Draft Objections August 17, 2020

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Subject: Custer Gallatin Plan Objection and Custer Gallatin Species of Conservation Concern Objection

Buffalo Field Campaign submitted substantive comments in public scoping and throughout the Custer Gallatin National Forest land management plan revision process requesting the Forest Service list American bison as a species of conservation concern, and provide standards for conserving American bison habitat on our National Forests.

Buffalo Field Campaign files our objections to Custer Gallatin Forest Supervisor Mary C. Erickson's decision for failing to provide standards, and Northern Region Regional Forester Leanne M. Marten's decision for failing to make legal designations securing habitat for and viability of American bison on our National Forests.

In support of our objections to correct the Forest Service's final decisions, Buffalo Field Campaign submits the agency required sources referenced herein.

Region One Regional Forester Leanne M. Marten's decision to <u>not</u> list American bison as a species of conservation concern is objectionable on several grounds.

• A broad section of the American people submitted credible and relevant scientific evidence raising substantial concern about American bison's ability to persist as a viable, self-sustaining migratory species on our National Forests.

The National Forest planning rule identifies species of conservation concern:

> as a species . . . that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area.

36 CFR § 219.9(c), National Forest System Land Management Planning final rule and record of decision, 77 Fed. Reg. 21162, 21265 (Apr. 9, 2012).

Listing American bison as a species of conservation concern would impose a duty on the Custer Gallatin to provide secure habitat for a viable population on our National Forests.

> [P]rovide the ecological conditions necessary to maintain a viable population . . . within the planning area.

Regional Forester Leanne M. Marten, *Species of Conservation Concern*, Custer Gallatin National Forest (Feb. 7, 2019) (citing 36 CFR 219.9(b)(1)).

However, the record shows Regional Forester Marten made her decision for listing species of conservation concern on February 7, 2019 *before* the Custer Gallatin National Forest opened public comment on their draft land management plan.

"This constitutes the species of conservation concern list for the Custer Gallatin National Forest's draft revised forest plan and draft environmental impact statement (EIS)." Regional Forester Leanne M. Marten, *Species of Conservation Concern*, Custer Gallatin National Forest (Feb. 7, 2019).

While Regional Forester Marten states identifying species of conservation concern is a "dynamic process," that dynamic process appears to have not considered the best available scientific information and evidence submitted during the public comment period solicited by Forest Supervisor Erickson on March 1, 2019. Custer Gallatin Forest Supervisor Mary C. Erickson, *Public Review of Draft Forest Plan and Draft Environmental Impact Statement for Custer Gallatin Forest Plan Revision* (March 1, 2019).

The record appears to show Regional Forester Marten's decision did not consider the best available scientific information and evidence submitted during the public comment period March 1 to June 5, 2019.

> The Custer Gallatin has provided the regional forester with public comments received on species of conservation concern. The regional forester considered comments received and reviewed the documentation, rationale, and best available scientific information. If necessary, changes were made to the list.

Custer Gallatin National Forest Land Management Plan, Draft Record of Decision, page 50 (July 2020).

But the statement "the regional forester considered comments received and reviewed the documentation, rationale, and best available scientific information" is not reflected in the public record.

It is not transparent how Regional Forester Marten's assessment and evaluation of listing American bison as a species of conservation concern changed in response to public comment, or the best available scientific information, or what her rationale is for not listing American bison.

Regional Forester Marten's consideration of all public comments received, review of the best available scientific information, and rationale is not transparent in the public record.

Regional Forester Marten's decision must conform to National Forest planning rules requiring consideration of all public comment, documenting "the use of the best available scientific

information," and ensuring "the rationale for decisions is transparent to the public." 36 CFR § 219.3, National Forest System Land Management Planning final rule and record of decision, 77 Fed. Reg. 21162, 21192 (Apr. 9, 2012).

Regional Forester Marten's decision should be reversed, and her assessment and evaluation of the best available scientific information for listing American bison as a species of conservation concern publicly disclosed.

• Regional Forester Marten's evaluation of the best available scientific information and rationale for not listing American bison is missing from the Forest Service's decision and analysis documents.

Only the generic criteria and process are disclosed; the assessment and evaluation for American bison is not. Regional Forester, *Animal Species of Conservation Concern Identification Process for the Custer Gallatin National Forest's Revised Forest Plan* (Final Environmental Impact Statement) (April 2020); Regional Forester, *Rationale (species evaluations) used to select animal and plant species as SCC for CGNF final plan and final environmental impact statement* (undated).

It is not transparent how Regional Forester Marten addressed the best available scientific information including the signatories' report, *American bison a species of conservation concern*, submitted March 5, 2018 by the Piikani Nation, Crow Creek Sioux Tribe, twenty-three businesses, fifty-nine nonprofit organizations, 2,221 individuals, and Buffalo Field Campaign.

The Northern Cheyenne Tribe (May 28, 2019) and the Rocky Mountain Tribal Leaders Council (May 31, 2019) also requested American bison be listed as a species of conservation concern.

The public comment record demonstrates a broad section of tribes, groups, businesses, and individuals from around the country requested and submitted evidence in support of listing American bison as a species of conservation concern. *Public comments on the Custer Gallatin National Forest plan Draft Environmental Impact Statement* (June 2019) 637MB zip file online: https://www.buffalofieldcampaign.org/species-of-conservation-concern.

The responsible official's assessment, evaluation, and rationale for not listing American bison as a species of conservation concern must be transparent, and the final decision must conform to the National Forest planning rule.

> *Content of the assessment for plan development or revision*. In the assessment for plan development or revision, the responsible official shall identify and evaluate existing information relevant to the plan area for the following: Threatened, endangered, proposed and candidate species, and *potential species of conservation concern present in the plan area*.

36 CFR § 219.6(b)(5), National Forest System Land Management Planning final rule and record of decision, 77 Fed. Reg. 21162, 21263 (Apr. 9, 2012) (emphasis added).

• American bison meet all of the Forest Service's criteria for listing as a species of conservation concern. *Animal Species of Conservation Concern Identification Process for the Custer Gallatin National Forest's Revised Forest Plan (Final Environmental Impact Statement)* (April 2020).

Nature Serve's global ranking for bison is G2 at "risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction," and state ranking for bison is S2 at "risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to extirpation in the state" of Montana.

According to the Montana Natural Heritage Program, only 1% of American bison's breeding range in Montana is left to perpetuate self-sustaining populations of the migratory species in the wild. Montana Natural Heritage Program, *SOC Report Animal Species of Concern* (last updated April 16, 2020).

The Custer Gallatin is host to the 1% of breeding range remaining for the only intact and wild American bison population in the state of Montana.

"Agency planning policy requires that species identified by states as being at risk be considered as potential SCC [Species of Conservation Concern]." Martin Nie et al., *Fish and Wildlife Management on Federal Lands: Debunking State Supremacy*, 47 Environmental Law 797, 862 (2017) (citing Forest Service Handbook: Land Management Planning Handbook § 1909.12 (2013)).

Montana Fish, Wildlife & Parks, and the Montana Natural Heritage Program list American bison as a species of concern.

> As of 2010, bison are listed by the Montana Natural Heritage Program (MNHP) and FWP as a "species of concern" (MNHP, 2010; FWP, 2010a). Species of concern "are native Montana animals that are considered to be 'at risk' due to declining population trends, threats to their habitat, and/or restricted distribution" (MNHP, 2010). FWP and MNHP have given bison an S2 state ranking and a G4 global ranking (MNHP, 2010: FWP, 2010a). An S2 status means the species is "at risk because of very limited and/or potentially declining population numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state" (FWP and MNHP; 2010b). The G4 global ranking means that the species is "apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining" (FWP and MNHP, 2010b). The Montana Comprehensive Fish and Wildlife Conservation Strategy (CFWCS) lists bison as Tier 1, which are species in "greatest conservation need. Montana Fish, Wildlife & Parks has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities, and focus areas" (FWP, 2005, pp.32).

S.M. Adams & A.R. Dood, *Background Information on Issues of Concern for Montana: Plains Bison Ecology, Management, and Conservation*, page 32 (Montana Fish, Wildlife & Parks, Bozeman, MT June 2011).

Montana Fish, Wildlife & Parks and the Montana Natural Heritage Program present the evidentiary factors – declining populations, threats to habitat, restricted distribution – supporting their designation of American bison as a species of concern. These are exactly the factors and best available scientific information the National Forest planning rule requires to demonstrate substantial concern about the long-term persistence of American bison, a native species, within the plan area of the Custer Gallatin National Forest.

The basis for Regional Forester Marten making a contrary decision has been closed to public

scrutiny.

Cumulative stressors curtailing the natural range of migratory bison, fragmented habitat, agency permitted actions disrupting connectivity to habitat, cattle grazing allotments, fencing schemes in migration corridors, and the uncertainty of rapid climate change, extended drought, and large-scale fires in shifting bison range into intolerant "management zones" combined with a substantial decrease in the Central bison herd, is strong evidence for designating American bison a species of conservation concern.

The record evidence of the Forest Service evaluating its' criteria and factors threatening the long-term persistence and viability of genetically distinct and unique bison subpopulations in the Custer Gallatin planning area is missing and needs to be publicly disclosed.

(The best available scientific information on American bison's distinct and unique population substructure is found in Natalie D. Halbert et al., *Genetic Population Substructure in Bison at Yellowstone National Park*, Journal of Heredity, Advance Access published (Feb. 8, 2012)).

The Forest Service must follow your own criteria and National Forest planning rules in evaluating and designating species of conservation concern.

American bison clearly meet your criteria and requirements under the National Forest planning rule to be designated a species of conservation concern.

• The Forest Service must show how it grappled with the best available scientific information and evidence of the risk of local extinction for genetically distinct and unique bison herds on the Custer Gallatin, and provide secure provisions for the only intact American bison population found on our National Forests.

Despite being the trustee for 145 million acres of habitat in the Western Region, "no self-sustaining herds of wild plains bison exist on National Forest System lands." U.S. Forest Service, Region 2, Regional TES Species Program Leader Nancy Warren, *American Bison R2 Individual Species Recommendations*, (Apr. 29, 2011); U.S. Forest Service, *National and Regional Areas Summary* (Table 1) (Oct. 17, 2015).

Forest Supervisor Mary C. Erickson's decision to adopt Alternative F in combination with Regional Forester Marten's non-transparent decision <u>not</u> to list American bison as a species of conservation concern, raises substantial concern about the migratory species long-term ability to persist as a viable population on our National Forests.

Custer Gallatin Forest Supervisor Mary C. Erickson's preferred Alternative F is objectionable on several grounds.

"Vague, voluntary, speculative, and unenforceable measures found in plans are generally not considered a sufficient regulatory mechanism." Martin Nie & Emily Schembra, *The Important Role of Standards in National Forest Planning, Law, and Management*, 44 Environmental Law Review 10281, 10284 (April 2014) (footnote omitted).

• Alternative F does not secure provisions for a viable, self-sustaining American bison population on our National Forests.

The final alternative must include provisions conforming to National Forest planning rule requirements for maintaining plant and animal diversity. 36 CFR § 219.9, National Forest System Land Management Planning final rule and record of decision, 77 Fed. Reg. 21162, 21265 (Apr. 9, 2012).

• Alternative F does not "provide the ecological conditions to both maintain diversity of . . . and support the persistence of" American bison, a native migratory species, in the plan area as the National Forest planning rule requires.

The final alternative must include provisions conforming to National Forest planning rule requirements providing for the persistence of native species. 36 CFR § 219.9, National Forest System Land Management Planning final rule and record of decision, 77 Fed. Reg. 21162, 21265 (Apr. 9, 2012).

• Alternative F does not secure provisions for conserving genetically distinct and unique bison subpopulations, including the Central bison herd which is jeopardized under state and federal management.

According to National Park Service biologists, the number of Central herd bison was reduced from 3,531 in 2006 to 847 in 2017. P.J. White et al., *Management of Yellowstone bison and brucellosis transmission risk – Implications for conservation and restoration*, 144 Biological Conservation 1322, 1329 (2011); Chris Geremia et al., *Status Report on the Yellowstone Bison Population*, page 1 (Sept. 2017).

The current estimate is 1,162 Central herd bison. Chris Geremia et al., *Status Report on the Yellowstone Bison Population*, page 1 (October 2019).

1,162 bison is far below the *minimum census of 2000–3000 mature individuals needed to avoid inbreeding depression and maintain genetic variation* for a wild population with distinct subpopulation structure. Philip W. Hedrick, *Conservation Genetics and North American Bison (Bison bison)*, 100(4) Journal of Heredity 411, 419 (2009); Natalie D. Halbert et al., *Genetic Population Substructure in Bison at Yellowstone National Park*, Journal of Heredity, Advance Access published (Feb. 8, 2012).

Populations of endangered species are unlikely to persist in the face of rapid climate change and habitat loss unless they number around *5,000 adult individuals or more*. Lochran W. Traill et al., *Pragmatic population viability targets in a rapidly changing world*, 143 Biological Conservation 28, 30 (2010).

State and federal management actions have led to an alarming reduction in the Central bison herd at the same time the responsible official has agreed to severely curtail the entire wild population's natural range on our National Forests for the foreseeable future.

State and federal management is a harmful stressor driving the risk of local extinction for American bison on the Custer Gallatin, and there is no standard in the land management plan to reverse this trend.

The final alternative must include standards conserving habitat for the viability of American bison subpopulations and persistence of the population as a whole.

• There are no "standards" for American bison and their habitat, only "desired conditions" which impose no duty or requirement upon the Custer Gallatin National Forest.

For example, the Custer Gallatin's "desired condition" of "stable and increasing genetic diversity" for American bison will remain an unmet desire without standards that "increase resilience to stressors, adaptability to changing conditions" including rapid climate change, extended drought, and large-scale fires that can shift the migratory range of bison into intolerant "management zones" calling for their removal. 2020 Land Management Plan, *Desired Conditions*, FW-DC-WLBI-02, page 58 (July 2020).

Migratory bison are prohibited from occupying any National Forest range and habitat in Zone 3, an arbitrary standard agreed to by state and federal managers including the responsible official.

> Clearly define a boundary line beyond which bison will not be tolerated.

Interagency Bison Management Plan Members, *Operating Procedures for the Interagency Bison Management Plan (IBMP)* page 2 (Dec. 31, 2019).

The boundary line the Custer Gallatin has agreed to excludes American bison from substantial portions of their National Forest range and habitat and cannot contribute to increasing the genetic diversity of distinct and unique bison herds in the Yellowstone ecosystem.

The final alternative must include standards constraining the Custer Gallatin, and imposing a legal duty to provide habitat for a viable population of American bison with "stable and increasing genetic diversity" on our National Forests.

The Forest Service must "stop the practice of reflexively acquiescing to state claims of wildlife authority" and follow your duty to provide for diversity and viability of native species including American bison. Martin Nie et al., *Fish and Wildlife Management on Federal Lands: Debunking State Supremacy*, 47 Environmental Law 797, 905 (2017).

• The Custer Gallatin's "guideline" to "not create a barrier to bison movement unless needed to achieve interagency targets for bison population size and distribution" *guts* the National Forest planning rule requirement for connectivity. 2020 Land Management Plan, *Guidelines*, FW-GDL-WLBI-03, page 59 (July 2020).

> *Connectivity*. Ecological conditions that exist at several spatial and temporal scales that provide landscape linkages that permit the exchange of flow, sediments, and nutrients; the daily and seasonal movements of animals within home ranges; the dispersal and genetic interchange between populations; and the long distance range shifts of species, such as in response to climate change.

36 CFR § 219.19 Definitions, National Forest System Land Management Planning final rule and record of decision, 77 Fed. Reg. 21162, 21270 (Apr. 9, 2012).

Forest Service management decisions restricting and impeding American bison's natural migrations are in conflict with National Forest planning rule requirements to use the best available scientific information, restore habitat connectivity, and provide for diversity and viability of distinct migratory herds on our National Forests.

> Conserving mass migrants means preserving animals' freedom of movement in response to the temporal aspects of forage across seasonal extremes. This requires understanding basic parameters of the migration (e.g. location, numbers, routes, distances traveled), ecological drivers, habitat needs and threats. When migrants are excluded from forage and water resources , their numbers plummet and migrations disappear.

Grant Harris et al., *Global decline in aggregated migrations of large terrestrial mammals*, 7 Endangered Species Research 55, 72 (May 2009).

American bison have already lost 14 migration routes or corridors in the Yellowstone ecosystem. Joel Berger, *The Last Mile: How to Sustain Long-Distance Migration in Mammals*, 18(2) Conservation Biology 320–331, 322 (April 2004).

Migration is an essential life-history strategy for American bison allowing for adaptation in a rapidly changing environment and evolutionary resilience in a climate that is being disrupted on a global scale.

Bison's long-distance migrations, corridor use, and connectivity to habitats in their home range needs to be proactively managed so these phenomena do not become endangered within the Custer Gallatin plan area.

Reducing migrants through over-killing or removing range contributes to habitat loss, population declines, shortens the distances migrants can travel, and can destroy mass migration and drive the migratory species to extinction. Grant Harris et al., *Global decline in aggregated migrations of large terrestrial mammals*, 7 Endangered Species Research 55, 68 (May 2009).

The final alternative must conform to National Forest planning rule requirements providing connectivity to habitat for American bison.

• The Custer Gallatin's "guideline" to "not create a barrier to bison movement unless needed to achieve interagency targets for bison population size and distribution" also leaves in place all of the Forest Service permitted barriers obstructing American bison's natural migrations and connectivity to habitat the National Forest planning rule requires be restored. 2020 Land Management Plan, *Guidelines*, FW-GDL-WLBI-03, page 59 (July 2020).

> A commitment to restore or maintain landscape connectivity to facilitate movement, migration, and dispersal is a significant addition to the planning rule.

Courtney A. Schultz et al., *Wildlife Conservation Planning Under the United States Forest Service's 2012 Planning Rule*, 77(3) The Journal of Wildlife Management 1–17, 5 (Jan. 23, 2013).

The Custer Gallatin has approved erecting several barriers in migration corridors to thwart American bison's connectivity to habitat.

> The fence installation will be more or less perpendicular to the river with the goal of preventing bison from moving further downstream. Gallatin National Forest 2011 at 1 (approving 900 feet of jackleg fencing uphill from both sides of the Yellowstone River and associated gates and "cattle guards" on HWY 89 near Yankee Jim Canyon in Gardiner basin).

> The only identified effect to wildlife is to prevent bison from migrating further west, toward the Madison Valley, which is exactly the purpose of the fence. Custer Gallatin National Forest 2016 at page 3 (approving 30 feet of jackleg fencing, gate, and associated "Bison Cattle Guard" on HWY 287 in Hebgen basin).
>
> [T]he Holder is authorized to construct and maintain a bison corridor fence . . . . Gallatin National Forest 2009 at page 1 (approving 695 feet of electrified fencing, associated cattle guards, and gates).

The final alternative must address how the Custer Gallatin's fencing schemes meet National Forest Planning rule requirements for restoring connectivity.

> Connecting corridors between suitable habitats for bison would require areas with no barriers and minimal impediments to bison movement.

Final EIS for the 2020 Land Management Plan Vol. 1 Chapters 1, 2, and 3 (part 1) page 544 (July 9, 2020).

The Custer Gallatin's fencing schemes disrupt landscape linkages and habitat connectivity that is essential for maintaining bison viability and diversity. Forest-permitted barriers disrupt habitat connectivity for American bison the National Forest planning rule requires be restored in the plan area.

The final alternative must eliminate Custer Gallatin permitted barriers to connectivity, and provide a standard for conserving American bison migration corridors on our National Forests.

• Curtailing the range of American bison to intolerant "management zones" is the only de facto standard in the Custer Gallatin's preferred Alternative F. The standard is enforced by the State of Montana to harm and exclude migratory bison from substantial portions of their native range and habitat on our National Forests.

The Forest Service's regulatory authority over wildlife species on our National Forests must <u>not</u> be delegated to the States to the detriment of American bison.

• Ceding management of National Forest habitat to the State of Montana ensures that American bison, a keystone and culturally significant species, will remain extinct in four out of five landscapes on the Custer Gallatin.

The final alternative must include standards to reverse the risk of local extinction for American bison, a keystone and culturally significant species, on our National Forests.

• Alternative F does not remove ongoing Forest Service permitted stressors in the one remaining landscape American bison range on the Custer Gallatin, including cattle grazing allotments, fencing schemes to thwart bison connectivity to habitat, and contains no secure habitat standards for bison calving grounds on our National Forests.

The final alternative must remove Forest Service permitted stressors reducing the natural range of American bison, and secure habitat standards for the migratory species' calving grounds on our National Forests.

• Alternative F does not bar the Custer Gallatin from permitting the trapping of American bison on our National Forests, as the agency did for the Montana Livestock Dept. over two 10-year periods in the Central bison herd's calving grounds on Horse Butte.

The final alternative must prohibit traps to capture migratory bison on our National Forests.

• There is no programmatic effort in Alternative F to close Custer Gallatin permitted cattle grazing allotments in the American bison's range – perpetuating the decades old conflict with the Montana Dept. of Livestock resulting in bison being killed or harassed from their habitat on our National Forests.

The final alternative must include a program to proactively close cattle grazing allotments – vacant or <u>not</u> – in American bison's range on our National Forests.

• The Custer Gallatin's "desired condition," "goal," and "objective" of reserving vacant cattle grazing allotments in the American bison's range as "grassbanks" for ranchers is another obstacle to closing them to benefit bison on our National Forests. 2020 Land Management Plan, *Desired Conditions, Goals, Objectives*, FW-DC-GRAZ-02, FW-GO-GRAZ-02, FW-OBJ-GRAZ-01, pages 72–73 (July 2020).

The final alternative must reflect the needs of native species who require "grassbanks" to survive disturbances on National Forest habitat and the ecosystem of which it is but one part. National Forest "grassbanks" must be prioritized for the diversity, persistence, and viability of native species.

The final alternative must remove the desired condition, goal, and objective reserving "grassbanks" for ranchers.

• The Custer Gallatin's "objective" of performing three habitat improvement projects every three years to connect habitat may or may not substantively benefit American bison. 2020 Land Management Plan, *Objectives*, FW-OBJ-WLBI-01, page 58 (July 2020).

Without a track record and evidence of on the ground examples, there is no way to determine how or if or to what extent habitat will be enhanced in a manner American bison use and benefit from over the long or short term.

The track record we do have evidence of shows that even when habitat is naturally improved for migratory bison, intolerant "management zones" adopted by the Custer Gallatin exclude the native species from habitat on our National Forests.

For example, American bison continue to be harassed from our National Forests on the south side of the Madison River in burned lodgepole pine forest and the green up of nutritious grasses that continue to attract migratory bison.

The ecological benefits of migratory bison and fire in increasing plant and animal diversity and the resiliency of fire-adapted species on our National Forests is negated by intolerant "management zones" the Custer Gallatin has adopted as its' own.

The Custer Gallatin entirely missed connecting the ecology of American bison and fire in restoring plant and animal diversity on our National Forests.

> • Forest fires may also play a role in maintaining sedge-grasslands, important winter habitat for bison.
> • Intense bison grazing of recently burned habitat may reduce fuel loads and function as firebreaks.
> • The slaughter and near extinction of bison "may have shortened fire return intervals and increased fire severity during the early settlement period."
> • Bison grazing and fire patterns could provide a valuable tool for naturally managing northern mixed-grass prairie.

Julie L. Tesky, *Bos bison. In: Fire Effects Information System*, (U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory, 1995).

Fire adapted species must be restored together.

The final alternative must reconsider how the Custer Gallatin can rely upon the ecology of bison and fire in providing for the diversity of plant and animal communities and persistence of native species the National Forest planning rule requires be maintained.

• Preferred alternative F is lacking substantive standards for wildlife connectivity, diversity, and viability.

Adopting standards for food storage and limits on recreation in key linkage areas for threatened grizzly bears is not enough. 2020 Land Management Plan, *Standards* FW-STD-WL-01, FW-STD-WL-02, page 54 (July 2020).

Without standards for wildlife connectivity, diversity, and population viability, alternative F cannot be the "environmentally preferred" alternative for the Custer Gallatin National Forest's land management plan.

> Alternative F was the environmentally preferred alternative.

Custer Gallatin National Forest Land Management Plan, Draft Record of Decision page 30 (July 2020).

Alternative F does not meet the National Environmental Policy Act's standards as an environmentally preferred alternative.

Alternative F falls far short of the U.S. Congress's purpose to remedy man's profound impacts and influences on the natural environment and "to use all practicable means and measures . . . to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. § 4331(a).

Alternative F does not "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;" nor does it "attain the widest range of beneficial uses of the environment without degradation . . . or other undesirable and unintended consequences;" in order

to "preserve important historic, cultural, and natural aspects of our national heritage" including the American bison. 42 U.S.C. § 4331(b)(1),(3),(4).

Nor can Alternative F be identified as causing the least damage that best protects, preserves, and enhances American bison on our National Forests.

> *Environmentally preferable alternative* is the alternative required by 40 CFR 1505.2(b) to be identified in a record of decision (ROD), that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources.

43 CFR § 46.30, Definitions.

Without standards for wildlife connectivity, diversity, and population viability, Alternative F cannot be relied upon as regulatory mechanism to fulfill your legal duties.

Desires, goals, and guidelines will remain unmet desires, goals, and guidelines.

Vague, voluntary, and unenforceable desires, goals, and guidelines are not standards that fulfill duties the Forest Service is bound to by law.

The final alternative must include standards that conform to National Forest planning rule requirements for wildlife connectivity, diversity, and population viability.

Sources

S.M. Adams & A.R. Dood, *Background Information on Issues of Concern for Montana: Plains Bison Ecology, Management, and Conservation*, (Montana Fish, Wildlife & Parks, Bozeman, MT June 2011).

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Martin Nie et al., *Fish and Wildlife Management on Federal Lands: Debunking State Supremacy*, 47 Environmental Law 797 (2017).

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Lochran W. Traill et al., *Pragmatic population viability targets in a rapidly changing world*, 143 Biological Conservation 28 (2010).

U.S. Forest Service, Region 2, Regional TES Species Program Leader Nancy Warren, *American Bison R2 Individual Species Recommendations*, (Apr. 29, 2011).

P.J. White et al., *Management of Yellowstone bison and brucellosis transmission risk – Implications for conservation and restoration*, 144 Biological Conservation 1322 (2011).