, including bighorn sheep. It is much like a mild cold in most cases, says Dr. Anette Rink, another of Fulstone’s invited guests who happens to be the director of the veterinary laboratory for the State of Nevada. So common, in fact, adds Dr. Hudson Glimp of University of Nevada, Reno’s School of Veterinary Medicine, that it’s known as shipping fever, found frequently among animals closely packed for transport.

“This whole thing really right now sounds a bit bogus to me,” says Rink, whose own studies have shown that cursory field examinations finding pastuerella among dead animals simply do not go far enough to determine the true cause of death.

In any case, the die-off of bighorns from contact with domestic sheep is based on virtually no evidence at all, the scientists agree, but rather anecdotal beliefs.

“We’re talking about the best technology available in 1980?” says Thawley. “No DNA analysis, no peer review? Where is the science in this?”

“Yes,” Vaught replies at last in his practiced patient tone, “but what if it is true? What if it might really happen? Then what?”

The eminent state agricultural scientists stare back at Vaught like he is someone who has watched too many drive-in movies.

###

Even within scent of the small stream flowing through the meadow below them, the sheep are in no hurry. The burro has wandered a little away from the road he had been following, taking them with him, and they feed gradually on the fresh green shoots from the sage, some of them lying down to rest again in the warm afternoon.

The Fulstone family first established their ranch in Nevada’s Smith Valley in 1858. It is in a little-visited deep bowl of the eastern Sierra not far as the crow flies from the spectacular canyons of Yosemite. Fred, now 84, began every day before dawn from the time he was 13 with his chores of milking the cows. His father was a prominent founder of Smith Valley and his mother a pioneering rural physician. It was at her urging that Fred left the ranch at 17 to begin studies in medicine at the University of California at Berkeley. Sadly, his father fell ill a short time later and Fred returned to the ranch after only two years in college. He would never again leave, but instead began building on the firm

livestock business his father had established.

“We have at least 70 years of experience in grazing on those allotments,” he says. “There was a time I remember when the government actually appreciated that. What we were doing made the range better, not worse. It helped in fire prevention and even encouraged new growth. They used to understand that, and when they needed food, during the war, they used to tell us, ‘run all the sheep you can.’ We wouldn’t do that; we wouldn’t overgraze our own best resource.” It was up to a million acres in the mountain pastures, and no one knew them better than Fulstone.

But Fred first began seeing the big hand of new government in the late 1970s when the Endangered Species Act took hold. It was then that Fish & Wildlife began reintroducing Lahontan cutthroat trout (LCT in federalese) to small high streams where they were not known and had little chance of survival. At least not, the young Fish & Wildlife specialists claimed, unless grazing along the narrow streams could be curtailed or eliminated.

George Frampton, the former head of the Wilderness Society credited with giving that environmental group its best years of growth, was by the early 1990s an advisor to President Bill Clinton and assistant secretary in the Department of Interior, in charge of Fish & Wildlife.

Frampton presented no real surprises in directing his department, with the muscle of the Endangered Species Act behind them, to establish wilderness wherever human use could be pushed out. He was experienced as one of the planners to use the spotted owl as a means of halting logging. In his portfolio as head of Fish & Wildlife, he had an almost limitless supply of similar surrogates to employ when useful. Like the bull trout in Jarbidge. Like the Lahontan cutthroat they planted above Fulstone’s summer pastures.

“A group of industries, principally mining, logging and ranching for decades have enjoyed federal subsidies to develop and exploit federal lands,” Frampton told an Earth Day rally in 1992. “We’re going to help the environment...and they’re fighting back. If you had a license to loot the federal treasury, you’d be fighting to keep it too.”

Fulstone tried to go along with the new wave of idealistic federal bureaucrats. He took them to the streams where his sheep grazed, showed them the strong grass and clear water. They measured the grass in centimeters and proclaimed it too short. They looked at the full-flowing stream and said the sheep would drink it dry unless they were limited to 10 percent use, no more than four days a week.

An independent range biologist invited along as an observer later reported, “The young and inexperienced ‘ologists’ stuck to their guns that the site was devastated and needed total rest from grazing, even though ALL the indicators were to the contrary.” More of Fulstone’s former grazing rights were canceled, and, incredibly, in one stipulation he was directed to allow his sheep to drink from only one side of a two-foot-wide stream, reserving the other side for a neighboring permittee and his sheep.

If it was not the cutthroat, it was the woefully endangered red-legged frog that he dared not disturb under threat of prison.

Fred has his own established reputation in Nevada and eastern California. He is a highly respected rancher, and nobody's fool, but he was patient enough to watch all the pieces piling up before he dared think it was a conspiracy to put him out of business.

The rumored presence of an invented species in places everyone knows they don't belong and probably won't survive seemed convincing indicators of what was really afoot to state livestock experts. SNBS, and their risk of extinction from common sheep, sounded more like joke than even junk science.

"We all know there are some, even in government, who want to force all grazing off federal lands," one of them said.

That wasn't Vaught, either. After all, as he told the meeting in his conference room, "It's Fish and Game [in California] that is encouraging the Forest Service to cancel Fred's permit [on the Dunderberg allotment]." Actually, as Vaught knows, it was not California Fish and Game. They were just passing on the pressure put on them by U.S. Fish & Wildlife Service.

"We want to work with you, Fred, and make sure you have your grazing rights, but there are some bureaucrats who would rather not take the risk," Vaught admitted.

It was from there that the clever-sized forest superintendent provided a new little twist of his own in the chess match of interagency power. He knew that Fulstone had little other choice than to sue for his rights and use all the scientific evidence already piling up against the bad science and outright duplicity of Fish & Wildlife in the matter. But the time and cost of that could still cripple Fulstone's operation, which he shares with his daughter Marianne Leinassar and plans soon to turn over to his grandson, Chris.

It was as Vaught got up from the center of the table and went to his blackboard to begin "point two" on his agenda that the obvious absence of any Fish & Wildlife representatives at the meeting was revealed as quite intentional.

"What if you keep the Dunderberg permit, but let it rest a year, and we offer you another allotment beginning a little earlier this summer?" Vaught suggested.

He wasn't just placating the surprised Fulstone. Vaught made it clear that he intended, with Fulstone's agreement, to present the nearby Cameron allotment agreement to Fish & Wildlife the following Monday, without their approval or review. "We're ready to just go in there and tell them," Vaught said.

"And what if there are bighorns up there?" someone asked. "What if there is a die-off?"

"Then I guess one of my rangers goes to jail," said the deceptively young-looking Vaught. The two young lady rangers in the meeting smiled willingly along with their boss.

Yet even then, it could not be an easy way around the bureaucratic barriers. The pasture Vaught offered near the U.S. Marine winter training base seemed welcoming until Fulstone went to look at it and was presented with a new map drawing red lines around the stream sources of water where Fish & Wildlife claims to have planted lahontan cutthroat trout (LCT). Where would Fulstone's sheep drink?

The forest superintendent and his staff went back to look for more open allotments, promising Fulstone they would find him summer range. They went over their own maps of the huge Humboldt-Toiyabe forest like it was a chessboard on which they searched for their next move.

In the meantime, Dr. Rink will continue and probably complete her work to establish whether the SNBS really is a distinct and endangered species, which she doubts, and other researchers will continue to question the science behind the wives'-tale wisdom that encounters of wild and domestic sheep always prove fatal.

In Washington, the figurehead undersecretary of Fish & Wildlife who replaced George Frampton is Craig Manson, an African American former judge in California, who is known for saying, "The Endangered Species Act is definitely broken and needs fixing."

Times, it seems, could be changing in another direction. Unless, that is, that men like Bruce Babbitt and George Frampton get their way again. Since leaving office, they have teamed up with other former Clinton appointees to form "Environment 2004," a political action group with the stated purpose of building a case against President George Bush for his failure to press on with environmental reform.

###

It is not likely that Francisco Figueroa had any idea of all the politics he was pushing up the hills in June. Gorriz will leave him and the sheep alone up there for weeks at a time. He has a supply of food, his dogs, and a 30-30 in case the lions get too close. He does not understand English, and it was not explained to him what he should do if he encounters a bighorn, or, worse, an almost mythical SNBS. But Gorriz and Fulstone are convinced there is no chance of that, despite the unsupported worries of Fish & Wildlife.

The flock stops on the sage hilltop. They are high enough now to see the pale and blackened mountain slopes on the distant horizon, still unsalvaged of its dark skeletons of trees. It was there, two years ago, that Fish & Wildlife rejected military assistance to drop retardant on what began as a controllable blaze. Marines were told the chemical might affect the "LCT" in the streams.

Despite the herders' objections, a photographer pushes ahead of the flock, hoping for a shot of the sheep passing the old carvings on the aspen. Tromping past them down the road, the cameraman turns a corner and looks into the trees, surprised just in time to see the big animal's head.



*Species correct if you like, it was a brown, almost orange, black bear about the size of Kansas.*

(© Tim Findley)

## **BIO**

*Tim Findley will return to the woods when the bears have been cleared.*

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## **Bighorns**

*A pawn in the game.*

The desert bighorn sheep became Nevada's official state animal in 1973. A subspecies of the Rocky Mountain bighorn, the desert bighorn ranges widely across the state, especially in high mountain grass and sage lands usually below 5,000 feet. The object of an ambitious campaign of reintroduction from other sites over the last 50 years, the desert bighorn is not endangered. Nevada promotes a carefully restricted hunting season on them each year.

In 1986, despite evidence that higher ranges of the Sierra were unsuitable for the bighorns because of steep, rocky terrain and harsher winters, federal authorities released a new herd into the Mono Basin from a population further to the south in what is better known as bighorn habitat.

This new group of 100 sheep was designated as the Sierra Nevada bighorn and, without any DNA or other scientific evidence, proclaimed to be a "unique form...rarer than the Florida panther and rarer than the California condor." Other scientists question the federal claim and the subsequent designation of the Sierra Nevada bighorn as endangered.

At the beginning of 2004, several deaths among desert bighorns in northern Nevada near Winnemucca prompted concern that a die-off was underway. Preliminary reports contended that the bighorns may have become

infected with a lung disease from contact with domestic sheep. State agricultural veterinarian Annette Rink conducted a closer examination, however, and concluded that the dead sheep carried parasites common to bighorns and also suffered from mineral deficiencies that weakened their immune system. She found no indication that their health was impaired by contact with domestic sheep.

If the object really is to force Fred Fulstone off his long-standing grazing permits and out of business in the Smith Valley, it will accumulate into what is already a multimillion dollar loss of agricultural income in rural Nevada due to federal grazing restrictions.

Since the introduction of so-called Sierra Nevada bighorns into areas around Mono Lake, grazing restrictions have already resulted in the reduction of domestic sheep in the region by some 20,000 animals. Research analyst Thomas R. MacDiarmid of the University of Nevada estimates that the loss in rural activity from a reduction in grazing amounts to an impact of about \$520 for every AUM (animal unit month) lost. Fulstone has 18 employees, most of whom have been with him for years. He is proud of his 40 guard- and herd dogs. He also has 4,000 AUMs.

Translated as an economic impact on the rural and isolated community of Smith Valley, putting Fulstone out of business would mean the loss of at least \$2 million a year in local economic activity.—by Tim Findley.



*At 84, Fred Fulstone's family has at least 70 years experience grazing his allotments. He remembers a time when the government understood that his sheep actually improved the range. They still do, but that's not what the enviro-radicals care about.*

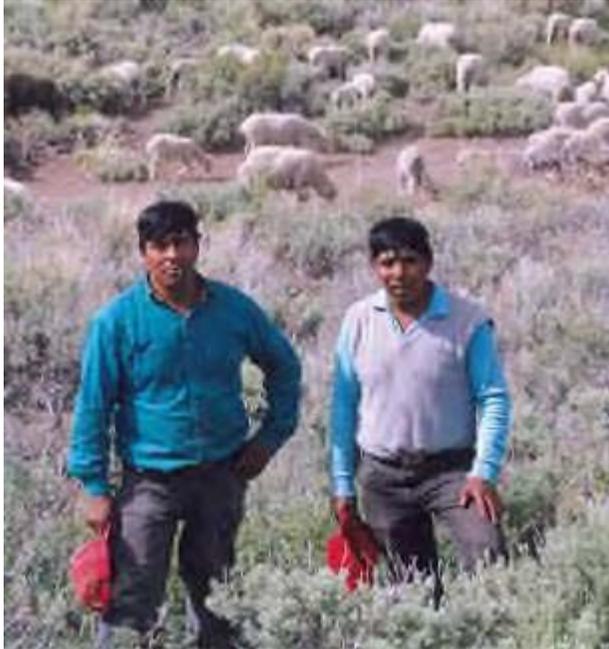
(Photo © C.J. Hadley)



*USFS range specialist Amy Schaefer checks for damage to the creek.*  
(Photo copyright C.J. Hadley)



*Marianne Leinassar and father Fred Fulstone.*  
*Bighorn vs. domestic “problem” may be “a bit bogus.”*  
*Scientists agree that die-off of bighorns from contact with domestic sheep is based on virtually no evidence at all, but rather anecdotal beliefs.*  
(Photo © Tim Findley)



*Shepherders Julio Gorriz and Francisco Figueroa move sheep to the high country of the Sierra Nevada.*

(Photo copyright Tim Findley)



(NOTE: see [bio](#) reference to this photo)

*Sometimes the wildlife is just a little too wild for visitors.*

*This bear chased writer Tim Findley back to town.*

*He shot this photo while running backwards.*

(Photo © Tim Findley)

[Winter 2005 Contents](#)

United States  
Department of  
Agriculture

Forest  
Service

Mono Lake  
Ranger District

P. O. Box 429  
Lee Vining, CA 93541

Reply to: 2200

Date: December 20, 1989

F.I.M., Inc.  
Attent: Fred Fulstone, Jr.  
& Marianne F. Leinassar  
P.O. Box 12  
Smith, Nevada 89430

Dear Fred and Marianne:

This letter is in response to your 12/5/89 request for written clarification of our position on transplanted bighorn sheep that migrate into your Bloody Canyon allotment. I fully understand why you would like our position clearly stated on this issue.

The environmental analysis and decision notice that authorized the reintroduction of bighorn sheep into Lee Vining Canyon addressed the issue of bighorn sheep that move to a domestic sheep allotment. That decision determined that additional reductions in domestic sheep grazing would not be necessary. Regional Manager of the California Department of Fish and Game, Fred Worthley, stated in a letter on August 27, 1984 to Inyo Forest Supervisor that, "Should any number of bighorn sheep reintroduced into the Lee Vining Canyon area emigrate to an active domestic sheep allotment they will be considered a failure segment of the overall reintroduction effort". He went on to state that, "The Department of Fish and Game will not request any additional reduction or cancellation of allotments based on the presence of these animals". This has been our position since the decision to allow the bighorn sheep reintroduction in Lee Vining Canyon.

As you know, Sierra Nevada Mountain Sheep are classified as a Sensitive Species, which requires management emphasis to insure the viability of the species. Our Inyo Forest Land and Resource Management Plan provides direction that, "If reintroduced mountain sheep establish themselves in drainages outside the reintroduction sites, take advantage of opportunities to extend mountain sheep range, consistent with other resource activities". Hence, this is why we asked to meet and discuss with you the matter of the bighorn sheep that have established in a small portion of your Bloody Canyon allotment. While you have our word that we will not "require" any changes in the use of your allotment because of bighorn sheep concerns, it does not prevent us from working together to protect both bighorn sheep and grazing interests. (Changes in your allotment use may be required for other reasons, such as to reduce grazing associated impacts on soil, water, recreation, other wildlife, etc.) We met merely to determine if we could find an agreeable solution to the bighorn sheep concern. I personally felt that even though the group was large, we were still able to constructively discuss the bighorn sheep and grazing issues at our meeting. In fact, I recall that you said you would be receptive to considering a minor change in your allotment boundary to benefit the bighorn sheep if we could find you equal replacement forage elsewhere. Please correct me if I misunderstood you on this point.

To restate, the bighorn sheep that established in Bloody Canyon area will not be used as a reason by the Forest Service, or apparently the California Department of Fish and Game, to eliminate any domestic sheep grazing in your Bloody Canyon allotment. Nonetheless, we are interested in protecting bighorn sheep that migrate out of their intended range, and the approach we will use to achieve this will be to continue to ask for your cooperation. Or, in the event that the allotment became vacant the only change we now foresee would be to make the minor boundary adjustment we talked about before reissuing a permit for grazing.

I hope that I have adequately answered your question. If not, please don't hesitate to contact me again. I appreciate your willingness to work with us on this matter.

Sincerely,



BILL BRAMLETTE  
District Ranger



United States  
Department of  
Agriculture

Forest  
Service

Inyo  
National  
Forest

873 N. Main St.  
Bishop, CA 93514  
(619) 873-2400  
(619) 873-2538 TTY

Reply to: 2230

Date: June 13, 1996

Lyon County Public Lands Planning Commission  
ATTN: David Haight  
P.O. Box 744  
Yerington, NV 89447

Dear Mr. Haight:

I am enclosing a copy of a recent court decision which you had requested via a phone call to my office on May 22, 1996. Assistant Forest Supervisor Sandy Hogan subsequently talked to you, and gave you information about how you could directly request a copy. Ours came soon thereafter, and therefore I am enclosing this copy to be sure that you have one.

In reply to your letter dated May 8, 1996, and as I mentioned in my earlier letter to you, Sandy and Range Conservationist Bonnie Pritchard are working with Fred Fulstone, the permittee, to resolve potential conflicts between the bighorn and domestic sheep both for the short term and long term. One of their primary goals is to be sure that any changes would not negatively affect them or Lyon County.

If we can be of further assistance, please contact Assistant Forest Supervisor Hogan at the Mammoth Ranger Station, P.O. Box 148, Mammoth Lakes, CA 93546.

Sincerely,

DENNIS V. MARTIN  
Forest Supervisor

Enclosure

cc:  
Fred Fulstone  
B.J. Griffith, Superintendent, Yosemite NP

UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

70  
NATIONAL  
FOREST

87 Main St.  
Bishop, CA 93514  
(619) 873-5841

Reply to: 2620

Date: March 15, 1985.

Mr. Fred Fulstone Jr.  
P.O. Box 12  
Smith, NV 89430

Dear Mr. Fulstone:

Enclosed are copies of the Environmental Analysis and the Record of Decision and Finding of No Significant Impact for the environmental assessment for the Proposed Reintroduction of Bighorn Sheep in Lee Vining Canyon area of the Inyo National Forest. These documents support and outline my decision which resulted from the environmental assessment process conducted by an interdisciplinary team last fall.

I very much appreciated your interest and input into our environmental assessment process. We valued it very much, and it was considered in my decision.

If you have any further questions or comments, please do not hesitate to call Ranger Ken Denton in Lee Vining or myself.

Sincerely,

  
EUGENE E. MURPHY  
Forest Supervisor

Enclosures

DEPARTMENT OF FISH AND GAME  
45 West Broadway  
Long Beach, CA 90802  
(213) 590-5113



Mr. Mip E. Ardu	
FE	✓
AG	
REC	
RAWL	CC
TM	
LH	
EVO	
LUP	
ID	
GED	
A.A.P.	
DATE 9/1	CC

August 27, 1984

Eugene E. Murphy, Forest Supervisor  
Inyo National Forest  
873 N. Main Street  
Bishop, CA 93514

Dear Gene:

Several members of the ID team working toward the reintroduction of bighorn sheep into LeeVining Canyon have asked for additional information.

Their specific concern centers on the Department of Fish and Game's position should bighorn sheep move from the specified relocation area, LeeVining Canyon allotment, onto adjacent active domestic sheep allotments.

We are requesting only that the LeeVining Canyon allotment be vacated. We do not believe that habitats south of LeeVining Canyon, particularly the Bloody Canyon allotment, are suitable for bighorn sheep.

Should any number of bighorn sheep reintroduced into the LeeVining Canyon area emigrate to an active domestic sheep allotment they will be considered a "failure segment" of the overall reintroduction effort.

The Department of Fish and Game will not request any additional reduction or cancellation of allotments based on the presence of these animals.

I understand and approve this letter becoming a part of the appendix to the EA document being prepared on the reintroduction of bighorn sheep into LeeVining Canyon.

Sincerely,

*Fred A. Worthley Jr.*  
for Fred A. Worthley Jr.  
Regional Manager  
Region 5

