

BIGHORN SHEEP UNIT MANAGEMENT PLAN
UINTA MOUNTAINS, NORTH SLOPE / SOUTH SLOPE, WMUs #8 & 9
August 2019

BOUNDARY DESCRIPTION

Boundary begins at the Junction of Highway US-40 and Highway SR-87 in Duchesne; then north on SR-87 to Highway SR-35; northwest on SR-35 to the Provo River; north along this river to North Fork Provo River; north along this river to SR-150; north along SR-150 to the Utah-Wyoming state line; east along this state line to the Utah-Wyoming-Colorado state line (Three Corners); south along the Utah-Colorado state line to the White River; west along the White River to the Green River; north along the Green River to the Duchesne River; west along the Duchesne River to US-40 at Myton; west along US-40 to SR-87 in Duchesne. EXCLUDING ALL INDIAN TRUST LANDS WITHIN THIS BOUNDARY.

The Utah Division of Wildlife Resources does not have management jurisdiction on Dinosaur National Monument or Ute Tribal Trust lands inside this boundary. Therefore, this plan does not address the management of Rocky Mountain Bighorn Sheep on Dinosaur National Monument or Ute Tribal Trust lands.

SUBUNIT BOUNDARY DESCRIPTIONS (Figure 1):

8a-The North Slope Summit subunit is west of the Burnt Fork- Birch Creek drainage divide and includes the Hoop Lake sub-population. A large portion of this subunit's population currently summers in the Gilbert Peak area (upper Henry's Fork Basin).

8b-The North Slope West Daggett subunit is south and west of Flaming Gorge Reservoir to the Burnt Fork-Birch Creek drainage divide, and includes the Sheep Creek and Carter Creek / South Red Canyon subpopulations. Rams from the Sheep Creek herd migrate west and south to the High Uinta Mountains, south of Hoop Lake, to summer, then return to Sheep Creek for the rut in November.

8c-The North Slope Three Corners subunit is east and north of Flaming Gorge Reservoir and the Green River, and includes the Bare Top and Goslin Mountain sub-populations.

9a-The South Slope Yellowstone subunit is the western two thirds of the South Slope and includes the drainages of the North Fork of the Duchesne, Rock Creek, Lake Fork, Yellowstone, Uinta, Farm Creek and Whiterocks. This subunit includes the summering bighorn near Gilbert Peak and Gilbert Basin.

9b- The South Slope Vernal subunit is north of the Green River between the Whiterocks River and Diamond Mtn. and includes the drainages of Dry Fork, Ashley Gorge, Brush Creek Gorge, Gorge Creek and Little Brush Creek. This subunit includes the Dinosaur National Monument bighorn and some high country use by Sheep Creek bighorn.

9c- The South Slope Diamond Mountain subunit includes the drainages of Tolliver Creek, Sears Creek, Crouse Creek, and the south side of the Green River Corridor from Little Hole east to the Colorado state line. This subunit includes a few of the Dinosaur

National Monument bighorn. 9d- The South Slope Bonanza subunit includes Blue and Split Mountains, and Dinosaur National Monument. It is mostly desert habitat. Other than the Green River corridor there is very little bighorn habitat in the rest of the subunit.

LAND OWNERSHIP

Land ownership and approximate area of modeled bighorn sheep habitat for the Uinta Mountains bighorn sheep management unit.

Ownership	MODELED BIGHORN HABITAT	
	Area (acres)	%
National Forest	717,013	65.3%
Bureau of Land Management	159,857	14.6%
Private	93,011	8.5%
Tribal	48,402	4.4%
National Parks	35,111	3.2%
Utah State Institutional Trust Lands	31,720	2.9%
Utah Division of Wildlife Resources	10,260	0.9%
Utah State Parks	1,614	0.1%
State Sovereign Land	393	<0.1%
National Wildlife Refuge	391	<0.1%
Totals	1,097,772	100%

UNIT MANAGEMENT GOALS

The Utah Statewide Bighorn Management plan was approved by the Utah Wildlife Board in 2018. In accordance with that plan an MOU between the state and the US Forest service was signed in 2019 that identifies management responsibilities and areas of cooperation between the state and US Forest Service (Appendix A). This plan identifies the status and management direction specific to this unit under those documents.

HISTORY AND CURRENT STATUS

Bighorn sheep were historically abundant and found across all of the Uinta Mountains. Bighorn habitat is located within the steep rocky canyons and hillsides as well as the high alpine habitat above timberline in the High Uintas. Native bighorn sheep were abundant on the Uintas in the 1800's but by 1915 they had become less common. Bighorn were documented in 1946 near Granddaddy Basin and a bighorn was photographed in Dry Fork Canyon as late as 1967.

Bighorns were reintroduced in the Uintas starting in 1983 near Flaming Gorge. Numerous transplants have occurred since then (Table 1). The most recent transplant occurred in Jan. 2014 to Goslin Mountain in the Three Corners subunit. Five sites have received transplants and despite challenges and several disease related set-backs, bighorn have persisted across the Uinta Mountains since these restoration efforts began. The current population is estimated at 150 to 200 sheep (Table 1). A map of current known and potential distribution is depicted in Figure 1.

On two occasions bighorns have been removed to serve as transplant stock to other units in the state (Table 2). Providing transplant stock from Utah bighorn herds only occurs from healthy herds and has been rare, thus highlighting the success and importance of this bighorn unit to the state early on.

This unit receives significant recreational use of the bighorn herd through both hunting and viewing. The first ram hunt was in 1993. Hunting currently continues at a very conservative rate (Table 3).

The bighorn sheep in the herds within this unit harbor pathogens that can cause respiratory disease. Respiratory infections were found to decrease lamb survival during the mid-1990s. Subpopulations were subsequently medicated to reduce this infection rate. During the winter of 2009-2010, sick and dead sheep were detected in the Goslin Mountain herd. Disease samples were taken from these sheep and came back positive for pneumonia and mycoplasma. The Goslin Mountain herd was subsequently culled to reduce the potential for the pneumonia and mycoplasma to spread to the other herds in the area, specifically Bare Top. A total of 50 bighorn sheep were culled from the ground and by helicopter. It is unknown if this stopped the spread of the pneumonia and mycoplasma to Bare Top. The Bare Top sheep population experienced a suspected disease-related mortality event in 2013 but viable disease samples were not obtained from the dead bighorn sheep due to warm weather conditions and time lags between death, detection and sampling. Subsequent disease sampling during capture efforts has found mycoplasma in all the herds. There are currently mycoplasma positive domestic sheep and bighorn on the unit.

Predator management plans are in place for the Uinta Mountains units which include a year round harvest objective for cougar hunting to encourage cougar harvest.

ISSUES AND CONCERNS

Potential Habitat: We modeled potential bighorn sheep habitat on the Uinta Mountains unit using methodology outlined by O'Brien et al. (2014). Bighorn sheep select habitat based on the proximity of steep-sloped escape terrain, forage availability, ruggedness, and horizontal visibility (Bleich et al. 1997, Valdez and Krausman 1999, Sappington et al. 2007). Bighorn sheep habitat is located throughout the unit in suitable rugged locations (Figure 1).

Livestock Competition: Bighorn sheep annual use of forage classes, when compared to cattle, differ significantly (Dodd and Brady 1988). Likewise, bighorn sheep generally avoid areas where cattle are present (Bissonette and Steinkamp 1996), and also select areas with a much higher degree of slope (Ganskopp and Vavra 1987). For these reasons, competition between cattle and bighorns should not be a significant concern within this unit. Because of the risk of pathogen transmission between bighorns and domestic sheep, the areas where domestic sheep are present are not suitable for bighorn sheep.

Disease: Disease, especially bacterial pneumonia, has been responsible for numerous declines in bighorn populations throughout North America (Cassirer and Sinclair 2007). Pneumonia outbreaks typically affect all age/sex cohorts and are usually followed by several years of annual pneumonia outbreaks in lambs that dramatically reduce population growth (Spraker et al. 1984, Ryder et al. 1992, George et al. 2008). These events are attributed to the transfer of pathogens from domestic sheep (*Ovis aries*) or goats (*Capra aegagrus hircus*) to wild sheep through social contact (Singer et al. 2000, Monello et al. 2001, Cassirer and Sinclair 2007). Disease-induced mortality rates in bighorn sheep vary substantially by population due to multiple processes including contact rates, social substructuring, pathogen virulence, and individual susceptibility (Manlove et al. 2014, 2016). Therefore, spatial separation from domestic sheep and goats is the most important factor in maintaining overall herd health. It is not the intent of this plan or the DWR to force domestic sheep operators off public lands or out of business. Rather, the intent is to look for opportunities that will protect bighorn sheep populations while working with the domestic sheep industry and individual grazers.

Predation: Cougar predation may limit bighorn sheep in locations where predator populations are largely supported by sympatric prey populations (Hayes et al. 2000, Schaefer et al. 2000, Ernest et al. 2002), which, in this case, includes a limited amount of mule deer. It has been hypothesized that declines in sympatric ungulate populations can increase predation on bighorn sheep as cougars switch to bighorns as an alternate prey source (Kamler et al. 2002, Rominger et al. 2004). It is anticipated that cougars will be the main predator of bighorns in the Uinta Mountains unit. If predation becomes a limiting factor, predator control work will be administered within the guidelines of the DWR Predator Management Policy. Predator management is coordinated with USDA Wildlife Services.

POPULATION MANAGEMENT

Population Management Objective:

- 1) Maintain a bighorn sheep population on the Uinta Mountains. The population objective for the unit will be to manage for 450 Rocky Mountain bighorn sheep within the areas currently occupied by bighorn sheep. Currently, bighorn sheep occupy much of the rugged terrain east of the ridge running northeast from Gilbert Peak (Figure 1). The population objective of 450 was determined based on a density of 1.3-1.9 sheep/sq km (Van Dyke 1983). In the future, if comingling and disease

transmission conflicts are resolved creating opportunities to expand bighorn sheep distribution/populations the population objective will be adjusted accordingly.

Population Management Strategies:

- 1) Augment existing populations where needed to improve herd distribution, connectivity and genetic diversity. A representative sample of transplanted adults will be fitted with GPS satellite transmitter collars. Transplants of 40+ animals are preferred.
- 2) Monitor herds for disease related mortality and provide treatment if possible.
- 3) Cooperation and collaboration with domestic livestock operators will continue.

Population Monitoring Plan:

Monitor population size and composition every 2-3 years by helicopter and/or by annual ground surveys. Conduct pre and post-season ground classification (Table 4). Monitor collared sheep throughout the year and generate annual estimates of survival and population size. All population data will be collected and submitted on standardized forms, including all GIS data (waypoints, flight paths, etc.). Maintain an adequate sample of bighorn sheep with GPS satellite collars to monitor survival, distribution, habitat use, and migration patterns at a sub-population level.

Transplants:

There is great potential for bighorn sheep restoration and population expansion in the Uinta Mountains. However, the risk of comingling and pathogen transmission between domestic and wild bighorn sheep is cause for proceeding with caution, applying best available science and working with all interested and potentially affected parties collaboratively. The UDWR recognizes, understands and accepts the risk of failure associated with any future transplant efforts.

Bighorn sheep transplants to start new wild sheep populations in the Uinta Mountains are unlikely unless they are preceded by changes to current domestic sheep grazing practices and/or new technologies are developed which will allow comingling between domestic sheep and bighorns without either species experiencing adverse effects. The only mechanism acceptable to the UDWR for altering domestic sheep grazing practices to avoid comingling on public or private lands is through voluntary actions undertaken by individual domestic livestock operators and/or landowners.

Within approved areas population augmentation transplants may occur to improve herd distribution, link small populations when deemed beneficial, and to improve genetic diversity.

The Uinta Mountains bighorn herds will not likely serve as a source population for other areas due to disease concerns. When transplants are appropriate, source animals should come from populations with similar disease profiles.

Any transplanted sheep will be monitored for general movements and annual survival. Predator management prior to and after transplants should occur and be coordinated with Wildlife Services.

The following transplant sites were approved in the 2018 Utah Statewide Bighorn Sheep management plan. Reintroduction sites will only be considered if comingling concerns are addressed and resolved and/or new technology becomes available to prevent disease incidents which may adversely affect the bighorn sheep.

1. Augmentations to existing populations/management units to meet objectives
 - a. North Slope – Summit, Three Corners and West Daggett subunits
2. Potential reintroduction areas to establish new populations:
 - a. South Slope Uintas, potential sites include:
 - i. Brush Creek Gorge, Ashley Gorge and Dry Fork complex: Excellent bighorn habitat already exists in Brush Creek Gorge. The limiting factor at this site is potential for comingling and pathogen transmission on private property in lower Brush Creek and Dry Fork Canyon.
 - ii. Diamond Mountain complex: Includes Crouse Canyon, Sears Creek, Mail Draw, Warren Draw and Tolliver Creek. The limiting factor at this site is the potential for comingling and pathogen transmission on private property on Diamond Mountain.
 - iii. Whiterocks and Uinta Canyon complex: Excellent bighorn habitat exists in Uinta and Whiterocks Canyons. The limiting factor at this site may be potential for comingling and pathogen transmission in the head of Uinta Canyon or on private property at the mouth of the canyon.
 - iv. Lake Fork and Yellowstone Complex: Prescribed burning will further enhance bighorn habitat in this complex. The limiting factor at this site may be potential for comingling and pathogen transmission in the high country.
 - v. Rock Creek and North Fork of the Duchesne Complex: Additional burning will enhance bighorn habitat throughout this complex. The limiting factor at this site may be potential for comingling and pathogen transmission in the high country and to the west.

Predator Management:

The Uinta Mountains units are currently managed as year round Harvest Objective cougar units with a generous quota to encourage cougar harvest.

Predator management plans for cougar and coyotes are currently in place for the Uinta Mountains units.

If cougar predation is shown to have adverse effects bighorn sheep, cougar management will be accomplished through established UDWR policy and procedures.

Cougar removal efforts should take place prior to any bighorn transplant.

Research Needs

- 1) Determine bighorn sheep distribution and habitat use in high elevation areas.
- 2) GPS data from collared sheep will be used to evaluate distribution, movements and annual survival.

- 3) Continue to increase our understanding of how harmful pathogens are transmitted to bighorn sheep, what animals can act as vectors, and how transmission can be prevented.
- 4) Look for new technology such as vaccinations which may provide immunity to the pathogens causing respiratory diseases in the bighorn sheep and whether this immunity could be passed on to their lambs.

DISEASE MANAGEMENT

Disease Management Objective:

- 1) Maintain a healthy population of Rocky Mountain bighorn sheep on the Unita Mountains unit.
- 2) Strive for spatial separation from domestic sheep and goats.

Disease Management Strategies:

Disease Monitoring: The DWR may perform periodic live captures to assess herd health, as well as take advantage of opportunistic sampling of hunter harvested bighorns or bighorns that are found dead. The Uinta Mountains herds are a high priority unit for disease testing since they have been previously documented to have suffered disease events. The disease history in the Goslin Mountain area and suspected disease event in 2013 suggest the need for additional disease monitoring efforts. It is uncertain as to how the bighorns in the Goslin Mountain area contracted the pathogens that precipitated the disease event. Pursue disease testing for all live captured bighorn and attempt to collect samples from hunter-harvested animals.

Spatial Separation: Work with land management agencies and private landowners to implement agency guidelines for management of domestic sheep and goats in bighorn areas. Utilize the strategies in the statewide bighorn management plan and in accordance with the MOU with the US Forest Service to work with land management agencies, permittees, and private landowners to reduce the risk of contact with domestic sheep and goats. Spatial separation is difficult to maintain in portions of the bighorn range that are near active domestic sheep grazing allotments (Figure 2). The DWR will work with grazing permittees to maximize separation to the extent possible. The DWR will use approved management tools to reduce the likelihood of commingling between bighorn and domestics, including lethal removal by DWR employees as well as approved livestock operators when DWR deems it is appropriate.

Risk Management and Response Plan:

All wandering bighorn sheep and stray domestic sheep and goat issues will be handled according to policy UDWR GLN-33 and the guidelines in statewide bighorn management plan.

HABITAT MANAGEMENT

Habitat Management Objectives:

- 1) Maintain or improve sufficient bighorn sheep habitat to achieve population objectives.
- 2) Continue to identify crucial bighorn sheep habitats and work with land managers and private landowners to protect these areas.
- 3) Focus habitat improvements for bighorn to the east of Gilbert Peak to reduce potential interaction between bighorn and domestics. The primary focus area for clearing bighorn migration routes should be to the east end of the Uintas.
- 4) Assist land management agencies in monitoring bighorn habitat to detect changes in habitat quantity or quality.
- 5) Work with land managers to minimize and mitigate loss of bighorn habitat due to human disturbance and development.
- 6) Work with land management agencies and private landowners to implement agency guidelines for management of domestic sheep and goats in bighorn areas.
- 7) Support conservation groups' efforts to pursue voluntary buy outs and conversions of domestic sheep grazing allotments by working with willing permittees in bighorn areas to minimize the risk of disease transmission.
- 8) Inform and educate the public concerning the needs of bighorn sheep including the effects of human disturbance and the need for habitat improvements.

Potential Threats to Habitat:

Human disturbance can result in abandonment or degradation of bighorn habitat. Due to the rugged nature and lack of roads near sheep habitat, human disturbance of bighorn on this unit is expected to be low. If disturbance becomes an issue, UDWR will work with and support federal agencies (BLM, USFS) on travel management plans and other land use plans. Furthermore, the public will be made aware through town council and other local meetings in an effort to get local support to reduce human disturbance if human disturbance becomes an issue for bighorn sheep. The UDWR recognizes that circumstance may arise where increased human activities within bighorn units are necessary to properly manage lands and resources. Bare Top will remain closed to motorized vehicles to reduce human disturbance.

Vegetation Management Projects:

- 1) Initiate or support vegetative treatment projects to improve bighorn habitat lost to natural succession or human impacts. Mechanical treatments and controlled burning is proposed along Flaming Gorge Reservoir and is highly supported by UDWR.
- 2) Cooperate with the USFS and BLM to utilize controlled burns, wildfire management and/or mechanical treatments to remove conifer encroachment on open hillsides to increase and improve bighorn habitat across the unit.
- 3) Identify specific habitat restoration projects to immediately benefit bighorn sheep:
 - Reduce conifer around Hoop Lake.
 - Conifer removal in Carter Creek and along the south side of Flaming Gorge Reservoir.

- Reduce conifer along migration corridors to the High Uintas.

Water Management Projects:

- 1) Work with USFS, the BLM, and private landowners to locate, protect and improve water sources across bighorn habitat.
- 2) Cooperatively modify or improve existing water developments and guzzlers for bighorns.
- 3) Install new water developments or guzzlers in bighorn habitat where water may be lacking.
- 4) Continue to improve existing guzzlers for bighorn sheep on Bare Top(8c), Rifle Canyon(8c), Dowd Mountain(8b), and Death Valley(8b) all of these have been replaced in the past 4 years except for rifle canyon

RECREATION MANAGEMENT

Recreation Management Objectives:

- 1) Provide hunting opportunities on the Uinta Mountains unit that are a quality experience.
- 2) Increase public awareness and expand viewing opportunities of bighorn sheep.

Recreation Management Strategies:

Hunting: Hunting and permit allocation recommendations will be made in accordance with the Utah Bighorn Sheep Statewide Management Plan. Ewe hunts may be utilized as a tool for maintaining population objective.

Non-Consumptive Uses: The DWR will look for opportunities to increase public awareness and expand viewing opportunities of bighorn sheep through viewing events and public outreach. Significant viewing opportunities are available at Sheep Creek or near the Red Canyon overlook.

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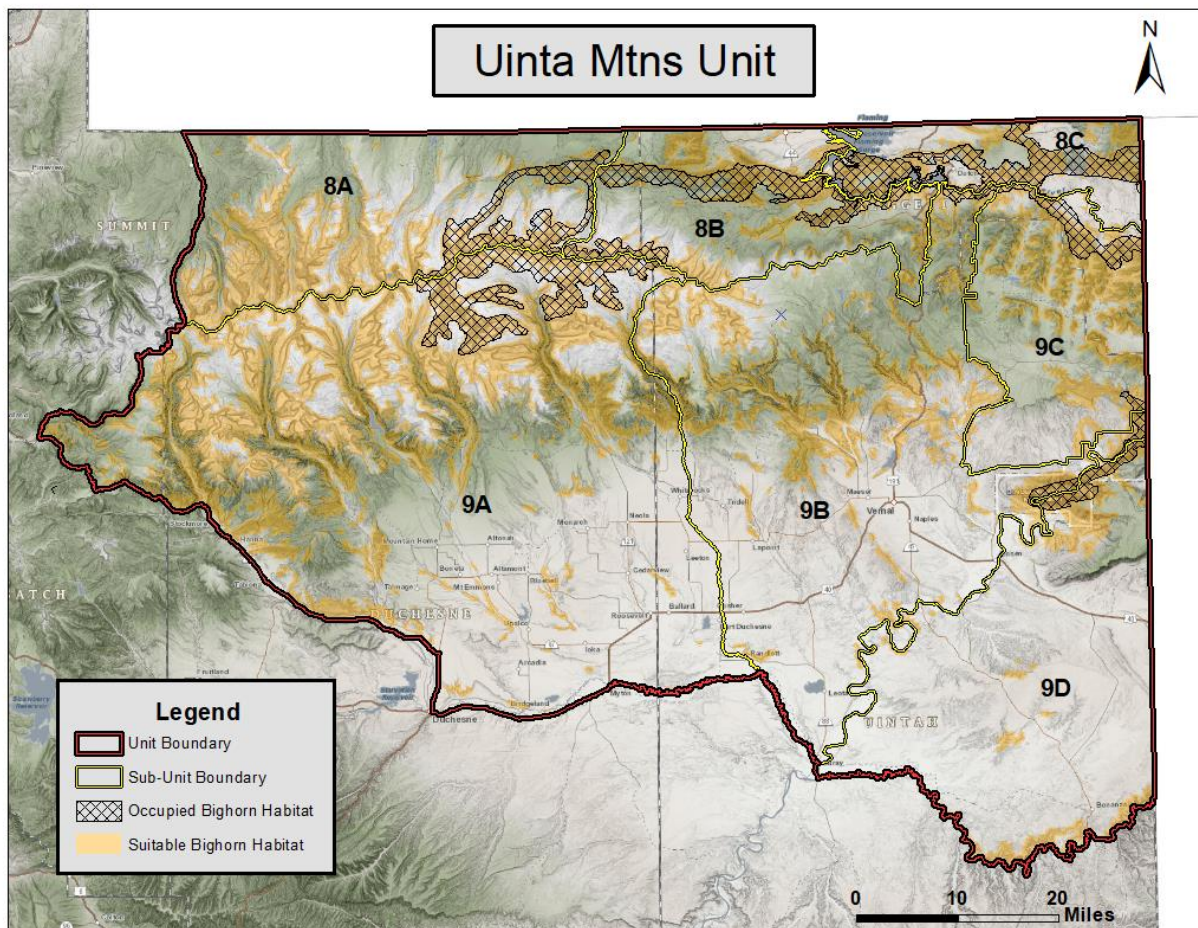


Figure 1. Uinta Mountains unit management boundary, modeled suitable bighorn sheep habitat, and currently occupied bighorn habitat.

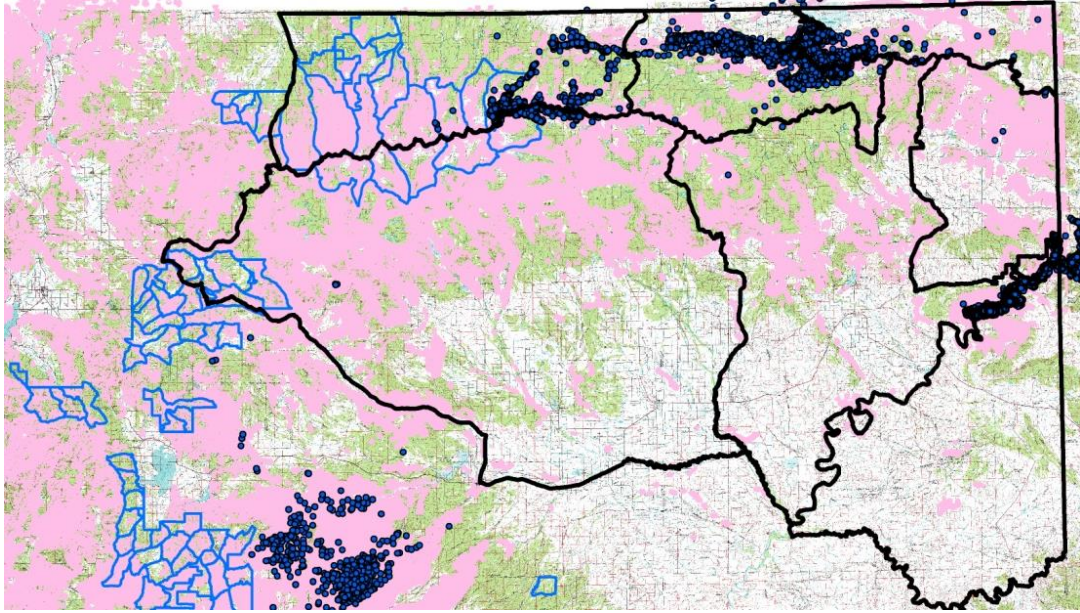


Figure 2. Bighorn sheep distribution on the Uinta Mountains and active USFS domestic sheep allotments.

Table 1. Transplant History and Population Status of bighorn sheep on the Uinta Mountains.

Area Released	Source	Year Released	Number Released	2000 Population Estimate	2004 Population Estimate	2013 Population Estimate	2018 Population Estimate	Current Trend
Bare Top Mountain	Whiskey Basin, WY	1983	19					Down
	Whiskey Basin, WY	1984	17	80 – 110	60 - 80	65-85	45-65	
	Almont Triangle, CO*	2000	6					
	Basalt, CO**	2001	4					
Sheep Creek	Whiskey Basin, WY	1989	21					Stable
	Almont Triangle, CO	2000	6	35 – 45	50 - 60	35-45	40-55	
	Basalt, CO **	2001	1					
Carter Creek / South Red Canyon	Almont Triangle, CO*	2000	11					Down
	Basalt, CO **	2001	17	17 (new transplant)	40 - 50	40-50	30-45	
	Desolation Canyon, UT	2003	6					
Hoop Lake	Whiskey Basin, WY	1989	23 Total	35 – 45	15 - 20	15-20	15-25	Stable

Goslin Mountain	Thompson Falls, MT	2005	34					
	Bonner, MT	2007	42				10-15	
	Desolation Canyon, UT	2014	23					
Total			230	165 - 215	175 - 210	150 - 200	140-205	Stable

* Six sheep moved to Bare Top from the Carter Creek transplant

** Four sheep moved to Bare Top and one to Sheep Creek from the South Red Canyon transplant

Table 2. Removal history of bighorns translocated to other units.

Year	Subpopulation	Number	Transplant Location
1992	Bare Top	2 (rams)	Desolation Canyon, UT
1992	Bare Top	2 (rams)	Pilot Mountain, UT
2000	Bare Top	15	Desolation Canyon, UT
Total		19	

Table 3. Bighorn Harvest, North Slope Unit.

Year	North Slope, 3 Corners, Bare Top				North Slope, West Daggett, Sheep Creek			
	Permits	Mean Days	Harvest	Satisfaction	Permits	Mean Days	Harvest	Satisfaction
2004	2	2.5	100%					
2005	2	5.5	100%	5	2	9	100%	5
2006	2	16	100%	4.5	2	4.5	100%	5
2007	3	10.3	100%	5	3	8	100%	5
2008	3	6.7	100%	5	3	15.7	100%	5
2009	3	4.3	100%	5	3	7	100%	5
2010	2	4	100%	5	3	4	100%	5
2011	3	6.7	100%	4	3	4.3	100%	5
2012	3	8	100%	4.7	3	5.7	100%	5
2013	3	4	100%	4.7	3	2.7	100%	4.3
2014	1	-	100%	-	3	3.5	100%	4.5
2015	1	15	100%	5	2	8.5	100%	5
2016	1	3	100%	4	2	6	100%	4
2017*	4	6.5	100%	4.8				
2018*	3	16.7	67%	3.7				

*West Daggett, Sheep Creek and 3 Corners, Bare Top hunt units were combined into 1 hunt.

Table 4. Post-season classification data from 2009-2018 for the West Daggett and Bare Top Rocky Mountain bighorn sheep herds.

North Slope, Three Corners, Bare Top							
	Rams	Ewes	Lambs	Unclassified	Total	Rams/100 Ewes	Lambs/100 Ewes
2009*	37	15	7	17	76	247	47
2010	23	33	10	0	66	70	30
2011	46	24	2	0	72	192	8
2012	9	18	8	0	35	50	44
2013	11	17	3	16	47	65	18
2014	9	20	10	0	88	45	50
2015	15	25	4	0	44	60	16
2016	12	13	3	0	28	92	23
2017	12	9	6	0	27	133	67
2018	13	13	5	0	31	100	39

North Slope, West Daggett, Sheep Creek							
	Ram s	Ewes	Lambs	Unclassified	Total	Rams/100 Ewes	Lambs/100 Ewes
2009*	16	33	15	0	64	49	46
2010	22	41	5	0	68	54	12
2011	17	48	19	0	84	35	40
2012	20	42	21	2	85	30	52
2013	19	38	9	0	66	50	24
2014	19	41	19	0	79	46	46
2015	15	27	10	0	52	56	37
2016	16	24	11	0	51	67	46
2017	8	17	8	0	33	47	47
2018	22	34	13	0	69	65	38

*Pre-season data reported.

Appendix A. Memorandum of Understanding between the State of Utah, Utah Division of Wildlife Resources, Utah Department of Agriculture and Food, and the USDA Forest Service Intermountain Region.

FS Agreement Number: 19-MU-11046000-028

MEMORANDUM OF UNDERSTANDING
Between The
STATE OF UTAH
And The
UTAH DIVISION OF WILDLIFE RESOURCES
And The
UTAH DEPARTMENT OF AGRICULTURE AND FOOD
And The
USDA, FOREST SERVICE INTERMOUNTAIN REGION

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the State of Utah, referred to as "State of Utah", the Utah Division of Wildlife Resources, hereinafter referred to as "UDWR", the Utah Department of Agriculture and Food, hereinafter referred to as "UDAF", and the USDA Forest Service Intermountain Region, hereinafter referred to as "Forest Service". The State of Utah, UDWR, and UDAF are collectively referred to as the "State."

Title: Memorandum of Understanding for the Management of bighorn sheep on National Forest System (NFS) lands in the State of Utah.

I. PURPOSE

The purpose of this MOU is to document the cooperative efforts of the parties to manage bighorn sheep herds and their habitats on NFS lands in the State of Utah, to the extent consistent with federal law and regulation.

II. STATEMENT OF MUTUAL BENEFITS AND INTERESTS

The Forest Service has authority to enter into and engage in the activities described in this MOU under the laws of the United States and the regulations of the Secretary of Agriculture. The Forest Service administers NFS land and manages natural resources on those lands, including wildlife and fish habitat, in accordance with federal law and regulation.

The State of Utah, UDWR, and UDAF have authority to enter into this MOU under the laws of the State of Utah. In Title 23 of the Utah Code, UDWR is created and charged with responsibility to, among other things, perpetuate and manage the fish and wildlife resources of the State in balance with the social and economic activities of man. UDWR carries out the policies and programs of the Utah Wildlife Board (Board). UDWR manages activities related to the distribution, abundance

and sustainability of bighorn sheep in Utah, as determined by the Board and Utah statutes. In Title 4 of the Utah Code, UDAF is created and charged with responsibility to, among other things, regulate livestock and agricultural products, and to promote programs designed to determine the best means and methods for the control of disease among domestic and wild animals.

It is the mutual desire of all parties to this MOU to cooperate in managing bighorn sheep while providing opportunities for domestic sheep grazing in Utah. The Forest Service, State of Utah, UDWR, and UDAF acknowledge that each party has important management responsibilities relating to wildlife, habitat, livestock, and/or range resources and will endeavor to work cooperatively to fulfill these responsibilities, consistent with the applicable laws and regulations.

In consideration of the above premises, the parties agree as follows:

III. THE UDWR WILL:

- A. Maintain close cooperation, as needed, in matters of mutual interest including management of bighorn sheep habitat and populations and management of areas of potential bighorn sheep/domestic sheep contact.
- B. Work collaboratively to incorporate Forest Service and UDAF input and recommendations relative to bighorn sheep management objectives and actions developed by UDWR.
- C. Consult and confer with UDAF and/or the Utah State Veterinarian when appropriate.
- D. Provide public information and education outreach assistance for increasing public awareness of the interactions between domestic and bighorn sheep populations.
- E. Recognize the jurisdiction and responsibilities of the Forest Service to manage public and commercial use, wildlife habitat, and livestock grazing on NFS lands.

IV. THE UDAF WILL:

- A. Maintain close cooperation with the parties, as needed, in matters of mutual interest including management of bighorn sheep habitat and populations and management of areas of potential bighorn sheep/domestic sheep contact.
- B. Work collaboratively with UDWR to implement the strategies, goals, and objectives in the Utah Bighorn Sheep Statewide Management Plan, attached hereto and incorporated as Appendix A.

- C. Provide public information and education outreach assistance for increasing public awareness of the interactions between domestic and bighorn sheep populations.
- V. THE U.S. FOREST SERVICE WILL:
- A. Maintain close cooperation, as needed, in matters of mutual interest including management of bighorn sheep habitat, bighorn sheep populations, and potential bighorn sheep/domestic sheep contact from domestic sheep authorized on NFS lands.
 - B. Work collaboratively to provide input and recommendations to UDWR and Board relative to bighorn sheep management objectives and actions on NFS lands. The Forest Service recognizes the jurisdiction and responsibilities of the State of Utah and UDWR with respect to wildlife and fish on NFS lands.
 - C. Collaborate with the State of Utah, UDWR, and UDAF on its implementation of the population and habitat objectives identified in the Utah Bighorn Sheep Statewide Management Plan, attached hereto and incorporated as Appendix A, on NFS lands to the extent consistent with federal laws and regulations.
 - D. Consult with UDAF and/or the Utah State Veterinarian when appropriate.
 - E. Provide public information and education outreach assistance for increasing public awareness of the interactions between domestic and bighorn sheep populations. Any commitment of Forest Service funds will require a separate agreement.
- VI. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:
- A. SPECIFIC AREAS OF COOPERATION. To the extent permitted by applicable law, the parties agree to collaborate in managing bighorn sheep population and habitat objectives identified in the Utah Bighorn Sheep Statewide Management Plan attached as Appendix A.
Notwithstanding any other provision in this MOU, the State will manage bighorn sheep on all lands in Utah consistent with and as prescribed in the Utah Bighorn Sheep Statewide Management Plan attached as Appendix A.
 - B. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this MOU.

State Contacts:

State Contact
Name: Carmen Bailey Title: Deputy Director, Public Lands Policy Coordinating Office Address: 5100 State Office Building Salt Lake City, Utah 84114 Phone: (801) 341-9641 Email: carmenbailey@utah.gov
UDWR Contact
Name: Justin Shannon Title: Wildlife Section Chief Address: 1594 West North Temple, Suite 2110 Salt Lake City, Utah 84114 Phone: (801) 538-4881 Email: justinshannon@utah.gov
UDAF Contact
Name: Troy Forrest Title: Grazing Improvement Program Manager Address: 350 North Redwood Road Salt Lake City, Utah 84114 Phone: (435) 279-3603 Email: tforrest@utah.gov

U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact
Name: John Shivik Title: Wildlife Biologist Address: 324 25 th Street Ogden 84401 Phone: (801) 625-5667 Email: john.shivik@usda.gov

U.S. Forest Service Administrative Contact

Name: Tim Wagoner
Title: Grants Management Specialist
Address: 325 25th Street
Ogden, UT 84401
Phone: (801) 625-5796
Email: Timothy.Wagoner@usda.gov

- C. NOTICES. Any communication affecting the operations covered by this MOU given by any party to another party is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail, as follows:

To the U.S. Forest Service Program Manager Contact, at the address specified in the MOU.

To the State of Utah Contact, at the address in the MOU.

To the UDWR Contact, at the address specified in the MOU.

To the UDAF Contact, at the address specified in the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- D. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts any of the parties from participating in similar activities with other public or private agencies, organizations, and individuals.
- E. ENDORSEMENT. Any contribution made by the Forest Service under this MOU does not by direct reference or implication convey endorsement of the State of Utah's products or activities.
- F. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: availability of appropriated funds and other resources; administrative and legal requirements (including statutory

authorizations); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- G. USE OF U.S. FOREST SERVICE INSIGNIA. In order for the State to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the applicable Forest Service prior to use of the insignia.
- H. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this MOU, or benefits that may arise therefrom, either directly or indirectly.
- I. FREEDOM OF INFORMATION ACT (FOIA). Public access to this MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552) and/or the Utah Government Records Access and Management Act (Utah Code §§ 63G-2-101, et seq.).
- J. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately-owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. The State, its employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- K. PUBLIC NOTICES. It is the U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. The State is encouraged to give

public notice of the receipt of this MOU and, from time to time, to announce progress and accomplishments.

- L. ACKNOWLEDGEMENT IN PUBLICATIONS AUDIOVISUALS AND ELECTRONIC MEDIA. Each party shall acknowledge the other parties' support in any publications, audiovisuals, and electronic media developed. Prior to acknowledgement of another party's support to this agreement in any publication the author of the publication will provide sufficient time to the other parties to review the content of the publication and determine whether support is appropriate.

- M. NONDISCRIMINATION STATEMENT - PRINTED ELECTRONIC OR AUDIOVISUAL MATERIAL. The State shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

- N. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole or in part at any time before the date of expiration, upon 30 days advance written notice to the other parties.
- O. DEBARMENT AND SUSPENSION. The State shall immediately inform the U.S. Forest Service if it or any of its agencies are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should the State or any of its agencies receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

- P. ENTIRETY OF AGREEMENT. This MOU represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.
- Q. SOVEREIGN IMMUNITY. The State of Utah and all its agencies do not waive sovereign immunity by entering into this MOU and specifically retain immunity and all defenses available to them as sovereigns pursuant to applicable law. Designations of venue, choice of law, enforcement actions, and similar provision should not be construed as a waiver of sovereign immunity. The parties agree that any ambiguity in this MOU shall not be strictly construed, either against or for either party, except that any ambiguity as to sovereign immunity shall be construed in favor of sovereign immunity.
- R. THIRD PARTY BENEFICIARY RIGHTS. The parties do not intend to create in any other individual or entity the status of third-party beneficiary and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of such parties. The provisions of this MOU are intended only to assist the parties in determining and performing their respective responsibilities under this MOU. The parties to this MOU intend and expressly agree that only the parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.
- S. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change. Notwithstanding the foregoing or any other provision in this MOU to the contrary, future modifications by UDWR to the Utah Bighorn Sheep Statewide Management Plan included as Attachment A will not automatically act to terminate this MOU. Should UDWR propose to modify the plan in the future, it will provide each party a copy of any proposed modification no less than thirty (30) days prior to its submission to the Board for approval. Each party will have the opportunity to review and offer comments on the proposed modifications for consideration by UDWR and the Board. Upon approval by the Board, the modified plan will automatically incorporate into this MOU as Attachment A and replace the former version of the plan. Any party opposed to the approved modifications may immediately terminate its participation in the MOU upon written notice to the other parties.

- T. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of last signature and shall remain effective until 5 years from said date, at which time it will expire.
- U. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.



SPENCER J. COX, Lieutenant Governor
State of Utah, Office of the Governor

5-29-19
Date



MICHAL FOWLKS, Director
Utah Division of Wildlife Resources

5-28-19
Date



KERRY W. GIBSON, Commissioner
Utah Department of Agriculture and Food

5-28-19
Date



NORA B. RASURE, Regional Forester
U.S. Forest Service, Intermountain Region

5-28-19
Date