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July 03, 2023

Lolo National Forest Supervisor's Office
c/o Amanda Milburn, Plan Revision Team Leader
24 Fort Missoula Rd.
Missoula, MT 59804

RE: Lolo National Forest Plan Revision/Species of Concern Lolo National Forest Land Management Plan Revision #62960/Animals Potential SCC List

Submitted via email to: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=62960>

Dear Ms. Milburn:

Thank you for the opportunity to submit a comment on behalf of Footloose Montana. We are a nonprofit organization dedicated to the protection of all wildlife, with a special focus on ending recreational trapping on Montana's public lands. Our organization represents thousands of supporters, primarily within Montana but increasingly nationwide, reflecting a growing interest by a growing American public who no longer supports the lethal management of wild animals.

We have concerns about the incompleteness of the Lolo National Forest Plan draft and have identified the following issues:

Firstly, the Lolo Forest Plan Revision draft lists only five animal species of concern; one of these species is the fisher. In contrast, the Montana Natural Heritage Program lists 227 animal species of concern, 93 potential species of concern, including the North American Porcupine, a species that has "undergone significant and possibly catastrophic declines in conifer forests west of the Continental Divide. The cause of these declines is unknown, and there is considerable uncertainty what effect this will have on the persistence of the species within this region of the state"

(SOC Report). Since porcupines are an important prey species for the fisher, the uncertain but likely perilous status of porcupines only increases the threat to the already alarming population status of fishers. Thus, we encourage you to not only broaden the number of species but also consider ecological and interspecies relationships in your assessment of species that are getting “a second look.”

Secondly, we would like to see a change in how the US Forest Service manages forests, habitats and wild animals. In its reliance on the North American Model of Wildlife Conservation (NAM), a lethal approach to wildlife conservation, Fish, Wildlife and Parks (FWP) has been proclaiming ‘ownership’ of wildlife in Montana. At the same time, there is a tendency for the USFS and other federal land agencies to automatically refer authority to the state when it comes to fish and wildlife management. The state’s claim to be the primary authority in wildlife management, traditionally through hunting, angling and trapping, has been unchallenged. However, as UM’s Professor Martin Nie and other public lands policy experts have stated:

“... federal land management agencies, including the U.S. Forest Service (USFS), have an obligation, and not just the discretion, to manage and conserve fish and wildlife on federal lands, contrary to the myth that the states manage wildlife and federal land agencies only manage wildlife habitat” (in: Zellmer et al. 2017).

We believe that not only from a legal but especially from a biological standpoint, such a division of land, habitat and wildlife conservation by separate agencies is highly detrimental to conservation goals in general. Given the very real extinction risk to at least one million animal and plant species globally, the simple deference by the USFS to the state of Montana when it comes to wildlife management, and furthermore, the lack of interest in cooperating by FWP, is one of the reasons why we continue to lose ground in (wildlife) conservation and species survival.

We encourage the FS to follow the 1964 opinion by the Solicitor of the Interior as part of the 1970 comments by the Public Land Law Review Commission, which stated, that,

“regulation of the wildlife populations on federally owned land is an appropriate and necessary function of the Federal Government when the regulations are designed to protect and conserve the wildlife as well as the land” (cited in Declaration of Martin A. Nie, Utah Native Plant Society and Grand Canyon Trust versus USFS and Tony Tooke, 2017.)

Finally, we are asking you to prohibit the recreational trapping of wild animals in the Lolo National Forest and on any other land owned by the USFS. With increased public pressure, conflicts between trappers and hikers, and other recreationists with companion animals are increasing and many dogs get injured and even killed as a result.

Montana's FWP is profiting from trappers injuring and killing sentient wild animals on public lands such as national forests, including hundreds of wolves, an unlimited number of beavers, and ... fishers.

Every year, a minority of less than 0.6 percent of the Montana population set an unlimited number of traps and snares on tax-payers-funded public land and kill tens of thousands of publicly owned wild animals for recreation and private profit. In addition, among the likely tens of thousands of unintended (non-targeted) animals caught in traps and snares, including birds, amphibians and others, not only exceed the average of 60,000 wild animals killed by trappers but they are also members of the same species identified by the Montana Natural Heritage Program as either species of concern or potential species of concern. To trappers, these non-targeted animals (often birds, rabbits etc.) are "trash."

Given the ongoing detrimental impacts of climate change on our landscapes and waterways in Western Montana and elsewhere, a more comprehensive and wholistic, nonlethal ecosystem approach is much more appropriate and urgently needed, now.

Thank you for your consideration.

Sincerely,

Anja Heister, PhD on behalf of the Footloose Montana Board

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Literature cited:

Montana Natural Heritage Program: <https://mtnhp.org/>

Nie Martin (2017). Utah Native Plant Society and Grand Canyon Trust versus U.S. Forest Service and Tony Tooke.

Zellmer et al. 2017. "Fish and Wildlife Management on Federal Lands: Debunking State Supremacy": https://scholarworks.umt.edu/faculty_lawreviews/182/