Data Submitted (UTC 11): 6/6/2019 9:20:23 PM
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Comments: Forest Supervisor Mary Erickson June 6, 2019
Custer Gallatin National Forest
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Submitted electronically via: https://tinyurl.com/caracgnf

RE: WildEarth Guardians Comments on the Draft Custer Gallatin Forest Plan Revision and Draft Environmental Impact Statement

Dear Supervisor Erickson,

WildEarth Guardians respectfully submits the following comments on the March 2019 Draft Revised Forest Plan (hereafter, Draft Plan) for the Custer-Gallatin National Forest (CGNF), as analyzed in a Draft Environmental Impact Statement (DEIS) under the National Environmental Policy Act (NEPA). Guardians submitted timely scoping comments on the Forest Service's Notice of Intent to Prepare an EIS for the Custer-Gallatin National Forest Plan Revision on March 2, 2018 (hereafter, Scoping). We hereby incorporate by reference those scoping comments and the associated Attachments A through D.

WildEarth Guardians is a non-profit organization dedicated to maintaining, protecting, and restoring the native ecosystems of the American West, with over 230,000 supporters. We have several offices across the West, including one in Missoula, Montana. WildEarth Guardians has an organizational interest in the proper and lawful management of the Custer Gallatin National Forest, which encompasses over 3 million acres in southern Montana and the northwest corner of South Dakota. Our members and supporters participate in a wide range of hiking, wildlife viewing, hunting, fishing, and other recreational activities on the Custer Gallatin National Forest.

WildEarth Guardians urges the Forest Service to adopt a modified Alternative D that incorporates forest plan components we provided in our Scoping comments and that we emphasize here. Modification of Alternative D is necessary as the proposed Draft Plan components would not achieve the alternative's purposes of emphasizing natural ecological processes and restoring the ecological integrity of degraded ecosystems.

Regardless of the final alternative the Forest Service adopts for the Revised Forest Plan, we urge the agency to incorporate plan components we specify in the following sections of our comments, which fall into the following categories:

1)Suitability determinations
2)Sustainable minimum road system
3)Sustainable recreation
4)Ensure water quality and clean drinking water
5)Wildlife and compliance with the Endangered Species Act
6)Monitoring plan

We offer these comments in the spirit of helping the Forest Service shape its analysis in the FEIS and establish an ecologically focused revised Forest Plan, with particular attention to the larger-scale effects of roads and motorized recreation on watersheds, vegetation, soils, wildlife, and wildlife habitat.

1.Suitability

We applaud the Forest Service for clarifying that suitability of lands for a use does not make a specific commitment to that use. Draft Plan at 6. However, the concerns we raised in our Scoping comments remain unresolved, specifically in regards to the suitability of lands for over-snow vehicle (OSV) use and uses suitable in grizzly bear Primary Conservation Areas.

Suitability determinations for over-snow vehicle (OSV) use

As we explained in our Scoping comments, forest plans should provide meaningful suitability determinations for OSV use to focus subsequent, implementation-level winter travel planning. Suitability determinations should address both legal suitability (e.g., motorized uses are prohibited in designated wilderness) and practical suitability based on terrain, wildlife needs, and other conditions (e.g., steep slopes and windswept ridgelines, low elevation areas without adequate snowpack, areas with dense tree cover, and important habitat for wintering wildlife should be found unsuitable for OSV use). Toward this end, we recommend adding a suitability component that while implementation-level road, trail and area designations will be consistent with suitability determinations, OSV use will not necessarily be designated in all suitable areas.

To clarify, suitability determinations are a starting point for conducting site-specific travel management planning. The Draft Plan does include suitability components for the Recreation Opportunity Spectrum (ROS) classes, and specifically those that allow motorized use (semi-primitive motorized, roaded natural and rural), stating motorized use is suitable on designated routes in these areas. Draft Plan at 100,101. Yet, these suitability components are imprecise. The Forest Service Travel Management Rule does not include any definition of the term "route," rather it provides for the designation of motorized use on roads, trails and areas. 36 CFR 212.1, 212.51 and 212.81. As such, all Draft Plan components referencing "routes" should be changed to reflect official Forest Service definitions, including those in the suitability sections. Further, we applaud the Forest Service for including direction that motorized use is suitable only where it has been designated in these ROS classes. Such direction should be clarified to mean designated under a travel management plan. In addition, the final revised plan should include this direction for the Dispersed Recreation section to clarify any over-snow vehicle use is suitable only in designated areas. Forest Plan at 102-03.

Suitability determinations should protect grizzly bears

Our Scoping comments urged the Forest Service to include suitability determinations for secure habitat within the grizzly bear Primary Conservation Area based on desired conditions for those lands. The Draft Plan provides the following, "[h]abitat conditions associated with availability of secure areas, presence of developed sites, and the amount of livestock grazing, are commensurate with, or improved (for bears) relative to levels that existed in 1998, when the species first met recovery criteria." Draft Plan at 65, FW-DC-WLGB-01. The Forest Service explains "the year 1998 is used as a baseline for measuring secure habitat because habitat conditions leading up to that time provided an environment that resulted in substantial growth of the Yellowstone grizzly bear population and subsequent achievement of all demographic recovery targets by 1998 (Yellowstone Ecosystem Subcommittee 2016)." DEIS at 361.

Certainly habitat conditions in 1998 included secure denning sites where grizzly bears did not have to contend with the current technology and ability of over-snow vehicles. Yet, the Draft Plan retains direction allowing unspecified levels and areas for winter motorized use, stating such use is suitable in the primary conservation area and recovery zone "...unless new research identifies a threat. Conflicts associated with winter-use activities that develop either during denning or after den emergence in the spring should be addressed with local area restrictions." Draft Plan at 68, FW-SUIT-WLGB-02(c). As we explained in our Scoping comments, ample science exists showing the harmful effects of OSV use on grizzly bears, especially during the spring season when grizzly

bear den emergence coincides with ongoing snowfall and OSV use. See our Scoping comments for specific impacts to grizzly bears from motorized winter recreation, along with supporting citations. As such, the Forest Service should revise it suitability component to clarify OSV use is not suitable in grizzly bear denning habitat beyond baseline levels.

2.The forest plan revision must provide direction for achieving a sustainable minimum road system.

We explained, at length, the need for the Custer-Gallatin National Forest to include forest plan components that will achieve an economically and environmentally sustainable minimum road system. As we noted, the best available science shows that roads cause significant adverse impacts to National Forest resources. Exacerbating these impacts is the acknowledged lack of resources to properly maintain the current forest road system since Congressional appropriations "have not allowed Custer Gallatin road managers to fully manage the roads to their established road management objectives." FEIS at 667. Beyond this acknowledgment, the agency provides no information as to the current cost of maintaining the existing road system, or existing deferred maintenance backlogs. It must disclose this information to ensure informed public comment.

The Forest Service suggests it has already fulfilled its requirements under Subpart A of the Travel Management Rule (TMR) that directs the agency to identify the minimum road system (MRS). The analysis provides the following explanation:

The number of roads on the Custer Gallatin National Forest has been determined by the individual travel management plans that have been completed. Each travel management plan determined which roads would be retained for permanent use and which roads were not needed and would be removed from the system….The travel management plans on the Custer Gallatin National Forest fulfilled the requirements of the minimum roads analysis….Since the travel planning process involved extensive public involvement, the minimum roads analysis was also, by default, a public process.
(FEIS at 666).

Here the Forest Service conflates two processes that could have been completed together, but were not. The designation of roads and trails under Subpart B of the TMR is not the same as identifying the minimum road system and unneeded roads under Subpart A of the same rule. To reiterate what we stated in our Scoping comments, the TMR directs each National Forest to conduct "a science-based roads analysis," generally referred to as a travel analysis report. 36 C.F.R. § 212.5(b)(1), (see Forest Service Manual 7712 and Forest Service Handbook 7709.55, Chapter 20 provide detailed guidance on conducting a travel analysis). Based on that report, forests must: (1) identify unneeded roads for decommissioning or other uses, 36 C.F.R. § 212.5(b)(2); and (2) identify the minimum road system needed for safe and efficient travel and for the protection, management, and use of National Forest system lands, Id. § 212.5(b)(1). The travel analysis report is necessary to inform site-specific analysis of the road system, and does not represent a decision regarding management direction for each individual road, (see 2012 Weldon Memo at 2 explaining "[t]he next step in identification of the MRS is to use the travel analysis report to develop proposed actions to identify the MRS."). Subpart A defines the minimum road system as the road system determined to be needed to:

(1) Meet resource and other management objectives adopted in the relevant land and resource management plan;
(2) Meet applicable statutory and regulatory requirements;
(3) Reflect long-term funding expectations; and
(4) Ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.
Id.

To be clear, the requirements of subpart A are separate and distinct from those of the 2005 Travel Management

Rule, codified at subpart B of 36 C.F.R. part 212, which addresses off-highway vehicle use and corresponding resource damage pursuant to Executive Orders 11644, 37 Fed. Reg. 2877 (Feb. 9, 1972), and 11989, 42 Fed. Reg. 26,959 (May 25, 1977).

The Custer National Forest completed a forest-scale roads analysis in 2003 in accordance with agency's publication FS-643, which satisfied the requirement to complete a science-based roads analysis necessary to determine the minimum road system and unneeded roads. The Gallatin National Forest does not provide such a report and it is unclear if one was ever completed, even though we explained the Forest Service must disclose its forest wide travel analysis report to the public to allow for meaningful and informed public comment on this forest plan revision.

While the Custer NF did complete a roads analysis that was used to inform the travel planning process under Subpart B of the TMR, it did not in fact formally identify its minimum road system or unneeded roads in each travel plan decision. The environmental impact statements prepared for the Beartooth, Sioux and Ashland Districts all contained the similar language regarding the projects' purposes, proposed actions and decisions to be made:

?"The purpose of travel management planning is to: 1) identify routes for public motorized use on the District, 2) provide for a mix of motorized and non-motorized opportunities, 3) minimize impacts on natural and cultural resources, and 4) have enforceable travel management decisions that meet the direction of the 2005 Motorized Travel Management Rule." Ashland and Sioux Travel Management Final EIS at 1-5, 1-4 respectively.

?"The purpose of travel management planning is to: 1) identify routes for public motorized use on the District, 2) provide for a mix of motorized and non-motorized opportunities, 3) minimize impacts on natural and cultural resources, and 4) have enforceable travel management decisions that meet the direction of the 2005 Motorized Travel Management Rule." Beartooth Travel Management Final EIS at 1-3.

?"The decision to be made is to designate a system of roads and trails on the District for public motorized use." Ashland, Sioux and Beartooth Travel Management EIS at 1-5, 1-4, 1-6 respectively.

?Each analysis made clear that decommissioning and obliterating roads or trails were not part of the decisions. Id.

The Gallatin National Forest Travel Plan was developed without first completing a science-based roads analysis per FS-643, or a travel analysis report per Forest Service directives (FSH 7709.55 Ch. 20), which clarifies that the travel analysis can inform decision related to Subparts A, B or C of the TMR. Id at 3. When developing its travel plan the Gallatin National Forest clarified the following,

"The proposed Travel Management Plan would identify and establish opportunities for public recreation use and access using the Forest's road and trail system...The Travel Plan would also establish goals, objectives and standards that provide guidance for future management activities related to public access and travel."
Gallatin National Forest Travel Plan FEIS at 1-3

The Gallatin National Forest Travel Plan analysis made clear the decision to be made did not include decommissioning roads, and nowhere in the project's purpose, need, proposed actions, or scope of the decision did the Forest Service include identifying the minimum road system. Id at Chapter 1.

Given the travel plans referenced in the Draft Forest Plan EIS clearly focus on meeting the requirements in Subpart B of the TMR, and do not in fact fulfill the agency's duty to comply with Subpart A of the same rule, our previous Scoping comments on this issue still apply. The analysis for each plan lacked any decision to decommission roads, and it failed to evaluate any proposed minimum road system under Subpart A

requirements, specifically to ensure the MRS reflects long-term funding expectations and minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

The Forest Service now must draft the revised forest plan roads components in light of and consistent with its duties under subpart A to identify a minimum road system and prioritize unneeded roads for decommissioning. Many of the forest plan components we provided are still applicable to the Draft Plan, (see Scoping comments at 13-18).

a)Include achievement and maintenance of an appropriately sized and environmentally and fiscally sustainable minimum road system as a desired condition.

Desired conditions are "specific social, economic, and/or ecological characteristics of the plan area . . . toward which management of the land and resources should be directed." 36 C.F.R. § 219.7(e)(1)(i). We strongly support the forest wide desired condition set forth in FW-DC-RT-01, particularly where it states "[t]he transportation system and its use have minimal impacts on resources including ecological integrity and diversity, threatened and endangered species, species of conservation concern, heritage and cultural sites, watersheds, water quality and aquatic species." Draft Plan at 88. To reinforce and clarify this desired condition, the final revised forest plan should also include the following desired conditions:

?that the transportation system reflects long-term funding expectations, as this would supplement the desired condition that roads are cost-effective;

?roads and trails should also include a climate resilient forest road system designed and maintained to withstand predicted future storm events; and

?roads and trails should include a forest road system designed and maintained to restore landscape connectivity.

b)Incorporate a concise, measurable, and time-specific statement of a desired rate of progress towards achieving a sustainable minimum road system as a roads and trails objective.

The planning rules define an objective as "a concise, measureable, and time-specific statement of a desired rate of progress toward a desired condition or conditions." 36 C.F.R. § 219.7(e)(1)(ii). We suggested several modifications to the roads and trails objectives in our Scoping comments, all of which are still applicable:

?Add an objective to, within 10 years of plan adoption, identify the minimum road system and an implementation strategy for achieving that system.

?Add an objective to, over the life of the plan, decommission all roads identified as likely not needed for future use in the Custer Gallatin's travel analysis report. Consistent with the 2012 planning rules and subpart A, base the determination of whether a road is not likely needed for future use on a number of factors including reasonably foreseeable budgets.
?The proposed objectives at FW-OBJ-RT-03 direct the removal of 85 miles or 5-20 miles based on the alternatives over the life of the plan. Draft Plan at 89. It is unclear if this objective would achieve a minimum road system. If the Forest Service knows precisely how many unneeded roads it has, then that number should be disclosed in the EIS. The final revised forest plan should then include yearly decommissioning targets to achieve the MRS.
?This objective should also direct prioritizing removal of those roads within 10 years that would best achieve an ecologically and fiscally sustainable transportation network (e.g., roads posing a high risk to forest resources, roads in inventoried roadless areas and other ecologically sensitive areas, etc.).

?Add an objective to, within 10 years of plan approval, address all roads within at-risk or impaired watersheds

according to the WCF roads and trails indicator, and within watersheds contributing to sediment or temperature impairment under section 303(d) of the Clean Water Act.

?Add an objective to reduce deferred maintenance on priority infrastructure assets annually.

?Add an objective to, over the life of the plan, identify and update as necessary the road management objectives for each system road and trail.

?Add objective: To ensure temporary roads do not remain on the landscape, within 5 years of plan approval establish a publicly available system for tracking temporary roads that includes but is not limited to the following information: road location, purpose for road construction, the project-specific plan (required below), year of road construction, and projected date by which the road will be decommissioned.

?Add objective: Over the life of the plan, all temporary roads without a project-specific plan will be decommissioned.

?Add objective: Within 10 years of plan approval, all temporary roads will be reflected in the tracking system.

?For each alternative, modify FW-OBJ-RT 02 to annually maintain 90 percent of passenger vehicle clearance roads. Draft Plan at 89. As noted above, the Forest Service has a duty to provide for sustainable access under the 2012 planning rules. Sustainable access depends in large part on adequate management and maintenance of system routes. Therefore the objectives for roads and trails should include sufficient management and maintenance of system routes that provide public access.

?Modify objective FW-OBJ-RT 01 for each alternative to establish the miles of high-clearance roads that need maintenance annually in order to minimize environmental risks to forest resources, with the priority being on those road with deferred maintenance. The EIS should disclose the number of maintenance level 2 roads and differentiate between those that have a backlog of deferred maintenance.

The Draft Plan inexplicably has a lower annual maintenance target for Alternative D for both roads and trails, (FW-OBJ-RT 01, 05), which is counter to its purposes of being one that prioritizes restoration and ecological integrity. High clearance (ML 2) roads typically more numerous than any other maintenance level and pose serious environmental risks, especially when they do not receive necessary maintenance. This number should be the same for each alternative and reflect the percent of roads that must receive annual maintenance in order to minimize associated environmental risks. Trails under Alternative D should receive increased maintenance than all other alternatives, with the priority on those that pose the most environmental risk, which are typically motorized trails.

Plan components that work towards a minimum road system should help alleviate the limitation of reduced funding for the road system. In tandem, a management approach that removes unneeded and costly roads from the system, but maintains needed roads, will work towards a sustainable future road system.

c.Standards must ensure that roads do not impair ecological integrity and otherwise satisfy the substantive requirements of the 2012 Planning Rule and subpart A.

A standard is a mandatory constraint on a project and activity decision making, established to help achieve or maintain a desired condition, to avoid or mitigate undesirable effects, or to meet applicable legal requirements. 36 C.F.R. § 219.7(e)(1)(iii). The 2012 planning rule requires that plans provide for the ecological integrity of aquatic and terrestrial ecosystems and watersheds, including maintaining or restoring their structure, function, composition, and connectivity, while taking into account factors such as climate change and other stressors, the broader landscape beyond the plan area, and opportunities for landscape-scale restoration. 36 C.F.R. §

219.8(a)(1).

Our scoping comments urged the Forest Service modify several of the proposed road and trail standards, and want to thank the agency for FW-STD-RT-03 that closely matches our recommendation. Unfortunately, many others we offered are still applicable under the Draft Plan, including the following:

?Modify FW-STD-RT 01 to read: "During dust abatement applications on roads, chemicals shall not be applied to roads within or adjacent to Riparian Management Zones, and shall not be applied directly to watercourses, water bodies (e.g., ponds and lakes), nor wetlands." Draft Plan at 89. Also see our recommendations in section 4, below, regarding modifications to the RMZ components (urging the Forest Service to remove the allowance for use of pesticides and other toxicants and chemicals within RMZs).

?Add standard: To protect important watersheds, RMZs, migratory corridors, and general forest matrix, there shall be no increase to the baseline total motorized route density.

?Add standard: To protect important wildlife habitat, including but not limited to habitat important to threatened and endangered species and species of conservation concern, there shall be no increase to the baseline total motorized route density. This component and the one before it will help reduce infrastructure costs by making sure projects do not exceed density standards, based on the best available science, for all motorized routes in important watersheds and wildlife habitat, migratory corridors, and general forest matrix, and for relevant threatened and endangered species and species of conservation concern.

?Add standard: To make annual progress toward achieving the minimum road system and motorized route density standards, decommission 5% of roads identified as unneeded in the Custer Gallatin travel analysis report each year.

?Add standard: No temporary road shall be constructed prior to the development of a project-specific plan that defines how the road shall be managed and constructed. The plan must define the road design, who are responsible parties and their roles in construction, maintenance and decommissioning, the funding source, a schedule for construction, maintenance and decommissioning, the method(s) for decommissioning, and post-decommissioning monitoring requirements for determining decommissioning success.

?Modify FW-GDL-RT 01 by making it a standard and revising it to read: "Road and trail construction or reconstruction shall use new technologies to enhance functionality, improve efficiency, and reduce costs. To protect water quality and drinking water sources from forest roads and trails, construction, reconstruction, and maintenance of all roads and trails (including temporary roads) shall comply with applicable and identified Forest Service BMPs for water management."

?Modify FW-GDL-RT 02 by making it a standard and revising it to read: "Temporary roads shall be located and constructed to facilitate removal and restoration following the needed use. To ensure temporary roads do not remain on the landscape, all temporary roads shall be closed and rehabilitated within a reasonably short time (no longer than 3 years) following completion of the use of the road."

?Modify FW-GDL-RT 04 by making it a standard and revising it to read: "To reduce the risk to aquatic resources when decommissioning roads, making roads impassable, or putting roads into intermittent stored service, roads shall be left in a hydrologically stable condition.
?For decommissioned roads, reclaimed roads, or impassable roads, this means the road must be re-vegetated, no longer function as a road, and all stream-aligned culverts must be removed. For intermittent stored service roads, this means all stream-aligned culverts must be removed."
?The final revised plan must include in its glossary a definition for "hydrologically stable condition." This is critical to implementation and effect of this plan component, as is distinguishing between

decommissioned/reclaimed/impassable roads and intermittent stored service roads. .

?Make FW-GDL-RT 05 into a standard.

?Modify FW-GDL-RT 10 by making it a standard and revising it to read: "Avoid all wetlands and unstable areas when reconstructing existing roads or constructing new roads and landings. Minimize impacts where avoidance is not possible."

?Modify FW-GDL-RT 14 by making it a standard and revising it to read: "In fish bearing streams, construction, reconstruction, or replacement of stream crossings shall provide and maintain passage for all life stages of native aquatic organisms unless barriers should be created or maintained to prevent spread or invasion of nonnative species in alignment with fish management agencies. Crossings shall also allow for passage of other riparian-dependent species through the establishment of banks inside and beneath the crossing feature."

d.Design guidelines to achieve a sustainable minimum road system.

The previous section recommends modifying several guidelines into standards. Our Scoping comments also included several suggestions for adding or modifying the proposed road and trail guidelines, all of which are applicable to the Draft Plan and include the following:

?Modify FW-GDL-RT 11 to read: "Design road construction, reconstruction, decommissioning, and maintenance activities to minimize adverse environmental impacts. To minimize sediment delivery to streams from roads when constructing, reconstructing, or maintaining roads, road drainage should be routed away from potentially unstable channels, fills, and hillslopes."

?Add guideline: For projects with road-related actions, the purpose and need statement should include achieving a sustainable minimum road system and the analysis should consider recommendations from the Custer Gallatin travel analysis report.

?Add guideline: Routes identified as unneeded through the Custer Gallatin travel analysis report or other processes should be put in a hydrologically stable condition as soon as practicable.

?Add guideline: To enhance landscape connectivity and ecological integrity, prioritize road decommissioning based on:
?Effectiveness in reducing fragmentation, connecting un-roaded and lightly-roaded areas, and improving water quality in stream segments, with a focus on inventoried roadless areas, important watersheds, and other sensitive ecological and conservation areas and corridors;
?Benefit to species and habitats;
?Addressing impaired or at-risk watersheds;
?Achieving motorized route density standards; and
?Enhancement of visitor experiences.

?Add guideline: To enhance public safety and efficiency of the transportation system, prioritize maintenance of needed routes based on:
?Storm-proofing needs and opportunities (e.g., relocating roads away from water bodies, resizing or removing culverts, etc.);
?Restoring aquatic and terrestrial habitats and habitat connections by, in part, reducing or upgrading stream crossings.

3.The forest plan revision must include components for sustainable recreation.

Our Scoping comments raised numerous issues and offered several plan components to ensure recreation settings and opportunities were ecologically sustainable. In reading the Draft Plan and supporting DEIS, it is clear many of our comments were not incorporated into either.

a)Best available science shows current recreational uses on the Custer Gallatin National Forest are not sustainable.

Our previous comments provided a discussion and numerous scientific studies detailing the potential adverse environmental effects to grizzly bears, Canada lynx and wolverine from winter motorized use, all of which we incorporate here by reference. The FEIS failed to incorporate these studies in its analysis and therefore did not provide sufficient analysis to support the Forest Service conclusions or Draft Plan components.

Grizzly bears

The Forest Service recognizes that "[m]otorized access routes (roads and trails) detract from secure habitat." DEIS at 365. We explained in our Scoping comments, over-snow vehicle use can adversely affect denning habitat and thereby detract from secure habitat as well. The Forest Service acknowledges this stating "[w]inter use near a grizzly bear den site could negatively affect the bears at the den." DEIS at 381. Yet, the analysis summarily dismisses the issue by asserting only a small proportion of suitable denning habitat is vulnerable to snowmobile impacts, and monitoring results reported in 2013 showed no evidence of disturbance to den sites. Id. The DEIS fails to properly analyze the potential adverse environmental consequences that may occur under each alternative by relying on outdated monitoring and suggesting bears can simply den in other areas to avoid snowmobile use. This is a serious flaw in the analysis and the Forest Service needs to reconsider the Draft Plan suitability components we discussed above in Section 1, and provide plan components to protect winter denning habitat and emerging bears.

Canada lynx

We explained at length how over-snow vehicle use may negatively affect lynx and its associated habitats. The DEIS partially recognized some of our comments, stating "[d]ue to their affiliation with deep, soft snow conditions, winter management and recreation activities that result in snow compaction have potential to affect snowshoe hares and lynx." DEIS at 336. Yet, the Forest Service also appears dismissive of the potential harm from snowmobile use when it cites a 2010 study, explaining "Squires and others (2010) found no evidence that lynx avoided roads used by snowmobiles in winter." DEIS at 347. It is important to note this study measured the distance of lynx tracks from roads groomed for snowmobile use, which had approximately 130 machines per day. Squires at 1653. With this level of snowmobile activity, and the history of use on these groomed roads, it is likely lynx in the area were habituated to the disturbance.

"Some animals can adapt to predictable human activities. That is, if the activity generally occurs at predictable time periods at the same places or along the same routes, animals may become habituated to the activity. Response of the animal depends on the context within which a human animal encounter takes place, the behavioral state of the animal, the type of human activity, and the time and location of the recreational activity (Bowles 1995, Gutzwiller 1995, Gabrielson and Smith 1995, Knight and Cole 1995a, 1995b)." Ruediger, B. et.al. 2000. Canada lynx conservation assessment and strategy. USDA Forest Service, USDI Fish and Wildlife Service, USDI Bureau of Land Management, and USDI National Park Service. Forest Service Publication #R1-00-53, Missoula, MT. at 2-8.

The Forest service cannot rely on the Squires, 2010 study to determine potential impacts to lynx and lynx habitat from dispersed over-snow vehicle use, especially in regards to denning habitat. The importance of secure winter habitat is particularly important in the context of climate change. "Since lynx and snowshoe hares are snow-adapted species with strong ties to boreal forest conditions, climate change is a potential stressor and possible

driver for persistence of these species on the Custer Gallatin and elsewhere in the contiguous United States (Gonzalez et al. 2007)." DEIS at 336. The FEIS needs to better analyze how current and future over-snow vehicle use could affect lynx in the context of sustainable recreation, and design forest plan components that will ensures their viability. As it stands, the DEIS simply describes the percent of different ROS classes allocated in lynx habitat, and asserts the motorized settings represent a low percent ranging 25 - 34 percent depending on the alternative. DEIS at 352. This does little to explain how dispersed OSV use may affect lynx and especially their denning habitat. In fact, the DEIS focuses on OSV use of groomed road and trails, providing little discussion of area use. Id.

Wolverine

Similar to our comments on grizzly bears and Canada lynx, we cited numerous studies demonstrating the potential adverse effects to wolverine from winter motorized use. The Forest Service acknowledged some of these studies, but then downplayed their significance. For example, when citing Heinemeyer, et. al 2017, the Forest Service asserts researchers "...found that wolverines responded to backcountry winter use in different ways, but given the extent of overlap between winter recreation and wolverine distribution, suggested that wolverines tolerate winter recreation to some degree." DEIS at 401. To be clear, the study unequivocally demonstrates that wolverines, specifically females, avoid areas with OSV use.

"Motorized dispersed winter recreation is the second most important predictor of female habitat selection (topographic position is the most important), indicating that this disturbance has a strong influence on female wolverine habitat selection in areas where motorized recreation occurs. This strong avoidance combined with the potential for motorized recreation to cover larger areas may lead to important indirect habitat loss for female wolverines." Heinemeyer, et. al 2017 at 38.

We do credit the agency for recognizing OSV use as a potential key stressor where the DEIS states, "[g]iven the strong association between wolverine habitat and snow cover, winter recreation uses such as skiing and snowmobiling may also be key stressors for this species." DEIS at 400. Studies cited in the DEIS and those we provided in our Scoping comments, demonstrate dispersed OSV use is definitely a key stressor, which is why we urge any final plan include components that designate all wolverine maternal denning habitat as unsuitable for OSV use.

b.Clearly articulate regulatory requirements applicable to sustainable recreation.

The 2012 planning rule establishes ecological sustainability as the overarching goal of planning and directs that land management plans should provide people and communities ecosystem services and multiple uses that provide a range of benefits - including recreational, educational, and spiritual - for the present and into the future. 36 C.F.R. § 219.1(c). To achieve this, the rule requires the Forest Service to provide for "sustainable recreation, including sustainable settings" and emphasizes the importance of connecting people with nature. Id. § 219.10(b)(1)(i). As set forth in the rule, sustainable recreation is "the set of recreation settings and opportunities on the National Forest System that is ecologically, economically, and socially sustainable for present and future generations. Id. § 219.19.

As we explained in our Scoping comments, in order to meet the substantive requirements to ensure compliance with the planning rule the Forest Service must include plan components that incorporates elements of the Travel Management Rule (TMR) under 36 C.F.R. § 212. Specifically, under Subpart C of the TMR, National Forests with adequate snowfall must designate and display on a map a system of roads, trails and areas where OSVs are permitted to travel based on protection of resources and other recreational uses. For the Custer Gallatin Revised Forest Plan, the agency has an opportunity to establish a framework for sustainable winter recreation and subsequent, implementation-level winter travel management planning. This framework is necessary to satisfy the 2012 planning rule requirement to develop plan components that provide for year-round sustainable recreation

and to ensure that OSV use does not threaten sensitive winter wildlife, wildlife habitat, air and water quality, and wilderness values.

The Gallatin completed a subpart C travel plan along with its subpart B travel management plan. This plan is now 10 years old. The forest plan revision process is an opportunity to examine whether designations in that plan could be improved, and set the stage for doing so.

On the other hand, the Custer portion of the forest has yet to complete winter travel planning consistent with subpart C. The Forest Service failed to disclose in the DEIS the fact that it has yet to complete winter travel planning for the Custer. The Forest Service must comply with the minimization criteria when it does designate winter motorized use on the Beartooth, Ashland and Sioux Districts. At the very least, the Forest Service must provide a date-certain timeline for complying with its own rules, including subpart C. The Forest Service should be careful to avoid conflating site-specific travel management planning with the long-term programmatic planning in this forest plan revision under its Recreation Opportunity Spectrum (ROS) allocations.

c.We recommend including the following plan components for sustainable recreation.

Our Scoping comments provided several desired conditions for the Draft Plan to ensure recreation on the forest is ecologically sustainable. Unfortunately, the Forest Service provides only one desired condition specific to this issue, which is inadequate to satisfy the substantive mandates of the 2012 Planning Rule and subparts B and C of the Travel Management Rule. We urge the Forest Service to adopt the following changes to the Draft Plan.

General Recreation - Desired Conditions

?FW-DC-REC 05. Revise to read, "Recreational uses, including related infrastructure, have minimal impacts on resources including ecological integrity and diversity, at-risk species, heritage and cultural sites, water quality, and aquatic species."

?Add: Management of motorized recreation minimizes conflicts of uses; damage to soil, watershed, vegetation, and other national forest resources; and harassment of wildlife and disruption of wildlife habitat.

?Add: Motorized roads, trails and areas are designed and maintained to provide sustainable access.

?Add: Infrastructure and development related to sustainable recreation reflects long-term funding expectations.

?Add: The system of roads, trails and areas designated for motorized use is designed and maintained to withstand predicted future storm events and changes in precipitation, including snowfall.

?Add: The system of roads, trails and areas designated for motorized use is designed and maintained to ensure appropriate connectivity for fish and wildlife.

?Add: Unauthorized roads and trails are continuously mapped and removed where found.

General Recreation - Objectives

The Forest Service should include an objective to ensure timely compliance with subpart C by conducting winter travel planning for the Custer portion of the forest to designate particular routes and areas within areas suitable for motorized use within a reasonable time-frame (e.g., completion within three years or initiation within 1 year of plan approval).

The Forest Service should also include an objective to remove unauthorized roads and trails within the

anticipated capacity of agency, which the agency should determine and disclose in the Final EIS. The Draft Plan lists specific numbers of unauthorized roads and trails for removal under individual ROS classifications, but there should be a forest wide objective divided proportionally among individual ROS class based on the number of unauthorized roads and trails found within each setting. We recognize the DEIS does not list the total number of unauthorized roads and trails, rather the Forest Service discloses the total number is unknown. DEIS at 667. We also recognize the number of unauthorized roads and trails fluctuates. Still, the Forest Service should provide an approximation of the number that may be present to support this objective.

General Recreation - Standards and Guidelines

The 2012 planning rule requires forest plans include standards or guidelines to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including maintaining or restoring their structure, function, composition, and connectivity, while taking into account factors such as climate change and other stressors, the broader landscape beyond the plan area, and opportunities for landscape-scale restoration. 36 C.F.R. § 219.8(a)(1). The Draft Plan lacks any standards or guidelines for general recreation, choosing instead to include them in specific sections for the ROS, developed recreation, dispersed recreation and for special uses. While these cover a range of recreational uses, we offer the following general standards and guidelines that will ensure the Forest Service provides sustainable recreation:

?Add standard: All off-road vehicle designations made through implementation-level travel planning will be located to minimize resource impacts and conflicts with other recreational uses, in compliance with Executive Orders 11644 and 11989 and 36 C.F.R. § 212.55(b).

?Add standard: Areas designated for OSV use may only be open to cross-country travel when snow depth measurements at established, representative locations reach at least 18 inches.

?Add guideline: Recreational use management must maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area.

?Add guideline: Recreational use management must ensure the recovery of threatened and endangered species, and the integrity of designated critical habitat.

Recreation Opportunity Spectrum (ROS)

We explained in our Scoping comments that the Forest Service should craft forward-looking ROS settings. Integrated planning should form the basis for the desired ROS settings. "At the forest scale, sustainable recreation is derived through the integrated planning process and emerges as the resultant set of desired recreation opportunity spectrum classes." FSH 1909.12, ch. 20 § 23.23(a)(1)(d). Integrated planning should identify, for example, where in the landscape recreation is a "stressor" to other resource values (like water quality, aquatic species, meadows, etc.). Per our comments above, the Forest Service needs to provide more discussion and analysis in its FEIS regarding the role of winter motorized use as a key stressor on grizzly bears, Canada lynx and wolverine, and demonstrate how these stressors informed the ROS classifications.

Overall we support many of the ROS forest plan components, and especially the standard preserving the character of non-motorized settings. Draft Plan at 98. We offer the following changes and additions to ensure the Forest Wide ROS components meet the requirement to provide for sustainable recreation.

?Modify FW-DC-ROS 06, Semi-Primitive Non-Motorized settings (winter), to match other primitive and non-motorized summer desired conditions by adding the following, "these settings are free of motorized recreation travel."

?Add standard FW-STD-ROS 02: Uses inconsistent with the ROS classifications are prohibited.

?Add guideline FW-GDL-ROS 02: OSV designations will be consistent with ROS classifications, and developed through implementation-level travel planning to delineate discrete, open areas and trails within areas with motorized settings.

Finally, we want to reiterate the importance of conducting site-specific travel planning for OSV use. Because the forest plan does not make project-level travel planning decisions, any changes in OSV suitability through ROS classifications must be followed up with site-specific planning to update the Gallatin travel plan. For the Custer portion of the forest, the agency needs to set a date for completing a winter travel plan for each district.

4.Plan components should ensure water quality and clean drinking water.

Under the 2012 planning rule, the revised forest plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity. 36 C.F.R. § 219.8(a)(1). As we explained in our Scoping comments, best available science shows that forest roads have a major impact on water quality. Thus to comply with the 2012 planning rules to protect ecological sustainability of watersheds, the Forest Service must include plan components that address the harmful impacts of the forest road system in the final revised forest plan. It is unclear which, if any, alternatives provided in the Draft Plan would maintain or restore the ecological integrity of the aquatic ecosystem since the DEIS failed to provide sufficient analysis, thereby precluding our ability to provide meaningful comment.

The revised plan must also include plan components, including standards or guidelines, to maintain or restore water quality and water resources, including public water supplies and other sources of drinking water. 36 C.F.R. § 219.8(a)(2). Under the Clean Water Act (CWA), states are responsible for developing water quality standards to protect the desired conditions of each waterway within the state's regulatory jurisdiction. 33 U.S.C. § 1313(c). Water bodies that fail to meet water quality standards are deemed "water quality-limited" and placed the CWA's § 303(d) list. As the DEIS shows, there are 34 water quality limited water bodies on the forest, and while we recognize Forest Service activities may not be the sole factor contributing to their impairment, the analysis disclosed three of the impairment listings were due to forest roads. DEIS at 68-69. The Forest Service failed to provide further discussion or analysis of how forest roads were contributing to the impairment designations such as inadequate maintenance, poor location, mass wasting, or other causes. It is also unclear how each Draft Plan alternative would contribute to the attainment of designated uses for the listed segments.

Watersheds, Aquatic and Riparian Ecosystems

We generally support the Forest Service's use of the Watershed Condition Framework (WCF) and the corresponding Watershed Condition Class (WCC) scores in the DEIS, which shows 48 watersheds functioning at risk. DEIS at 67. We question which indicators and attributes contribute to these rankings, particularly for the roads and trails indicator. The Forest Service should provide more discussion and analysis in the final EIS that explains how past and current Forest Service activities contribute to each WCC indicator and attribute responsible for these watersheds functioning at risk. For example, the roads and trails indicator includes four attributes, including open road road density, which the agency "broadly defined to include roads and all lineal features on the landscape that typically influence watershed processes and conditions in a manner similar to roads. Roads, therefore, include Forest Service system roads (paved or nonpaved) and any temporary roads (skid trails, legacy roads) not closed or decommissioned, including private roads in these categories." WCC Technical Guide at 26. The final EIS should disclose open road densities within each impaired watershed and those functioning at risk, and explain how the overall WCC indicator scores would change under each alternative. For example, the DEIS explains in order to improve aquatic organism passage the Forest Service would within 10 years complete 5 to 7 projects under alternatives A, B and C, 1 to 3 projects under alternative E, and 7 to 10

projects under alternative D, which provide the most benefit to aquatic species. DEIS at 97-98. Yet, the analysis fails to explain if these projects would actually improve WCC rankings for the aquatic habitat indicator, or the overall WCF scores. In order for us to provide meaningful comments, the Forest Service needs to explain how much of an improvement completing these project would accomplish in order for us to determine the benefits among the different alternatives. Similarly, the DEIS explains under all alternatives the Forest Service would decommission 40 miles of roads, which seems extremely low over the life of the plan, but the DEIS lacks any measure to show how removing these roads would benefit watershed conditions. The same flaw applies to road and trail maintenance under each Draft Plan alternative. Further, the Forest Service fails to explain why alternative D proposes the least percent of maintenance among the alternatives even though it is supposed to emphasize restoration and ecological integrity. Showing how each alternative would improve WCF scores and individual WCC indicator rankings is appropriate for a programmatic analysis and the Forest Service can rely on the completion of past Watershed Restoration Action Plans to predict changes to those rankings and scores.

Our Scoping comments provided specific recommendations for certain plan components, some of which Draft Plan did address such increasing the miles of stream restoration in FW-OBJ-WTR 01, though as we noted above it is unclear what the actual benefit will be to the overall watershed function. The Draft Plan failed to include our other components and we urge the Forest Service to consider them again for the final plan:

?Modify objectives FW-OBJ-WTR 02 and 03 - increase the number of restored fish passages and projects necessary to achieve improvement in the corresponding WCC indicator and attribute scores.

?Clarify standard FW-STD-WTR 01 - include the specific goals and requirements in this standard or provide them as an appendix to the final revised forest plan.

?Modify standard FW-STD-WTR 02 - add, "project activities shall avoid new stream crossings whenever possible."

?Modify guideline FW-GDL-WTR 04 - make compliance with TMDL load allocations a standard, not just a guideline.

Riparian Management Zones

Protection of the Riparian Management Zones is critical for maintaining the integrity of aquatic ecosystems, water quality, and habitat for associated species. In our Scoping comments we offered several plan components with supporting rationales to ensure proper management of these areas, and including the following:

?Add objective: Complete implementation of 4 (more if within agency capacity) Watershed Restoration Action Plans to address road-related impacts identified in the Custer Gallatin travel analysis report.

?Add standard: All management practices and project-level decisions with road-related elements in riparian management zones shall not cause detrimental changes in water quality or fish habitat in the long term.

?Modify standard FW-STD-RMZ 01 to limit vegetation management within inner riparian management zone to non-commercial thinning.

?Modify standard FW-STD-RMZ 02 to remove the allowance for use of pesticides and other toxicants and chemicals within RMZs.

?Modify guidelines FW-GDL-RMZ 01- 05 to be standards rather than guidelines.

?Modify FW-GDL-RMZ 07 to prohibit commercial logging in the RMZ.

?Modify FW-GDL-RMZ 09 to replace the term "salvage logging" to post-fire logging or post-fire thinning, and extend the prohibition to include the outer RMZ as well as the inner.

Conservation Watershed Network

Guideline FW-GDL-CWN 01 directs the Forest Service to avoid net increases (within an individual project timeframe) in stream crossings and road lengths. Draft Plan at 30. The Forest Service should avoid stream crossings whenever possible, not just seek to achieve a no net increase in stream crossings. Also, the Forest Service must include standards for the CWN.

5.Ensure plan components protect wildlife and complies with the Endangered Species Act.

Our Scoping comments strongly urged the Forest Service to develop a revised forest plan that adequately protects wildlife, consistent with the agency's mandates. In particular, we explained the Forest Service must do more to protect grizzly bear, Canada lynx, wolverine, elk, deer, and bison by providing connected habitats that are protected from the major threats such as roads, motorized trails and areas, and extractive uses. We recognize and strongly support the Draft Plan components that emphasize wildlife connectivity, some of which should be strengthened by changing certain guidelines into standards as we detail below. Some plan components we called for are still lacking in the Draft Plan. Under the 2012 planning rules, the revised plan must include standards and guidelines to maintain or restore the ecological integrity of ecosystems and watersheds in the plan area. 36 C.F.R. § 219.9(a)(1). It also must include standards or guidelines to maintain or restore the diversity of ecosystems and habitat types throughout the plan area. Id. § 219.9(a)(2).

Wildlife General Components

As stated, we strongly support plan components that emphasize wildlife connectivity, in particular FW-DC-WL 05. Draft Plan at 56. In order to increase the the potential for the Forest Service to achieve this desired condition, the final revised plan should add an objective to remove barriers hindering wildlife movements, including specific miles of road decommissioning within linkage zones. This will help proactively implement projects that improve or restore habitat connectivity.

Big Game

The final revised plan should include a standard that protects big game winter range forest cover. The related guidelines, FW-GDL-WLBG 01 and 02, fail to ensure protection of big game winter range and the long list of exemptions renders the component essentially meaningless. Draft Plan at 60. This is important because a few of the elk herds on the Custer Gallatin are not within state agency population targets. See Assessment at 47 (noting the Upper Gallatin Canyon herd is below the population target). Similarly, guideline FW-GDL-WLBG 02 should be a standard to protect ungulate winter range in the winter; known calving, fawning, lambing, and kidding areas during the reproductive season; and known rutting areas in the fall. Id. The Forest Service should remove the vague exception "when needed for protection of other resources" as this language is subject to wide interpretation, essentially swallowing the rule.

The final revised plan should include road and motorized trail density standards to ensure habitat effectiveness and security for big game species. It should also convert guideline FW-GDL-WLBG 03 to a standard that prohibits new temporary roads and new motorized use designations in secure habitat during big game hunting seasons. The Forest Service states the purpose of the guideline "is to maintain secure habitat during a time when big game animals are vulnerable, and added pressure from hunting may cause displacement of native ungulates from public land." PA at 53. This reasoning applies equally to new temporary roads and new motorized use designations.

American Bison

WildEarth Guardians signed on in support of the Buffalo Field Campaign's signatory letter, which we incorporated into our Scoping comments. Consistent with the 2012 planning rules, the Forest Service must identify standards to protect bison and to maintain or restore habitat connectivity for bison in the revised forest plan. As it stands, the Draft Plan lacks any standards for bison, which is why the final revised plan should adopt and convert into a standard FW-GDL-WLBI 01 and Alternative D for FW-GDL-WLBI 03.

Wildlife Species at Risk & Species of Conservation Concern

In order to ensure the viability of at risk species and species of conservation concern, our Scoping comments urged the Forest Service to craft standards and guidelines-not just goals and objectives-to maintain or restore ecosystem integrity and ecosystem diversity in the plan area. 36 C.F.R. § 219.9(a)(1) & (2). In response the Draft Plan does contain specific sections for the Northern Region's list of Species of Conservation Concern (SCC) for the Custer Gallatin expect for western pearlshell. The Draft Plan lacks any components specific to the western pearlshell in the sections for wildlife or aquatics.

Comply with the Endangered Species Act

The Forest Service must ensure that its actions comply with the Endangered Species Act (ESA). The Custer Gallatin National Forest provides habitat for species listed under the ESA, including Canada lynx, and the wolverine, a species proposed for listing. Section 7 of the ESA imposes a substantive obligation on federal agencies to "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of" habitat that has been designated as critical for the species. 16 U.S.C. § 1536(a)(2).

Grizzly Bear

Our Scoping comments urged the Forest Service to forego incorporating standards from the Conservation Strategy for the Grizzly Bear in the GYE. We explained it is improper for the Forest Service to rely on the Conservation Strategy and the USFWS's delisting of the GYE grizzly bear population because that information relied on flawed population estimates, flawed habitat based recovery criteria, ignored relevant impacts, and was otherwise arbitrary and capricious. Yet, the DEIS states, "[u]nder all revised plan alternatives, the basis for grizzly bear habitat management across the Custer Gallatin would be the same as for the Gallatin portion of the national forest in the current Gallatin forest plan (adoption of Greater Yellowstone Ecosystem Grizzly Bear Conservation Strategy habitat management recommendations)." DEIS at 372. The Forest Service must craft revised plan components that provide the ecological conditions necessary to contribute to the recovery of grizzly bears. 36 C.F.R. § 219.9(b)(1). As explained by several examples below, the Draft Plan components are insufficient to protect grizzly bear or provide for the GYE population's survival and recovery. In particular, the proposed standards enshrine the concept of no-net loss, suggesting it is acceptable to replace secure habitat through restoration treatments. Draft Plan at 65, FW-STD-WLGB 01 allowing temporary and permanent reductions in secure habitat. This ignores the fact that even the best habitat restoration treatments cannot replace intact habitat with high ecological integrity. Further, the DEIS failed to demonstrate how restored habitat can provide the same security as those areas that would be replaced. Understanding the lasting impacts of roads-ie, habitat fragmentation and avoidance-simply decommissioning a road, trail, or other linear feature of similar length will not effectively replace already secure habitat. Even worse, FW-STD-WLGB 02(b) allows the Forest Service to only keep the replacement habitat in place for 10 years. Id. This type of quid pro quo approach to managing grizzly bear habitat ignores important factors. First, as noted above, the exchanges are not of equivalent quality-especially where an existing road is decommissioned to allow for new roads in what once was secure habitat. Second, combining such exchanges over the long-term will severely degrade the quality of secure grizzly bear

habitat within the plan area.

Further, FW-STD-WLGB 02 still allows for construction of new motorized roads or trails, reconstruction of existing motorized roads and trails, and opening of those that were previously decommissioned in the Primary Conservation Area. Draft Plan at 65. This approach runs contrary to best available science demonstrating roads and motorized trails harm grizzly bears and reduce grizzly bear security.

Next, FW-STD-WLGB 02(c) includes a major loophole by allowing permanent changes to the baseline for activities due to nebulous statutory rights. It does not specifically delineate these statutory rights, instead referring to the 1872 General Mining Law as an example but leaving the door open to other activities. And it makes no attempt to limit changes to secure habitat allowed under this exception. The DEIS lacked sufficient analysis supporting this standard, in particular it failed to (1) identify the specific activities that might be based on statutory rights, (2) explain how those statutory rights preempt ESA protections, and (3) analyze an alternative limiting any permanent changes to the baseline to the minimum extent necessary to provide for statutory rights preempting ESA protections.

Finally, the temporary changes to secure habitat under FW-STD-WLGB 03, developed sites allowed under FW-STD-WLGB 04, and livestock grazing allotment allowances under FW-STD-WLGB 05 suffer similar faults in that they will severely degrade the quality of secure grizzly bear habitat.

Taken together, the Draft Plan fails to ensure the protection of grizzly bear secure habitat, and the DEIS fails to provide sufficient analysis to support the no-net loss provisions the Forest Service proposes.

Canada Lynx

Our Scoping comments explained that the Forest Service must provide necessary habitat protections to aid the recovery of Canada lynx. It must craft revised plan components that provide the ecological conditions necessary to contribute to the recovery of federally threatened Canada lynx. 36 C.F.R. § 219.9(b). Recovery means providing the ecological components necessary to improve the status of a listed species to the point at which listing under the ESA is no longer appropriate. Id. Providing for the persistence and survival of lynx on the Custer Gallatin is insufficient; the Forest Service must provide ecological conditions necessary to "contribute to the recovery" of lynx. Towards that end, maintaining habitats to provide for dispersal movements and interchange among individuals and subpopulations may be the most important provision for maintenance of population viability in the Lynx Conservation Assessment and Strategy (LCAS). We also explained that the Forest Service must add standards or guidelines to implement the lynx desired condition and comply with the 2012 planning rules to provide ecological conditions necessary to "contribute to the recovery" of the species. In this regard, the Draft Plan fails to provide any specific objectives, standards or guidelines.

Wolverine

The Forest Service must craft revised plan components that provide the ecological conditions necessary to conserve wolverine. 36 C.F.R. § 219.9(b)(1). Our Scoping comments provided information showing results from a study in Idaho, Montana, and Wyoming assessing the impact of winter recreation on wolverine that showed their presence in the West Yellowstone area, including portions of the Custer Gallatin National Forest. Researchers trapped a female wolverine in 2014 and a male wolverine in 2015 in the Henry Mountains. The 2017 final report showed the relative probability of male wolverine use in the West Yellowstone study area. The DEIS also supports the presence of wolverine in the area and suitable habitat noting, "[t]he Greater Yellowstone and Central Linkage subpopulations are believed to contain a considerable proportion of wolverines found in this distinct population segment, with an estimated 63 individuals in the Greater Yellowstone Area, and about 50 animals in the Central Linkage Region (Inman et al. 2013)...Accordingly, if suitable habitat on the Custer Gallatin were fully occupied, one would expect approximately 25 wolverines to occur in the plan area." DEIS at 395. The Forest

Service also recognizes that "[g]iven the strong association between wolverine habitat and snow cover, winter recreation uses such as skiing and snowmobiling may also be key stressors for this species." DEIS at 400. Our Scoping comment provided numerous citations showing winter motorized negatively affects wolverine, and especially their denning habitat. As such, the Draft Plan should include strong standards and guidelines to protect suitable wolverine habitat, particularly maternal habitat. Yet, the Forest Service provides only two specific plan components for wolverine. As we stated in our Scoping comments, we strongly support the proposed desired condition stated in FW-DC-WLWV 01, but in order to achieve it the Forest Service should modify guideline FW-GDL-WLWV 01 and turn it into a standard. We propose the following:

?Add FW-STD-WLWV 01: "To provide secure habitat for reproductive wolverines, there should be no increase in special use authorizations, and no designation of over-snow vehicles on roads, trails or in areas that provide maternal habitat for wolverines during the reproductive denning season."

The current guideline would allow existing levels of OSV use in maternal habitat during the denning season. Draft Plan at 70. Such use is not suitable and will fail to ensure viable populations of wolverine in the planning area. Further, the current guideline references OSV "routes." Id. As we explained, the Forest Service lacks a precise definition for this term, and it should use roads, trails and areas in its place. This is especially important for the proper management of OSVs since they typically travel cross-country are not limited to specific roads and trails.

6.Create a monitoring program that ensures progress toward and consistency with plan components.

Our Scoping comments directed the Forest Service to establish a monitoring program that enables the agency to determine if a change in components or other plan content guiding management of resources may be needed. 36 C.F.R. § 219.12(a)(1). See also FSH 1909.12, ch. 30.2. Such a monitoring program should pose questions with associated indicators designed to inform management by testing pertinent assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving the forest plan's desired conditions or objectives. Id. § 219.12(a)(2). Here the Draft Plan fails to include an adequate range of questions and lacks sufficient indicators to determine the potential need for changing plan components, especially in regards to forest roads and watershed conditions. Specifically, the DEIS utilized the WCF to describe current conditions, as such, the monitoring plan should also include questions specific to the WCF scores, and rankings for WCC indicators and attributes as we proposed in our Scoping comments. Yet, the Draft Plan, under MON-WTR-01, lacks any outcome indicators specific to the WCF. Any final revised plan should include indicators for sediment and temperature to track how well plan components protect and restore water quality. The implementation indicators include the "# of road miles with enhanced roadway drainage erosion control mechanisms," which fails to include the potential benefits achieved through road decommissioning. Draft Plan at 194. In other words, focusing only on enhancements fails to include benefits from road removal, or from maintaining existing erosion control mechanisms.

We support the monitoring component specific to wildlife linkages, especially in regards to the implementation indicator for grizzly bears (MON-WL-10) that looks at the proportion of motorized road and trail densities. The final Revised plan should include a comparable indicator for each species or include one for the monitoring components under MON-WL-02, which fails to account for roads and how they affect connectivity.

We also support the monitoring components for infrastructure that include implementation indicators specific to road removal and maintenance, however these need to be strengthened in the final revised plan since they lack context. Specifically, these indicators need to be compared with the forest's deferred maintenance backlog, and progress toward identifying and implementing a minimum road system. As we listed in our Scoping comments, the final revised plan must address the following monitoring questions:

?Miles of road decommissioned for roads identified as high-priority, unneeded (based on the Custer Gallatin travel analysis report), and with the most benefit in achieving an ecologically and fiscally sustainable

transportation network (e.g., roads posing a high risk to forest resources, roads in inventoried roadless areas and other ecologically sensitive areas, etc.)?

?Percentage of subwatersheds with an identified minimum road system?

?Percentage of subwatersheds with an implemented minimum road system?

Finally, while it is helpful to track the specific miles of roads removed, the Forest Service should also record the types of decommissioning or removal treatments as a subset of its implementation indicator, and record the information it the INFRA database. Blocking roads with boulders is substantially different than fully recontouring road templates, or even decompacting them to help recover organic soil horizons and ensuring appropriate revegetation.

Conclusion

Thank you for the opportunity to comment on the Draft Plan and DEIS. Those we offer today, combined with our previous scoping comments, reflect our sincere desire to see the Custer Gallatin National Forest succeed in establishing a revised forest plan that that supports an ecologically sustainable landscape across the entire planning area. We look forward to hearing back from you regarding our above comments.

Cordially,
Adam Rissien
ReWilding Advocate
WildEarth Guardians