

September 14, 2020

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David Whittekiend
Forest Supervisor
Uinta Wasatch Cache National Forest
857 West South Jordan Parkway
South Jordan, UT 84095

Jennefer Parker
District Ranger
Logan Ranger District
1500 East Highway 89
Logan, UT 84321

Re: DWR Introduction of Mountain Goats in Logan Ranger District. Sent via email to:
frank.beum@usda.gov; david.whittekiend@usda.gov; jennefer.parker@usda.gov

Dear Frank, David and Jennefer:

We understand as of this morning, DWR has delayed the mountain goat introduction in the Logan Ranger District. However, this letter addresses points that remain applicable regarding future introductions and the current claim that goats already are present in the area. We request your response to this letter and answers to the August 3, 2020 group memo raising questions to the agencies involved. We have included the Regional Forester in order to also have the considerations in this letter addressed across Forests in the Region, for example calling for removal of goats from the LaSal Mountains, but also to have a uniform approach across the Region in addressing this issue.

Yellowstone to Uintas Connection (Y2U) is a 501c3 public interest organization whose staff and members have and will continue to work to protect and restore habitat for fish and wildlife as well as recreate in this Region. We are concerned about the loss of integrity and habitat capability of the Regionally Significant Wildlife Corridor (Corridor) that connects the Greater Yellowstone Ecosystem and Northern Rockies to the Uinta Wilderness and Southern Rockies. This Corridor includes the Bear River Range into which the DWR proposed mountain goat introduction is planned to occur.

Current habitat in the Bear River Range is degraded by numerous insults including livestock grazing, off road vehicle use and excessive road densities, noise and other factors that are destroying the last

remaining wildlife security areas, displacing native plant species, creating accelerated soil erosion, polluting streams with bacteria and sediment and degrading riparian areas. Now, DWR plans to do further study to support introducing an exotic, or invasive species, the mountain goat, into this already degraded landscape. We are opposed to this introduction and request the Forest Service exercise its authority now to prohibit the DWR from carrying out any future introduction thus saving much time and resources going forward. We are also requesting that the Forest Service require that DWR (1) remove all mountain goats currently occurring in the Logan Ranger District and (2) engage in ongoing monitoring and removal to prevent further intrusions by mountain goats into this area.

Y2U was a signatory to an August 3, 2020 memo sent to the Forest Service, Utah Department of Natural Resources, Utah Division of Wildlife Resources, and US Fish and Wildlife Service by concerned members of the public. The memo requested answers to a number of questions centered around the proposed mountain goat introduction and the presence of some 13 endemic plant species occurring in the Logan Ranger District, including one threatened species and several Forest Service sensitive species. There has been no response. This is troubling given the planned introduction was to occur in October. Y2U remains concerned that answers to these questions have not been forthcoming and the public will not be allowed to participate in an open public process with scoping, comment, analysis and a formal decision by the Forest Service that is subject to the objection process regarding any future proposed introduction efforts.

A recent study has documented the severe damage to soils and native plant communities from mountain goat introduction affecting the LaSal Mountains.¹ Grand Teton and Olympic National Parks have been struggling to remove mountain goats over several years. Once introduced, mountain goats are very difficult and expensive to remove.²

It is our understanding that the mountain goats DWR wishes to introduce into the Logan Ranger District are coming from the Tushar Mountains in the Fishlake NF. Apparently, as in the LaSals, their populations have grown rapidly since being introduced and now DWR is looking for more places to plant them. We also understand that DWR has claimed that goats are occurring in the northern Utah mountains, having expanded from where they were introduced.³ If true, these should be considered feral goats and removed.

The Forest is already heavily grazed by cattle and sheep. Mountain goats would increase the damage and with their ability to climb and negotiate steep and rocky terrain, will be able to access and graze the habitat for the 13 endemic plants occurring here, and the plants themselves. Goat populations apparently are uncontrollable given the history of past introductions and their ranging outside those

¹ Coles-Ritchie, M and M. O'Brien. 2020. Systematic Degradation of Mount Peale Research Natural Area by Non-native Mountain Goats. Grand Canyon Trust.

https://www.grandcanyontrust.org/sites/default/files/resources/REPORT_Mt_Peale_LORES.pdf

² Thuerman, Angus M. 2020. Volunteers Begin Grand Teton National Park Goat Shoot Monday. Published in Oil City September 9, 2020. <https://oilcity.news/wyoming/2020/09/09/volunteers-begin-grand-teton-national-park-goat-shoot-monday/>

³ Utah Division of Wildlife Resources. 2020. Mountain Goat Sightings in the Bear River Mountain Range.

areas. According to DWR, they are considered an alpine and subalpine habitat obligate species.⁴ We find it of interest that there are no alpine habitats in the Logan Ranger District. These are areas above 11,000 feet.⁵ Subalpine habitats, which are areas above 9,500 feet to tree line are small in extent in the Logan Ranger District.⁶ So, DWR proposes to introduce these alpine and subalpine "obligates" into an area lacking their preferred habitats, thereby guaranteeing their further dispersal across the landscape.

Given the certainty of habitat damage to endemic plants, damage to watersheds, competition with native wildlife, disease transmission to livestock and native wildlife, the lack of ability to contain goat populations or regulate their numbers, we are requesting that the Uinta Wasatch Cache National Forest prohibit the introduction of mountain goats into the Logan Ranger District and removal on an ongoing basis of any goats found in this area.

The [WCNF website for the Logan Ranger District](#), provides links to a number of areas closed to certain activities to protect resources, for safety and other reasons. An example is closure of the Logan Bat Cave for protection of Townsend's big eared bats, a sensitive species. The language from that order is clear:

A rare and special biological community of Townsend's big-eared bats are located in the Logan Cave. This bat is listed as a sensitive species by both the Forest Service and the Utah Division of Wildlife Resources. On August 22, 1996 District Ranger Deborah K. Johnson signed a Decision Memo allowing the construction of permanent gated structure at the mouth of Logan Cave. This structure will assist in managing access and protecting cave resources, including the Townsend's big-eared bat. To aid with protecting this species and to provide for public safety, or as otherwise needed, the following order is established. Pursuant to 36 CFR 261.50 (a), the following act(s) is/are prohibited on the area shown on the attached map and described in this order.

Mountain goats would threaten a rare and special suite of endemic plants in the Logan Ranger District. The Forest Service Prohibition Authority as specified in [36CFR261.9 Property](#) states this prohibition for plants, "Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species." Another is "Damaging any natural feature or other property of the United States." In fact, the feral goats reported to be present in the Logan Ranger District pose this threat as they seek out these habitats and as their numbers increase.

Then there is the Special Use Authorization. For example, [36CFR261.10 Occupancy and Use](#) prohibits many activities without a special use permit and operating plan, including: "Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required." The current and any future occupancy of mountain goats in the Logan Ranger District,

⁴ Utah Division of Wildlife Resources. 2018 Utah Division of Wildlife Resources Statewide Management Plan for Mountain Goat. https://wildlife.utah.gov/pdf/bg/mtn_goat_plan.pdf

⁵ Lewis, Mont. 1970. Alpine Rangelands of the Uinta Mountains. Ashley and Wasatch Cache National Forests.

⁶ Utah Division of Wildlife Resources. Undated. Life Zones of Utah's Mountains. Project Wild. <https://digitallibrary.utah.gov/awweb/awarchive?type=file&item=33243>

should demand this special use authorization and operating plan as well as compensation from the State of Utah to cover costs and damages.

We believe you can use this authority, your authority to regulate trespass into the Forest and other authorities to both prevent any introduction and to remove current populations of mountain goats. In a recent law review article, the authors stated,

Federal land management agencies have an obligation, and not just the discretion, to manage and conserve fish and wildlife on federal lands. We debunk the myth that “the states manage wildlife and federal land agencies only manage wildlife habitat.” The myth is not only wrong from a legal standpoint but it leads to fragmented approaches to wildlife conservation, unproductive battles over agency turf, and an abdication of federal responsibility over wildlife.⁷

The Forest Service Handbook describes Occupancy Trespass Claims ([FSH 6509.11h](#)).“ An occupancy trespass claim for the Government results when a person or legal entity commits a trespass and causes resource or property damages or loss of revenue to the Forest Service, in circumstances which do not constitute a criminal, timber, or fire trespass.” Then, regarding liability by the offending party, it states:

Tort and trespass claims become due the Forest Service when a Claims Officer determines from all the evidence that there is a substantial likelihood that an identified person or legal entity, acting negligently or otherwise unlawfully, caused damages to Forest Service resources or property. This determination administratively establishes the identified person or legal entity as a debtor of the Forest Service, liable to the Government for the amount of the damage sustained.

The Forest Service National Strategic Framework for Invasive Species Management⁸ is applicable to the presence of non-native, invasive mountain goats whether introduced by DWR or escaping from prior introduction locations. It states,

This Forest Service National Strategic Framework for Invasive Species Management (Framework) prioritizes and guides the prevention, detection, and control of invasive insects, pathogens, plants, wildlife, and fish that threaten our Nation’s terrestrial and aquatic ecosystems.

Note that it includes wildlife. We are familiar with projects in which the Forest Service is removing non-native fish such as brook trout from native cutthroat trout habitats. The Framework also describes this problem as:

⁷ Nie, M., C. Barns, J. Haber, J. Joly, K. Pitt, and S. Zellmer, “Fish and Wildlife Management on Federal Lands: Debunking State Supremacy,” *Environmental Law*, 47, no. 4 (2017). <https://www.jstor.org/stable/44466736>

⁸ USDA. 2013. Forest Service National Strategic Framework for Invasive Species Management. FS-1017. https://www.fs.fed.us/foresthealth/publications/Framework_for_Invasive_Species_FS-1017.pdf

Invasions of nonnative fish, such as brook, brown, and rainbow trout have relegated westslope cutthroat trout to a vestige of its historically occupied habitat in Montana's Missouri River basin and across much of its range.

The Framework goes on to describe the problem of feral pigs in Hawaii and the problems they cause, many of which are similar to those caused by mountain goats as they remove native plants, dig wallows and damage the watershed:

Feral pigs (*Sus scrofa*) are formerly domestic swine hybrids that are free-roaming. Their rooting in the ground for food creates large areas of disturbance, which causes soil erosion, degrades water quality in streams, and damages property. More importantly, ground disturbance promotes the introduction and establishment of many invasive plants.

The feral pigs are being removed through an expensive process of fencing areas ranging from 2,000 to 5,000 acres in order to remove the pigs and restore the native plant species and ecosystems. It would be far more acceptable to have acted early to prevent the damage in the first place.

It is clear to us that the Forest Service has the authority to prohibit and remove mountain goats from the Logan Ranger District or any Forest for that matter and to find DWR liable for damages for the costs of monitoring, removal, damage and the administrative time consumed in dealing with this issue. Rather than drag this process out for two more years, the Forest Service should act now to state its position prohibiting further goat introductions in the Logan Ranger District and Forest itself and to call for removal of existing goats.

Sincerely,



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