



*Office of the County Commissioners  
Bill Wallace, Chairman  
JV Moody  
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September 8, 2020

Objection Reviewing Officer  
USDA Forest Service,  
Northern Region  
Building 26  
Fort Missoula Road Missoula, MT 59804

Submitted online at: <https://cara.ecosystemmanagement.org/Public//CommentInput?Project=50185>

**Re: Objections Custer Gallatin Forest 2020 Land Management Plan,  
Draft ROD, Final FEIS**

To whom it may concern:

Sweet Grass County, through its Board of County Commission (hereafter "SGCC"), submits this objection to the Custer Gallatin Forest 2020 Land Management Plan, Draft Record of Decision (ROD) and Final Environmental Impact Statement (FEIS), noticed June 9, 2020 (collectively referred to herein as CG Plan). SGCC participated in this planning process as a Cooperating Agency. In addition, SGCC participated and commented through this plan revision process, at each opportunity, including participation in scoping meetings in Big Timber. SGCC also submitted written comment on June 6, 2019 and February 12, 2020. Further, Sweet Grass County met with numerous Forest Service personnel including Mary Erickson and Alex Sienkiewicz and received additional information from Virginia Kelly. We appreciate the opportunity to be involved in the process.

**Standing:** SGCC timely filed comments on the proposed action and the Draft Environmental Impact Statement (Draft EIS) for this Forest plan revision and participated as a cooperating agency in scoping, soliciting local input, and commenting on aspects of the Plan.

SGCC is supportive of certain elements of the CG Plan, including the recognition and protection of the Stillwater complex. However, SGCC continues to object to significant provisions of the plan impacting Sweet Grass County, which have been noted in prior written correspondence. The following is a brief recap of SGCC's objections to the CG Plan.



## **OBJECTIONS:**

### **1. Bison**

SGCC was pleased to see that the Draft ROD does not identify bison as a species of conservation concern, as such designation is not warranted. However, the CG Plan states “The Yellowstone bison population is unique in that it is genetically pure (for example isolated from domestic livestock)”, yet an expansion of the range for free roaming bison may well result in intermingling of livestock and bison, risking both the livelihood of livestock producers and the genetic purity of the Yellowstone bison.

The following guidelines in the CG Plan appear to conflict with current management of bison:

**(FW-GDL-WLBI) 01** *“To promote bison expansion within management zones, vegetation treatment projects and management actions taken to resolve bison-livestock conflicts should favor bison within these zones”* and

**(FW-GDL-WLBI) 03** *“To facilitate bison expansion into unoccupied, suitable habitat in the area that coincides with the grizzly bear primary conservation area, management actions should not create a barrier to bison movement unless needed to achieve interagency targets for bison population size and distribution.”*

SGCC objects to the CG Plan’s expansion of bison into areas that conflict with the Designated Surveillance Area for brucellosis. The CG Plan proposes to use the primary recovery area for grizzlies as the boundary for free roaming bison. This would ostensibly allow an expansion of bison into southern Sweet Grass County. At present, bison are managed pursuant to the Interagency Bison Management Plan, and state law governs the treatment of bison. SGCC believes these goals present conflict with state law that govern bison as a species in need of management and that recognize that the Department of Livestock is authorized to manage public owned wild bison that “pose a threat to persons or livestock in Montana through the transmission of contagious disease.” See 87-1-216, MCA. The goals also conflict with the Interagency Bison Management Plan’s stated purpose, Montana Association of Counties’ adopted guidance on bison as well as Sweet Grass County’s growth policy.

Sweet Grass County’s growth policy provides *“Bison and elk out-migrating from Yellowstone National Park (YNP) may carry brucellosis, a serious animal and human disease that is listed on the federal Center for Disease Control’s list of bioterrorism agents. YNP bison and elk have been shown to test sero-positive for brucellosis up to 60% of bison and up to 12% of elk. Brucellosis, if introduced into Sweet Grass County from these animals, may have serious negative effects on the local cattle industry because of federal and state regulations regarding this disease. Portions of adjoining Park County, as well as other counties near Yellowstone National Park, have been classified as a Designated Surveillance Area (DSA) where cattle owners face significant disease risk and expensive protocols including testing and movement restrictions for their cattle, seriously affecting the local cattle industry in these areas.”*

Under the Growth Policy’s implementation strategies and policies, are the following action plans and recommendations: *“Strongly discourage DFWP and other appropriate state and federal agencies from allowing the introduction or migration of diseased wildlife (brucellosis or other serious diseases affecting humans or livestock) to Sweet Grass County that may jeopardize public health or safety, or the county’s livestock industry, and explore ordinances and other measures that may be useful to this end”; “Utilize the county’s right under state and federal law to be involved in all local decisions regarding predators, game species, and endangered species” and “Support agricultural producers in their efforts to maintain brucellosis-free status, and keep Sweet Grass County out of any Designated Surveillance Area (DSA) for brucellosis.”*

The CG Plan encourages expansion into Sweet Grass County, which jeopardizes Sweet Grass County’s



livestock industry, diminishes grazing allotments and imposes significant burdens and costs to livestock producers in addressing the threat of brucellosis.

## 2. Recommended Wilderness Areas:

SGCC objects to the designation of any wilderness in the Crazies or an expansion of wilderness in the Absaroka Beartooth range. The CG Plan proposes to create a wilderness designation on approximately 10,000 acres in the southwest Crazies, which area encompasses a section of private land. SGCC understands the section of private land is one that is under contemplation for a future land exchange, but that exchange has been over 10 years in the making and is not final. At present, the Forest Service has no legal access up Swamp Creek, and the wilderness designation could affect management of private property, grazing, and water rights, as well as outstanding mineral rights. This area is already inventoried roadless.

SGCC's objection is based on its growth policy, which sets forth a policy of no net gain of federal lands and a requirement that *"Designation of any resource areas, wilderness, wild and scenic rivers or national monuments must be done in consultation and coordination with Sweet Grass County and its residents, to the maximum extent allowed by law."*

SGCC's objections to wilderness designation are also formed by the county's concern with loss of grazing allotments and the county's experience with restrictions on fire-fighting capability in the wilderness, the lack of management of lands designated as wilderness, the proliferation of invasive species and lack of fuels and weed treatment, as well as the impact to inholdings and/or adjacent private lands. Appendix A provides : *"In wilderness and WSAs, naturally-caused wildfire may be allowed to play, as nearly as possible, its natural ecological role on the landscape and may be allowed to move into and out of wilderness boundaries as necessary based on the historic burning patterns, ecological health, and impacts to abiotic and biotic components of the forest."* The Crazy Mountain proposed wilderness study area is still checkerboarded with private land and adjacent to significant private property. This policy with regard to fire, would be of incredible concern to neighbors. The policy doesn't even appear to consider the threat to adjacent private lands. As should be pointedly evident from the ongoing Bridger Foothills fire, the ignition of fire on public land (likely human caused in this case) has destructive and devastating impacts to private property and

## 3. Tribal Interests

The Draft ROD states **"The selected alternative incorporates the request of Crow Tribal staff for protection of the Crazy Mountains by designating the highest elevations in this range as recommended wilderness area and backcountry area. The selected alternative also includes plan components that address treaty rights, sacred sites, traditional cultural practices, and access."**

The CG Plan contains the following desired conditions and goals relative to the Crazy Mountains and Tribal Interests:

**Desired Conditions (BC-DC-TRIBAL) 01 The Crazy Mountains embody a tribal cultural landscape significant to ongoing traditional cultural practices of the Crow Tribe. 02 Research, education, and interpretation of the Crazy Mountain tribal cultural landscape provides public benefits and enhances the understanding and appreciation of Crazy Mountain's natural environment, precontact, contact, and Crow traditional cultural values. Goals (BC-GO-TRIBAL) 01 The Custer Gallatin National Forest protects and honors Crow treaty obligations, sacred land and traditional use in the Crazy Mountains through continued consultation with the Crow Tribe.**



However, the planning documents contain no analysis of the different treaties or treaty rights vis-à-vis the Crazy Mountains. The Fort Laramie Treaty of 1868, which is the final governing treaty, does not encompass the Crazy Mountains, which were part of tribal cessions. While SGCC understands that the Crow tribe had some historical cultural practices and sacred sites in the Crazy Mountains, some of those occur on private land not subject to Forest Service management. SGC also understands that the Crow tribe has some reserved hunting rights on the public lands, not private lands within the national forest boundary. As SGCC stated in its June 2019 letter, SGCC wishes to be involved with any further designations or consultations with the Forest Service and Crow Tribe as these affect the county's interests, legal rights of other parties, and private landowners, all of whom should be involved in these discussions.

Aside from mention of fasting beds, the CG Plan contains no explanation or data base of the sites that the CG Plan proposes to protect. Moreover, while certainly federal laws provide confidentiality for sacred sites, that determination is made on a case by case basis as to whether the site meets one of the federal laws that allows for such confidentiality. SGCC is unable to adequately assess the impact of the Draft ROD and CG Plan provisions regarding Tribal interests without knowing specifics as to the locations of the exercise of such rights or what treaty provisions are relied upon by the Forest Service in determining to adopt the requests of the Crow Tribe as to management of the Crazy Mountains.

#### 4. Backcountry

SGCC objects to Backcountry designations in the Crazy Mountains and the Bad Canyon area. The entire premise of a "Backcountry" designation is vague and seems to mean whatever the Forest Service wants it to mean. In the Crazies, the inventoried roadless designation, authorized by Congress, appears to provide the same protection as a backcountry area. For example, quiet, non-motorized recreation and no new roads are desired conditions and standards in a Backcountry area. How does that differ from the Roadless designation? Many of the designations used in the CG Plan are congressionally authorized designations, but there is no law that defines a "backcountry area" nor have we found it used in other recent Forest Service Plans. Rather, the different backcountry areas receive different treatment under this CG Plan, and there is no explanation of how such designation would differ from the 2001 Roadless Area Conservation Rule.

In meetings with the Forest Service, SGCC was advised that the backcountry designation is not intended as a placeholder for future recommended wilderness, is not "wilderness light" and is not intended to be managed as such. nor is it to be managed as such. However, nothing in the final plan provides this clarification.

Moreover, the differing restrictions in the various designated areas makes little sense. In the Crazy Mountain Backcountry area, the CG Plan says **"The backcountry area is suitable for mechanized transport. Mountain biking is suitable only on approved system mountain biking routes."** Whereas in Bad Canyon, **"The backcountry areas is not suitable for mechanized transport, except use of game carts."** However, current conditions (which supposedly are allowed to continue under the Backcountry designation) include existing mountain bike trails in Bad Canyon. The Crazy Mountain Backcountry area does not appear to have any mountain bike trails and in fact, the majority of the legal easements that exist are foot and horse travel only. Yet, aircraft landing strips are not specifically prohibited in a backcountry area.

SGCC has already raised its concern with the impact of a backcountry designation on grazing. Appendix A the Draft Plan had contained the following provision:

#### **Management approaches: Backcountry area**

**Existing grazing allotments in Wilderness Areas are to be managed in accordance with wilderness values. Applicable grazing direction is found in FSM 2323.2 which includes direction**



**from H.R. Report No. 96-1126, dated June 24, 1981. Similarly, existing grazing allotments in Forest Service recommended wilderness or backcountry areas are to be managed in accordance with concepts from this same grazing direction listed above. Designations should not prevent the maintenance of existing fences or development of other livestock management improvements necessary for the protection of the range.**

While Appendix A to the Final Plan was amended slightly, it still leaves the impression that grazing allotments in backcountry areas would be managed similarly to recommended wilderness:

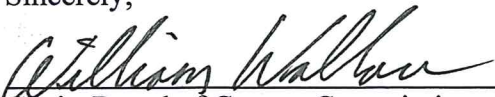
**Applicable grazing direction in designated wilderness areas is found in FSM 2323.2 which includes direction from H.R. Report No. 96-1126, dated June 24, 1981. Existing grazing allotments in wilderness areas are to be managed in accordance with wilderness values. wilderness area and backcountry area land allocations not prevent the maintenance of existing fences or development of other livestock management improvements necessary for the protection of the range. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. Such occasional use of motorized equipment could be based on a rule of practical necessity and reasonableness, and be expressly authorized in the grazing permit.**

5. Noxious Weeds:

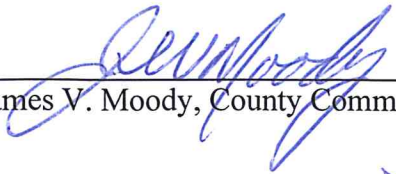
SGCC reiterates its concern that the CG Plan fails to adequately address invasive species and noxious weeds in its planning. No full survey of noxious weeds has been done in recent years, the acres to be treated is de minimis each year, and the CG Plan fails to show how it complies with Executive Order 13112, Executive Order 13751, the National Management Plan, the Montana Noxious Weed Management Plan or state law on noxious weeds. As the Forest Service continues its move away from active management of the public's resources to recreation intensive uses, wilderness, back country and wildlife management, it overlooks an issue that is detrimental to all uses. Logging operations and permittees have obligations to engage in weed control measures. As the Forest Service plans reduce these uses in favor of more passive uses, those users have no corresponding obligations to address noxious weeds. Humans are the largest cause of spread of noxious weeds, but not the only cause. Certainly, fire and wildlife also spread noxious weeds. Climate change, lack of ability/accountability to address invasive species, beetle kill, restrictions on measures such as controlled burns, fuels reduction and firefighting that carried concomitant obligations to treat noxious weeds, will all result in increases in the advancement of invasive species, including noxious weeds. SGCC believes it then becomes incumbent on the Forest Service to take a lead role in managing noxious weeds for those uses when there is no other responsible party. This plan fails to adequately analyze the prevalence of noxious weeds, or to address treatment measures.

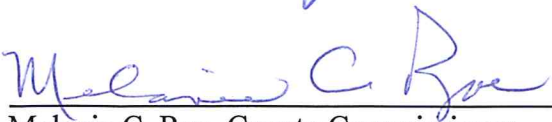
SGCC looks forward to being involved in any meetings to resolve objections related to any of the issues raised above, including the discussion of any wilderness in the Crazies, further wilderness in the Absaroka Beartooth Range, backcountry designations, noxious weeds (and related issues of timber harvest, fuels management), Tribal interests in the Crazies or impacting any land lying within Sweet Grass County, and designation of bison as a species of conservation concern, as well as the management of bison under the CG Plan.

Sincerely,



Chair, Board of County Commissioners of Sweet Grass County

  
James V. Moody, County Commissioner

  
Melanie C. Roe, County Commissioner

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