

Federal judge upholds sheep grazing ban in western Idaho

By KEITH RIDLER

Times News Thursday, November 15, 2007 11:44 PM MST

BOISE, Idaho - A federal judge has denied a motion by a sheep rancher who sought to return domestic sheep to a grazing allotment along the Salmon River, citing concerns they might transmit deadly pneumonia to wild bighorn sheep.

U.S. District Judge B. Lynn Winmill ruled earlier this week that the risk of losing genetic diversity in native populations of bighorn herds in western Idaho outweighed the financial loss of \$75,600 to the sheep rancher, Guy Carlson of the Riggins, Idaho-based, Carlson Company. The group had planned to return the domestic sheep to the grazing allotment Thursday.

In his decision, Winmill noted that none of the experts on either side provided definitive proof on whether domestic sheep transmit fatal diseases to bighorns.

However, he noted that reports by experts on each side, when taken together, "warn that the preponderance of evidence suggests that domestic sheep transmit a deadly respiratory disease to bighorns."

He said the risk of wiping out the native herd of bighorn sheep outweighed Carlson's financial loss, which Winmill called substantial but not enough to put the company at risk.

Unlike bighorns in nearby Hells Canyon, which were reintroduced from other herds after native bighorns disappeared due to disease and overhunting, the sheep inhabiting the Salmon River Canyon are descendants of herds in the region since prehistory.

Winmill noted that in his decision "the loss of that herd would be particularly devastating to the genetic diversity of bighorns."

Three environmental groups _ Hells Canyon Preservation Council, Western Watersheds Project and the Wilderness Society _ had sought the domestic sheep ban because of the native herd.

"The Salmon River herd is the original herd going back 10,000 years plus," said Greg Dyson, executive director of the Hells Canyon Preservation Council. "And that's a factor in everyone's consideration. We have a very rare resource."

He said about 185 bighorns inhabit the area.

The Forest Service initially favored allowing domestic sheep grazing on the Allison-Berg Allotment on the Nez Perce National Forest, which would have started Thursday. The Forest Service said there was little chance of domestic sheep and bighorns meeting.

However, the Forest Service changed its position last week and banned the domestic herd

this winter after the Nez Perce Tribe on Nov. 5 filed documents that showed numerous sightings of bighorns in or near the grazing allotment.

Carlson and Shirts Brothers, a sheep company based in Weiser, Idaho, last week then asked Winmill to stay the Forest Service's decision, which he declined with Tuesday's ruling.

"Our clients were obviously disappointed," said Boise attorney William Myers, who represented Carlson Company. "I'm discussing with the client to see what options we might have, and we're still exploring those."

He said 1,000 domestic sheep would have been released on the allotment this week. He said they will likely now be kept on a feedlot on private land below the grazing allotment.

Myers declined to comment on Winmill's decision that the risk to bighorns outweighed the financial loss to his client.

Last spring, the Payette National Forest eliminated sheep grazing on five allotments in Hells Canyon after the three environmental groups filed a lawsuit.

The allotment on the Nez Perce National Forest was a part of that lawsuit, but Winmill delayed making a decision on that portion of the lawsuit because domestic sheep weren't scheduled to graze there until this month.

Bighorn sheep disappeared from Hells Canyon _ the chasm that borders Idaho, Oregon and Washington _ in 1940. Reintroductions began in 1971, and 474 bighorns were reintroduced through 2004.

In 2005 biologists estimated the population at 875, a decline from earlier years.

Dyson said his group is now waiting for the Payette National Forest to issue a supplemental Environmental Impact Statement to its forest plan that is aimed entirely at sheep grazing. It is unclear when that will be released.

He said another dozen sheep grazing allotments remain in Hells Canyon, but he expects those to be addressed in the impact statement.

Dyson said his group is also working to get the Nez Perce National Forest to adopt standards that he said are needed to protect bighorns.

A service of the Associated Press(AP)