Dear Goatpackers

Fall is in the air, and if you are like me, you are planning your 2015 trips with excitement. Please include in your trip planning, the 2015 Rendezvous, which will be held June 24-28th in the Island Park area of Idaho. This is a drop dead gorgeous location, only 30 minutes from West Yellowstone. Beautiful shaded areas with lots of wildlife. We have invited John Mionczynski, “the Father of Goatpacking!” This is one Rendy you won’t want to miss!

We have exciting and promising stuff going on in our fight to keep our National Forest open. We believe that we have the most qualified and competent attorney in the USA representing us. One who, as an outdoorsman himself, has a great deal of empathy for what we are up against. We expect that exciting things will be coming down the pipeline in the next few months.

PLEASE join us in this fight by donating money to our GOFUNDME website which pays for our legal representation. We cannot do this without your help!

charlie

Cody’s Meeting (of sorts)
Larry Robinson 🐐

As most of you should know if you’ve been reading our newsletters, the long-awaited meeting in Cody, WY, regarding our appeal of their decision to run our goats out of ‘their’ woods, came and went on the 8th of October 2014.

However, and this is a VERY LARGE ‘however’, the actual agenda for the meeting turned out to be about 40 leagues from where we thought it was gonna be, and from where we had wanted it to be.

From the Shoshone national forest pre-meeting literature, it seemed like they had seen the rationale in our appeal, realized that they needed to do some cooperation, and this meeting was going to be the venue to iron these things out.

Hard to believe that we could have been so naïve.

In actual point of fact, the meeting, from their standpoint,

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was to gather the ‘objectors’ together, both the ‘for’ and ‘against’, put us at a table together, and watch while we were left to ‘duke it out’.

The very first, and I mean the very first action by the head of the FS, was to rule the ‘procedural’ issues off the table, i.e., they were not to be discussed.

So what exactly did that mean? Since our appeal was concerned with ‘procedural’ issues; the violations of NEPA, the violations of FACA, the violations of the very acts that are supposed to hold the FS accountable to the people, much of what we had planned to address was inadmissible.

Andy noted that regarding our core issues, “yes, they are all generally procedural in nature. They have to be. NEPA, FACA, NFMA, etc., do not require a certain outcome (i.e., they are not substantive laws), they require that the government follow proper process. In that way, the government is required to conduct the proper studies, consult with the public and others, undertake thorough analysis, and reach a well-reasoned and supported decision.”

As a result, in spite of the fact that I initially considered myself primarily an observer, I ended up responding to some of the issues that Jim Collins and Kevin Hurley, the primary ‘objectors’ from the Wyoming Wild Sheep foundation, fired across the table.

So, in essence, what this ‘meeting’ accomplished, quite simply, was to allow both sides to re-state their already well-established positions, and to allow the FS to say, “well, we gave them every chance to dialogue.”

So, the aggregate result was that much money and time was expended in the pursuit of hopefully bringing some concrete reason, and some solutions, into this arena, and in reality, the Shoshone NF made absolutely certain that that was not a possible or achievable result.

Do I sound angry?? I hope so.

BTW: Yellowstone was strikingly beautiful as always. And the grizzlies were out in force. (Not in the ‘petting zoo’ however.)
On October 8, 2014, Andy Irvine (NAPgA attorney), Larry Robinson and Kent Daniels attended the Shoshone NF Objector Meeting in Cody, Wyoming, on behalf of NAPgA. Irene Saphra, also an objector, attended the meeting on her own behalf as a fellow proponent of goatpacking. The following persons attended on behalf of the Forest Service: Jane Cottrell, Associate Deputy Chief and Reviewing Officer; Bill Bass, Deputy Regional Forester – Intermountain Region; Andy Pils, Biologist – Shoshone NF; and Joe Alexander, Forest Supervisor – Shoshone NF, among other Shoshone NF employees.

The agenda for the meeting can be accessed here: [http://www.fs.usda.gov/detailfull/shoshone/home/?cid=stelprd3794957&width=full](http://www.fs.usda.gov/detailfull/shoshone/home/?cid=stelprd3794957&width=full).

In addition to the packgoat and bighorn sheep issues, there were three other issues on the agenda. Summaries of the issues considered at the meeting, including a summary of the packgoat and bighorn issues are available at the above link. Objectors and interested parties tied to the issues also attended the meeting, along with members of the public. The meeting was called and conducted according to the Forest Service’s planning rules, which allow the Reviewing Officer to call a meeting with certain objectors to discuss the objectors’ issues. Pursuant to those rules, the Reviewing Officer must still provide a written response to all objections. So, in addition to the meeting, NAPgA must receive a written response from the Reviewing Officer, indicating the Officer’s stance on the issues presented by NAPgA. That response is expected at the end of November/beginning of December.

After brief introductions and an overview of the plan revision process, the Reviewing Officer’s consideration of the packgoat and bighorn sheep issues was first on the agenda. Andy, Larry, and Irene were invited to the “discussion table” (microphone and on the record), along with interested parties, Kevin Hurley, Wyoming Wild Sheep Foundation Executive Director & Jim Collins, Board Member for the Wyoming Wild Sheep Foundation. The format for the discussion of issues was to be a “dialogue” and not adversarial, and was intended primarily to help the Reviewing Officer understand the issues and to hear possible solutions to those issues. The Reviewing Officer limited the dialogue on the packgoat and bighorn sheep issues to two issues — best science and mitigation measures. She did not want to discuss the Shoshone NF’s process issues, namely, compliance with the Federal Advisory Committee Act.

After a brief introduction of the packgoat and bighorn sheep issues, the Reviewing Officer invited dialogue focused on potential solutions to the packgoat/bighorn “problem.” As a result, the dialogue focused mostly on the design and workability of a permit system to allow goatpacking on the Shoshone NF, while the science issues and other shortcomings of the Shoshone NF FEIS/Draft ROD were touched on only briefly. NAPgA's position was, and is, that the Forest Service can design an effective permit system to reduce risk of contact between packgoats and bighorns on the Shoshone NF through use of best management practices. The position of both the Wyoming and National Wild Sheep Foundation(s) was that such a permit system should not be considered because the bighorn sheep populations on the Shoshone NF are simply too important to allow any risk of disease transmission from packgoats to bighorns (i.e. “zero” risk). Throughout the dialogue, Andy, Larry and Irene reiterated the points made in NAPgA’s comments and objections, and advocated for the Shoshone NF’s further consideration of the science.
at issue, as well as consideration of NAPgA’s proposed best management practices.

Andy’s Thoughts and Reactions:

- Before the meeting started, NAPgA was fighting an uphill battle because the Reviewing Officer was already considering closure of the Shoshone NF to packgoats.

- The Wild Sheep Foundation and Wyoming Game & Fish have a close existing relationship with the Shoshone NF and appear to be driving the Forest Service’s decision-making process, at least in part.

- The two points above will be difficult to overcome, but the dialogue at the meeting appeared to draw the Reviewing Officer’s attention to the need for more supporting science and for further consideration of best management practices in the FEIS/Draft ROD.

- The meeting between NAPgA, the Wild Sheep Foundation and the Forest Service would have been more beneficial if it had happened a long time ago; before the Forest Service made up its mind to close the Shoshone NF to packgoats.

  - NAPgA must continue to be as involved in the Forest Service planning process as it can be, including early participation in scoping, and attendance at Forest Service and interested party meetings (such as the meetings of the Wild Sheep Foundation, etc.). There may be more opportunities for negotiated solutions early in the planning process versus later.

- The Reviewing Officer appeared more concerned with “beefing up” the record than actually considering the science and risk issues presented by NAPgA.

- NAPgA’s presence was important at the meeting to show the Wild Sheep Foundation and the Forest Service that goatpacking on the Shoshone NF is important. Via the dialogue, the Reviewing Officer appeared to pick up on a number of areas where the Shoshone NF’s FEIS and Draft ROD were deficient. She is likely to require the Shoshone NF to address those deficiencies, and may even require the Shoshone NF to consider a permit system. At the beginning of the meeting, it did not seem like the Reviewing Officer was open to any sort of permit system, so, minor progress may have been made.

- Based on the fact the Reviewing Officer was already considering closure of the Shoshone NF to packgoats, and based on her questions and reactions during the meeting, it is unlikely that she will change the Shoshone NF’s decision to close the Shoshone NF to packgoats.

  - However, it is likely that the Reviewing Officer will require the Shoshone NF to provide more discussion on the science on disease transmission and to more clearly state that packgoats present a significant risk to bighorns on the Shoshone NF.

  - The Reviewing Officer will also likely require the Shoshone NF to provide an analysis of NAPgA’s best management practices and explain why they will not work on the Shoshone NF.

  - Although the Shoshone NF will likely be required to provide additional information and more analysis, it is unlikely that the ultimate decision of the Shoshone NF to close the Shoshone NF to packgoats will change.

- NAPgA must consider its next steps: (1) litigate on the FACA issues right away; (2) wait for a written decision on NAPgA’s objections to litigate on the FACA issues; (3) wait for a written decision on NAPgA’s objections and for the FEIS/Final ROD to be issued to litigate the on FACA and NEPA issues; or (4) avoid litigation.

All in all, considering the uphill battle that NAPgA was facing, the meeting went as well as it could have. NAPgA’s presence was important at the meeting to show that goatpacking on the Shoshone NF is important. Via the dialogue, the Reviewing Officer appeared to pick up on a number of areas where the Shoshone NF’s FEIS and Draft ROD were deficient. She is likely to require the Shoshone NF to address those deficiencies, and may even require the Shoshone NF to consider a permit system. At the beginning of the meeting, it did not seem like the Reviewing Officer was open to any sort of permit system, so, minor progress may have been made.