WildLands Defense

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COMMENTS ON THE PROPOSED REVISION OF THE GALLATIN/CUSTER NATIONAL FOREST PLAN
January 6, 2016

Please accept these brief, but heart-felt comments on behalf of WildLands Defense (WLD) as well as the Blackfoot Tribe's Medicine Chief Jimmy St. Goddard (EESUKYAH) - both in his individual capacity and as a member of WLD - on the draft Gallatin/Custer National Forest Plan Assessment of Existing Conditions/Need to Change. Together, we represent residents of western Montana, better known as Blackfeet Country or Niitsitapi (ᓀᐦᐃᒧᐎᓐ, meaning "original people"), who have used and enjoyed the Gallatin/Custer National Forest and the Yellowstone Ecosystem since time immemorial.

Until this land was taken away from the first peoples, it had for thousands of years represented the true bounty of people living in harmony with the Earth, our mother. The area that you now manage as Gallatin/Custer National Forest was a place where people enjoyed a bounty of fish and bison, where there are many sacred sites, and where humans living respectfully in the presence of the grizzly bear. We hope you can agree that indigenous peoples had a lot more success "managing" these unique ecosystems for thousands, if not tens-of-thousands, of years, while the relatively brief period of time in which settlers have been exploiting them unsustainably has been attendant with problems associated with wildfire and biological diversity that are unprecedented in geologic time. EESUKYAH has taken a special interest as a representative of his people, by which he means to include the bison and wolves in particular, in the tragic and ongoing slaughter of bison in and around YNP, as well as the ongoing demonization of wolves by management agencies.

While we appreciate the attempt to honor and respect tribal "rights" and "interests" in lands and life-sources (please understand that "resource" is a distinctly European notion that objectifies nature and is at the root of the problems with European stewardship of wildlands), the overall attitude of the approach still seems overly-colonial. Tribes are not simply another "special interest" to be accommodated - they are the natural stewards of these lands, with vastly more experience in understanding ecosystem function. Given the unprecedented problems that have arisen under the European "manage and control" paradigm, perhaps the Forest Service would be wise to recognize its own hubris, and humbly seek wise counsel from its elders - the first nations. Not just on how

to manage and control “resources,” but rather on how to approach and think about living in harmony with life sources and our finned, four-legged, and winged friends.

Especially in this time of rapid climate change when we are seeing poor forest health conditions that are directly attributable to nearly a century of management by European Americans, together with the seriously adverse effects of colonialist expansion on the global climate and our shared life support system, the public would benefit from seeing ***a tribal alternative*** in the proposed RFP that reflected the more indigenous view of the natural world that served these ecosystems so well for thousands of years prior to the last century or so, when they were so rudely evicted from their own homes. Please consider developing and including tribal alternatives in this and all future forest plan revision processes, and including analysis of that alternative in the EIS that will accompany the RFP.

This is not just a humble request, it is a question of morality and reconciliation. According to the International Declaration on the Rights of Indigenous Peoples adopted by the United Nations in 2007, and signed by then Secretary of State Clinton, this kind of solicitation of tribal alternative(s) could actually be considered the rights of the Blackfoot people and other interested indigenous tribes and peoples. Given that our own manage-and-control paradigm has given rise to the climate crisis at the broader scale of resource-extraction, which threatens the very life source of the planet we inhabit, perhaps it’s time that you act with more humility in relation to indigenous wisdom and perspectives.

For example, consider these “rights” of the Blackfeet people established in the 2007 Declaration:

> ***Article 25***
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> *Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.*
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> ***Article 26***
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> *1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
> *2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
> *3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.*

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Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

How will your revision process honor these rights? This is why a Tribal Alternative should be included in the proposed revision. Please address how the revised plan process for its adoption are in accordance with this U.N. Declaration, which represents a significant changed circumstance since the adoption of the original plan - or even since the first attempted revision in 2006. Why was this Declaration not included in the Applicable laws, policy, direction and regulation [that] provide the management direction for tribal relations and issues in the "Areas of Tribal Interest" Assessment? Please address what effects your management decisions will have on American Indian spirituality, namely the religious practices of traditional tribal people supposedly protected by PL-95-341, in relation to the spiritual significance of treating grizzly bears (and wolves and bison) as modern-day 'proxies' for the first peoples, subjugating them pursuant to your anthropocentric, colonialist management paradigms, and then attempting to forcefully limit them to "reservations" defined by lines on a map.

When we have salmon, cutthroat trout, and white bark pine thriving in the Gallatin/ Custer NF again, then perhaps we will be on the road to recovery for grizzly bears. Until such time, it is incumbent on our federal land managers to continue taking every precaution to protect grizzly bear populations from further depredations by historically proven European immigrant mismanagement.

The recent massive die-off of fish in the Yellowstone River should serve as a wake-up call for all land managers in Montana. According to a report from the on-line news site TruthOut.org:

> To many, the fish kill is a symptom of an ecosystem in crisis. Montana, similar to the rest of the western United States, is already experiencing serious impacts from climate change. The state is hotter and drier; snowpack is decreasing; wildfires are becoming more severe and begin sooner; spring run-off from the mountains happens earlier every year; and there is less water in

> the rivers. Montana has already warmed 2 degrees Celsius and is expected to experience a temperature rise of 4 to 5 degrees Celsius by 2055. A 2 degree C rise is already causing dramatic changes to the West's river systems.[1]

A 2 degree Celsius rise is recognized as unacceptable on a global scale, and it is already here. 2055 is, based on your track record, about how long this new forest plan will be in place, and the implications of doubling the currently elevated average temperature are beyond anything we humans have ever had to consider.

How are you proposing to change the management of the Gallatin/Custer NF to help ameliorate such drastic changes? We can expect there will be no snowpack at those elevated temperatures. How can the forest be managed to increase ecoresilience? Instead of a policy of opening forests up to prevent wildfire, which only tends to dry the forest out, shouldn't we be managing for dense, moist forests that help microclimates remain cool, and keep water in the alluvial aquifers that feed our rivers and streams? Perhaps bull trout should become a focal management indicator species for climate-related impacts on the forest.

In another recent news report, this one from the Washington Post, doubts were cast about the United State's ability to meet its obligations under the Paris Climate Accords. One of the doubts raised had to do with perpetuating mismanagement of our national forests: "Another reason for lingering uncertainty about whether the U.S. will meet its goals involves trees: There's a large range in estimates of how much carbon they're likely to absorb in coming years. And although this rarely gets mentioned, the U.S.'s overall policy goal relies not only on emitting less greenhouse gases, but also on storing large amounts in forests."

The rapidly warming climate represents a significant changed condition that, as author Naomi Klein has pointed out, changes everything. It certainly should change the way we have traditionally managed forests, which is to say primarily for timber harvest and/or fire prevention, at the expense of fish and wildlife habitat. This is especially true for the Montane portion of the forest, which your draft assessment acknowledges is "likely" to become "a refugia for some species for which the majority of the region may become unsuitable." Shouldn't you therefore begin managing that portion of the forest as a wildlife refuge now, rather than await the anticipated crisis in maintaining biological diversity in the Northern Rockies? The overall emphasis going forward must be to manage forests to emphasize the needs of fish and wildlife habitat in the interest of creating ecoresilience in the face of the rapid unraveling of natural living systems posed by the climate crisis, including but not limited to managing for cooler temperatures on the forest floor, colder waters, and carbon absorption and storage.

Please stop managing our national forests as "fuels" out of an irrational fear of fire. Hutto, in particular, has made it clear that wildfire is beneficial - especially in forests that

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[1] Bonogofsky, "Mass Fish Die-Offs Are the New Normal: Climate Change Shuts Down a Montana River." Sept. 15, 2016.

have been badly mismanaged, where it serves as a natural corrective to such mismanagement. Wouldn't it make sense to let these imbalances correct themselves now, while temperatures are still at pre-crisis levels, rather than continuing to futilely reduce fuels and wildfire incidence only to be overwhelmed by unnatural rises in temperature and unprecedented changes in moisture patterns in the future?

Studies clearly show that even severely burned forests quickly become home to a wider diversity of plants and animals than are even found in old growth forests, and that some species - like the black-backed woodpecker - actually depend on such burned (unlogged) forests for their survival. Instead of managing our forests out of fear, you would be much better advised to manage them with a sense of awe and wonder, and realize that nature actually knows better than man when it comes to sustaining the web of life.

Given the anticipated changes in wildfire incidence anticipated with climate change, why has the black-backed woodpecker not been identified as a species of special conservation concern? Please discuss the effects of past management for fire, including both fire suppression and fire prevention through thinning, on black-backed woodpeckers as an indicator species for healthy, burned forests. What is your management plan for black-backed woodpeckers going forward? Please base your assessment on peer-reviewed, best-available science for this key species, and not any literature reviews that have not been subjected to peer review. In particular, please consider the following:

Hanson, C.T., and M.P. North. 2008. Postfire woodpecker foraging in salvage-logged and unlogged forests of the Sierra Nevada. The Condor 110: 777-782.

Reed, D.H., J.J. O'Grady, B.W. Brook, J.D. Ballou, and R. Frankham. 2003. Estimates of minimum viable population sizes for vertebrates and factors influencing those estimates. Biological Conservation 113: 23-34.

Rota, C.T., M.A. Rumble, J.J. Millspaugh, C.P. Lehman, and D.C. Kesler. 2014a. Space-use and habitat associations of Black-backed Woodpeckers (Picoides arcticus) occupying recently disturbed forests in the Black Hills, South Dakota. Forest Ecology and Management 313: 161–168.

Rota, C.T., J.J. Millspaugh, M.A. Rumble, C.P. Lehman, and D.C. Kesler. 2014b. The role of wildfire, prescribed fire, and mountain pine beetle infestations on the population dynamics of Black-backed Woodpeckers in the Black Hills, South Dakota. PLOS One 9: Article e94700.

Rota, C.T., M.A. Rumble, C.P. Lehman, D.C. Kesler, and J.J. Millspaugh. 2015. Apparent foraging success reflects habitat quality in an irruptive species, the Black-backed Woodpecker. The Condor 117: 178-191.

Saab, V.A., R.E. Russell, and J.G. Dudley. 2007. Nest densities of cavity-nesting birds in relation to postfire salvage logging and time since wildfire. The Condor 109: 97–108.

Saab, V.A., R.E. Russell, and J.G. Dudley. 2009. Nest-site selection by cavity-nesting birds in relation to postfire salvage logging. Forest Ecology and Management 257: 151– 159.

Traill, L.W., C.J.A. Bradshaw, and B.W. Brook. 2007. Minimum viable population size: a meta-analysis of 30 years of published estimates. Biological Conservation 139: 159–166.

NFMA included the requirement to periodically revise forest plans in order to facilitate adaptive management with public involvement. While we realize the planning rule itself has been changed, there is still the need pursuant to the statue to provide continuity between plans to the extent that adaptive management requires. What have you learned from nearly three decades of implementing the strategies adopted in the first plans? NFMA is very clear that forest plans are to be revised periodically based upon lessons learned from *continuous monitoring and evaluation in the field* of the environmental impacts from forest plan implementation.

Unfortunately, very few national forests have followed through on the monitoring plans included in, and the commitments that were made to the public in, the first generation of forest plans. This is particularly true in relation to monitoring the population trends of management indicator species in relation to timber harvest, grazing, and roads. How is the public supposed to evaluate the efficacy between the different alternatives without a thorough discussion of monitoring results from the last 30 years? The 5-year monitoring and evaluation reports under the previous forest plan were intended to allow for mid-course corrections and lead to an informed revision process. Please include a section in the final Assessment on the results of monitoring and evaluation of forest plan implementation performed in accordance with NFMA's direction over the last three decades in the Custer and Gallatin NFs. Also, please include a section that reviews the Forest Service's compliance and non-compliance, successes and failures with monitoring and evaluation commitments made in the original Gallatin/Custer National Forest Plans, and disclose any and all adverse environmental impacts from the non-compliance.

The whole purpose of monitoring fish and wildlife affected by various extraction regimes (grazing, logging, mining, etc.) was to keep the public apprised of the population trends of key habitat indicator species over the course of the first forest plan in order that we could be assured that our forests were being managed sustainably for all future generations. We are particularly interested in the cumulative effects of forest plan implementation over the last three decades on the following species of concern: wolverine, fisher, pine marten, burrowing owl, northern goshawk, Lewis' woodpecker, Canada lynx, bull trout, and westslope cutthroat trout. Please discuss what you have learned from mistaken assumptions about the impacts of forest management on these

species, what current populations in the Gallatin/Custer are in relation to the populations at the beginning of the first forest plan and expectations/projections included in that plan, what kind of mid-course corrections you made, and how you intend to recover healthy populations and distribution in the next three decades for those species whose trends have been downward over the last three decades, especially in light of the best available science concerning the potential impacts of climate change.

Concerning the Species of Special Conservation Concern, why is it that you have identified only 2 species, neither of which is associated with forested ecosystems? As to the prairie species, what is the status of burrowing owl in these two national forests? Please consider adding burrowing owl to your Species of Special Conservation Concern. In addition, please identify 2 or more species associated with forested ecosystems as Species of Special Conservation Concern as part of your final assessment. One of these should be a furbearer, and the other a cavity-dweller. We would suggest, especially in light of recent science from the Forest Service itself that raises serious concerns with the effects of fuels reduction treatments, that the furbearer should be the pine marten.

New scientific studies conducted by the Forest Service reveals that American and Pacific Martens maintain a close association between complex cover and marten use of an area. See: Moriarty, *K.M.; Epps, C.W.; Zielinski, W.J.* 2016. “Forest thinning for fuel reduction changes movement patterns and habitat use by Pacific marten,” Journal of Wildlife Management, 80:621–633. Researcher Moriarty’s data shows that martens rely heavily on the cover of structurally complex forest stands to hunt for food while avoiding predators such as hawks, owls, and bobcats. Trees of different ages and sizes, different layers of canopy, and a diverse understory, including downed logs, snags, grasses, and shrubs, all provided cover for martens. In this environment, they could easily move from one area to another, sneaking up on prey and remaining inconspicuous to predators. Martens behaved differently in thinned stands and areas that had been managed to reduce the risk of fire occurrence and severity. In those area, with less vegetation to hide in and around, martens’ movements became quicker and less complex. Instead of moving circuitously from snag to shrub to tree, they tended to make beelines to get through exposed areas as quickly as possible. In many areas, management practices transformed broad, continuous forest into segmented islands separated by open areas.

Moriarty found that the odds of detecting a marten was 1,200 times less likely in openings and almost 100 times less likely in areas treated to reduce fuels, compared to structurally-complex forest stands. But Moriarty found that in the winter of 2012, when the area had an unusually low snowpack, there was virtually no difference in the martens’ movement from summer to winter. The added connectivity that snow provided was lost. This underscores the need to plan for more complex, connected forest stands, Moriarty explains, because climate change is expected to reduce winter snowpack in the study area by more than 30 percent, further decreasing functional connectivity for martens.

“Marten populations are unique and appear to be very sensitive to changes in their environment. Whole populations have gone extinct when as little as 30 percent of the forest cover has been removed,” Moriarty says. Moriarty says the findings of her study should prompt foresters to rethink the way they manage for reducing fire hazards. One consideration may be to focus fuel reduction efforts at lower elevations where martens are less common, and human communities tend to be, or to find ways to increase structural complexity within all forest stands. Land management implications from the study include:

• Martens selected home ranges with fewer openings and avoided stands with reduced structural complexity. Marten populations would benefit from increased stand connectivity within home ranges and at a landscape scale.

• Focusing fuel reduction efforts at lower elevations (<1500 meters) where martens are less common, or increasing structural complexity within stands would benefit marten populations.

• Climate change and the decreased snowpacks resulting from warmer temperatures likely will negatively affect marten movement and dispersal, and thus their survival.

It is quite remarkable, given the acknowledgment by the Forest Service that it’s policies decimated one of the primary life sources for wildlife over the last century - snags - that there is no mention whatsoever of snag-dependent wildlife in the Assessment. Here is an area of particular discontinuity between the existing forest plan and the anticipated revision. Given what we, the public at least, have learned over the course of the first generation of forest plan mismanagement, it would seem that the northern goshawk and black-backed woodpecker together might be the best indicator species for the many species in the forest that rely on snags and old forests. Please consider adding Lewis’ Woodpecker to your Species of Special Conservation Concern as well.

Finally, please review the best available scientific information that qualifies wild buffalo for the list of Species of Conservation Concern to be decided by the Regional Forester. There is substantial concern among the public about the viability and future of wild buffalo in the Yellowstone ecosystem. Habitat on our National Forests is critical to ensuring the persistence of this beloved migratory species.

We also support the identifying wild buffalo as a Focal Species. Please review the best available scientific information that supports identifying wild buffalo as a Focal Species in the Custer Gallatin Forest Plan. Wild buffalo are a keystone species, and ecological engineers that shape grassland diversity and provide habitat for many plant and animal species. It would seem that expanding the range and opportunities of wild bison to roam in these forests would be a great way to increase ecoresilience of native ecosystems that co-evolved with bison, and thus prepare for more drastic effects of climate change.

The best available scientific information and public concern for wild buffalo support changing the Forest Plan to list wild buffalo as a Species of Conservation Concern and

Focal Species on the Custer Gallatin National Forest. It's time for the Custer Gallatin to do more for wild buffalo on our National Forests.

Thank you for your consideration. Please add the undersigned to your public notice lists related to the RFP process.

Sincerely,

/s/ Thomas J. Woodbury
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