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Last name: Cleveland

Organization: Montana Wilderness Association

Title: Interim Conservation Director

Comments: Attached please find Montana Wilderness Association's organizational comments and . Thank you for the opportunity to comment on the draft revised forest plan.

Sincerely,

Emily Cleveland

Please accept this letter on behalf of Montana Wilderness Association (MWA) and our members in response to the public comment period of the draft environmental impact statement (DEIS) and draft revised forest plan for the Custer Gallatin National Forest (CGNF). MWA is pleased to have the opportunity to contribute to this important step in the forest plan revision process.

## I. ORGANIZATIONAL BACKGROUND

For more than 60 years, MWA, a 501(c)(3) organization, has worked with communities across the state to protect Montana's wilderness heritage, quiet beauty, and outdoor traditions, now and for future generations. Our work began in 1958 when our founders sent a letter to 100 friends, inviting them to join a citizen-led effort to protect the Madison and Gallatin Ranges.

Our commitment to grassroots conservation was instrumental in the passage of the 1964 Wilderness Act and the designation of all 15 wilderness areas in Montana. Through our staff in Bozeman and Billings and on behalf of over 5,000 members and tens of thousands of supporters, we are committed to protecting the wilderness values, preserving the cultural significance, and maintaining opportunities for quiet recreation found on the CGNF through this revised forest plan.

MWA has participated in the development of every national forest plan and subsequent revisions for national forests located within the state of Montana. Our members have a vested interest in the wildlands of the CGNF: these areas are where we spend time with our loved ones; pass down skills and knowledge to the next generation; harvest game through fair chase backcountry hunting and fishing that feed our communities; make our livelihoods in a variety of landscape-dependant economies; and find solace, refuge, and spirituality.

Our comments focus primarily on designated lands, especially recommended wilderness areas (RWA), Backcountry areas (BCA), and recreation, both forest wide and as these management directions pertain to specific geographic areas. Our comments highlight elements of the draft plan and associated analysis in the DEIS that we support, areas we explicitly oppose, and areas we feel need to be improved, as well as support and rationale for our recommendations.

## II. SUMMARY OF ORGANIZATIONAL COMMENTS

MWA supports the following elements of each alternative. Detailed rationale for these plan elements is found in part B.

MWA supports the following elements from Alternative A:

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\* Maintain the current boundaries of the RWA in the Lionhead Area of the Madison, Gallatin, and Henrys Lake Mountains Geographic Area.

\* Retain the current RWAs adjacent to the Absaroka Beartooth Wilderness

MWA supports the following elements of Alternative B:

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\* BCA in the Bad Canyon area of the Absaroka-Beartooth Geographic Area with no motorized or mechanized recreation

MWA supports the following elements of Alternative C:

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\* The designations proposed by the Gallatin Forest Partnership's (GFP) agreement in the Madison, Gallatin, and Henrys Lake Mountains Geographic Area

\* Manage recommended wilderness without uses that don't conform with the Wilderness Act such as motorized and mechanized use.

MWA supports the following elements of Alternative D:

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\* RWAs in the Big Pryor, Bear Canyon, Punch Bowl, and Lost Water Canyon (expansion of the existing RWA in Lost Water Canyon) areas of the Pryor Mountains

- \* RWA in the Tongue River Breaks, King Mountain, and Cook Mountain areas of the Ashland Ranger District
- \* BCA in the Chalk Buttes area of the Sioux Ranger District
- \* RWA in the Crazy Mountains
- \* Retain current RWAs in the Absaroka Beartooth area, and additionally recommend Dome Mountain, Emigrant Peak, Chico Peak, West Woodbine, East Rosebud to Stillwater, and Red Lodge Creek
- \* Manage RWAs with no non-conforming uses

\* Manage the Continental Divide National Scenic Trail for its primary purpose of foot and horse travel and prohibit mechanized use when the CDNST is within an RWA.

MWA respectfully requests the following improvements to the final plan:

- \* The full implementation of the elements of the GFP that are applicable to the forest planning process
- \* BCA in the Chalk Buttes with no motorized or mechanized recreation
- \* Clear direction in the management of the Crazies to coordinate closely with the Crow Tribe to protect cultural values
- \* Clear direction around limiting the use of emerging recreational technologies in designated areas unless specified as suitable

### III. COMMENTS

Our comments are organized first by forest-wide issues, followed by comments on specific geographic areas and landscapes, moving from east to west across the forest.

#### A. FOREST-WIDE MANAGEMENT

##### 1. MANAGEMENT OF RECOMMENDED WILDERNESS

RWAs must be managed for social and ecological characteristics that preserve and enhance wilderness character over time, as required by the 2012 Planning Rule, Forest Service guidance, and case law. Furthermore, the draft plan must adopt clear standards for the proper management of RWAs, and a mechanism by which those standards can be immediately implemented.

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1. RWAs must be managed for social characteristics that preserve wilderness character over time.

Public land managers are responsible for managing RWAs and wilderness study areas (WSAs) to preserve

wilderness character and their potential for future inclusion in the National Wilderness Preservation System (NWPS). Motorized and mechanized transport can diminish an area's "primeval character," its "outstanding opportunities for solitude or a primitive and confined type of recreation," as well as its ecological value, and it is essential that the DEIS adequately address and analyze these potential diminishments. Visitors to wilderness, designated or recommended, expect to find solitude and remote experiences through primitive recreation. Uses that do not conform to the intent and purpose of wilderness affect the wilderness experiences of forest visitors. The diminishment of these social characteristics can

lead future decision makers to reduce, or even eliminate, RWAs in future planning processes: this loss of potential future wilderness character by allowing non-conforming uses likewise must be addressed in the DEIS. For this reason, we urge the Planning Team to select an alternative, or combination of alternatives, that prohibit mechanized transport and motorized use in RWAs, so as to properly protect these lands and maintain their potential for future designation.

The Wilderness Act defines wilderness by its unique qualities, including solitude and primitive recreation and also by defining activities that detract from such characteristics.<sup>1</sup> Section 4 of the Wilderness Act prohibits roads, motorized uses, and mechanized transport to protect wilderness characteristics, stating:

#### PROHIBITION OF CERTAIN USES

(c) "[t]here shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."<sup>2</sup>

Of course, Congress reserves the right to make final decisions regarding Wilderness designations. In the intervening time before Congress acts, it is the managing agency's responsibility to "preserve [the] wilderness attributes until such time as Congress makes the decision regarding wilderness designation"<sup>3</sup>

The Flathead National Forest recently concluded in its revised Forest Plan that nonconforming uses are not suitable in RWAs. Forest Supervisor Chip Weber described his reasoning in the final Record of Decision (ROD) (emphasis added):

I have included plan components to protect and maintain the ecological and social characteristics that provide the basis for each area's suitability for wilderness recommendation. One of these plan components indicates mechanized transport and motorized use are not suitable (MA1b-SUIT-06) in recommended wilderness areas. I have included this plan component in my final decision because I believe it is necessary to protect and maintain the ecological and social characteristics that provide the basis for their wilderness recommendation (described in appendix G of the land management plan). Although a number of commenters and objectors expressed concern

that the management of recommended wilderness creates [ldquo]de facto wilderness areas[rdquo] in lieu of action by Congress, the land management plan does not create

1 16 USC 1131 [sect]2(c).

2 16 USC 1131 [sect]4(c).

3 Bitterroot National Forest Travel Management Planning, Final Record Of Decision (2018), p. 25-27.

wilderness. The Forest Service has an affirmative obligation to manage recommended wilderness areas for the social and ecological characteristics that provide the basis for their recommendation until Congress acts. The land management plan does not allow for continued uses that would affect the wilderness characteristics of these areas and possibly jeopardize their designation as wilderness in the future.<sup>4</sup>

It is important to manage RWAs [ldquo]in a manner consistent with the Forest[rsquo]s recommendation [for wilderness].[rdquo]<sup>5</sup> Managing them in a way that can negatively affect their ultimate inclusion into the NWPS, as Alternative B would, is out-of-step with: 1) the 2012 Planning Rule, 2) the 2015 Forest Service Manual Directives, 3) the Forest Service Handbook and 4) Region 1 guidance, as well as the draft plan[rsquo]s own Desired Conditions (or desired future conditions, DCs).

#### 1. 2012 Planning Rule

The 2012 Rule provides important regulatory guidance for the management RWAs, as well as plan components like suitability and standards that create the framework to carry out that RWA guidance.

#### Management of RWAs

The 2012 Rule states (emphasis added):

The plan must provide for[hellip] Protection of congressionally designated wilderness areas as well as management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation.<sup>6</sup>

This direction provided much of the basis for Julie King, Bitterroot National Forest Supervisor, to prohibit non-conforming uses in RWAs in her decision on the 2016 Travel Management Plan ROD (emphasis added):<sup>7</sup>

Additionally, allowing uses that do not conform to wilderness character creates a constituency that will have a strong propensity to oppose recommendation and any subsequent designation legislation. Management actions that create this operating environment will complicate the decision process for Forest Service managers and

4 Flathead National Forest, Forest Plan Record of Decision (2018), p. 26.

5 Bitterroot Travel Management, Final ROD, p 25-27.

6 36 CFR [sect]219.10(b)(iv) (2012).

7 MWA is aware and is actively involved in the ongoing conversations around the Bitterroot Travel Plan. We will continue to support the decision made by Supervisor King not to allow mechanized and motorized use in areas where such recreation is unsuitable.

members of Congress. It is important that when the wilderness recommendations are made to Congress that they be unencumbered with issues that are exclusive to the wilderness allocation decision[hellip] In response to the DEIS, the Forest received a number of comments from members of the mountain biking community, both local and national, regarding prohibiting mechanical transport use, including bicycles, in the RWAs. They feel that mountain bikes do not physically impact these areas, nor do they have the same impacts as motorized vehicles... prohibiting bicycles and other types of mechanical transport acknowledges there are impacts on the social and biotic environment that do not show as physical [ldquo]scars[rldquo] on the land, but which are inconsistent with the wilderness character I am responsible for maintaining.<sup>8</sup>

Supervisor King[rsquo]s decision follows Forest Service direction quite clearly and acknowledges that non-conforming uses alter the social environment which reduces the likelihood of congressional protection. The Forest Service Manual states: [ldquo]Any area recommended for wilderness or wilderness study designation is not available for any use or activity that may reduce the wilderness potential of an area.[rdquo]<sup>9</sup> It is not appropriate to manage RWAs for anything other than their wilderness character. Activities like mountain biking that impair both the social and ecological characteristics of wilderness cannot be permitted in RWAs.

Suitability Requirements and Desired Conditions:

Forest plans revised under the 2012 Rule are required to include DCs, and for the suitability requirements to uphold the DCs<sup>10</sup>. Concerning suitability, the rule states that [ldquo]specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those

lands.”<sup>11</sup> (emphasis added.)

The CGNF has identified five critical desired conditions for RWA management, and it will be imperative for the objectives, goals, standards, and suitability requirements of the plan to support those DCs. Under Alternatives A and B, that will not be the case. The draft plan includes the following DCs for RWAs, which will require consistent suitability requirements for recreation management:

FW-DC-RWA 01: Recommended wilderness areas maintain their existing ecological and social wilderness characteristics, to preserve opportunities for inclusion in the National Wilderness Preservation System.

<sup>8</sup> Bitterroot Travel Management, Final ROD, p 25-27. The Federal District Court in Missoula upheld the 2016 BNF Travel Plan Record of Decision, including restrictions on mountain bike use.

<sup>9</sup> FSM 1923.03(3)

<sup>10</sup> CFR 36 [sect] 219.7 (e)(1).

<sup>11</sup> CFR 36 [sect] 219.7 (e)(1)(v).

FW-DC-RWA 04: System trails support wilderness experiences and preserve wilderness characteristics.<sup>12</sup>

Alternatives C and D uphold these DCs by finding nonconforming recreational uses not suitable in RWAs in their proposed suitability language in FW-SUIT-RWA 02.<sup>13</sup> However, the proposed suitability language in Alternative B14 will fail to create a future condition that allows RWAs to retain their social wilderness characteristics and opportunity for future inclusion. Furthermore, wilderness trail experiences will be degraded should motorized or mechanized forms of recreation be allowed to establish or continue on Wilderness trail systems. We urge the Planning Team to adopt the proposed suitability language offered for Alternatives C and D, as it conforms with the stated DCs.

Case studies from across Region 1 show that authorizing or allowing non-conforming uses have directly precluded previously-recommended RWA acreage from the possibility of inclusion in the NWPS in the future; thus failing to uphold a desired condition where RWAs maintain their potential for future Wilderness designation (see Section vi below for discussion on the case studies.)

1. 2015 Forest Service Manual

The 2015 Forest Service Manual<sup>15</sup> planning directives address the management of RWAs:

Any area recommended for wilderness or wilderness study designation is not available for any use or activity that may reduce the wilderness potential of an area.

Discussed below are several case studies from Region 1 where uses and activities that occurred in areas recommended for Wilderness directly reduced the wilderness potential of the area. We urge the CGNF to follow this new direction in the Manual and prohibit any non-conforming use, such as mountain biking and snowmobiling, in areas recommended for wilderness that reduce the wilderness potential of an area. Failure to follow the agency's own policy would be arbitrary and capricious.

12 CGNF Draft Forest Plan, p. 130.

13 [Idquo]Recommended wilderness areas are not suitable for motorized or mechanized recreation.[rdquo] CGNF Draft Forest Plan, p. 131.

14 Id.

15 FSM 1923.03(3). It is important to note that this Manual direction is very clear, and replaced the previous

1923.03 direction, which left more room for interpretation: [Idquo]Any inventoried roadless area recommended for wilderness or designated wilderness study is not available for any use or activity that may reduce the wilderness potential of the area. Activities currently permitted may continue pending designation, if the activities do not compromise the wilderness values of the area.[rdquo]

1. Forest Service Handbook The Forest Service Handbook<sup>16</sup> states:

When developing plan components for RWAs, the responsible official has discretion to implement a range of management options. All plan components applicable to a recommended area must protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation. In addition, the plan may include one or more plan components for an RWA to:

1. Enhance the ecological and social characteristics that provide the basis for wilderness designations;
2. Continue existing uses, only if such uses do not prevent the protection and maintenance of the social and ecological characteristics that provide the basis for wilderness designation;
3. Alter existing uses, subject to valid existing rights; or



#### 4. Eliminate existing uses, except those uses subject to valid existing rights

The Handbook reiterates the direction given in the 2012 Planning Rule by stating all plan components, [ldquo]must protect and maintain the social and ecological characteristics that provide the basis for wilderness designation.[rdquo] (emphasis added) The Handbook also restates the Forest Service[rsquo]s authority to [ldquo]alter[rdquo] or [ldquo]eliminate existing uses[rdquo] that prevent the maintenance of those characteristics.

##### 1. Region 1 Guidance Region 1 Guidance<sup>17</sup> states:

If it is determined that the area is best suited to motorized or mechanized recreation, the area should not be recommended for wilderness. If it is determined that the best future use is inclusion in the NWPS, the desired condition should reflect that. If there are established uses that are incompatible with that desired condition, such as motorized or mechanized recreation, forests should choose to implement one of the following actions:

1. Pursue a non-motorized-non-mechanized approach to the management of the area through travel planning.
2. Adjust management area boundary to eliminate the area with established uses
3. Not recommend the area for wilderness designation.

16 FSH 1909.12, Chp 70, Sec. 74.1

17 Consistency in Land and Resource Management Plans, 9/24/2007.

Administrative use of motorized equipment for maintenance (chain saws, rock drills, limited use of helicopters) will continue to be allowed.

Region 1 Guidance clearly expresses that non-mechanized and non-motorized uses are not compatible with RWAs, and urges managers not to include such recreation in RWAs.

##### 1. Pertinent Case Law - RWA Management

Opportunities for solitude and primitive recreation, as well as secure wildlife habitat (particularly for at-risk or species of focus like the Grizzly bear or lynx) decline in places where motorized and mechanized use is allowed, and are subsequently allowed to increase over the life of the plan. Areas that were once considered remote and inaccessible are made accessible by improved technology of motorized vehicles and mechanical transport and increased recreation pressures from a growing number of forest users, two things that change dramatically over the life of a forest plan that were not considered in the analyzed effects of Alternative B18. This can limit the opportunities for quiet recreationists to experience the solitude offered by primitive recreation in the once-quiet

backcountry of RWAs. The increased access and accompanying noise from these machines compromises the underlying area's suitability for wilderness protection by degrading the social characteristics of wilderness. These impacts all must be appropriately accounted for in the DEIS. The cases discussed below provide legal basis for determining what management actions are appropriate for maintaining and enhancing wilderness character and opportunities for future inclusion in the NWPS.

A 2011 9th Circuit court ruling<sup>19</sup> held that the Gallatin National Forest erred in its travel management, and helped further define wilderness character of the Hyalite-Porcupine-Buffalo Horn WSA.<sup>20</sup> That ruling that directly implicates this forest and landscape, along with *Citizens for Balanced Use v. Erickson*<sup>21</sup> (another case directly litigating wilderness character in the Hyalite-Porcupine-Buffalo Horn WSA) and *Russell Country Sportsmen v. USFS*,<sup>22</sup> established that

<sup>18</sup> Custer Gallatin Draft Environmental Impact Statement, p. 819-821

<sup>19</sup> *Montana Wilderness Association v. McAllister*, 666 F.3d 549 (9th Cir. 2011).

<sup>20</sup> While WSAs are managed under a different scheme than the 2012 Rule, the application of the Rule's language regarding social characteristics should be consistent with these 2011 judicial interpretations. WSAs must be

managed to preserve their wilderness character, and RWAs likewise must be managed to preserve their wilderness character. The resources being protected in RWAs and WSAs are therefore the same, and these judicial rulings provide important guidance as to how the Forest Service can preserve the opportunity for future wilderness designation.

<sup>21</sup> *Citizens for Balanced Use v. Erickson*, No. 10[ndash]35823 (9th Cir. 2011).

<sup>22</sup> *Russell Country Sportsmen v. USFS*, 668 F.3d 1037 (9th Cir. 2011).

the Forest Service is obligated to consider the social characteristics in its management decisions:

The Wilderness Act does not define "wilderness" solely according to "physical, inherent characteristics." Instead, it states that, in addition to having physical characteristics such as large acreage, a wilderness "has outstanding opportunities for solitude.

If the [Wilderness Act and Montana Wilderness Study Act] allowed the Service to focus on physical wilderness characteristics alone, even a massive escalation in noisy, disruptive motorized use would trigger no management

response so long as there was no resulting physical degradation. For example, the Service could allow sightseeing helicopters to fly over the study areas in unlimited numbers, filling the study areas with loud and intrusive noise. Because the helicopters would likely never touch the ground, however, their presence which from a common-sense perspective would plainly degrade the areas' wilderness character.<sup>23</sup>

In another case<sup>24</sup> that impacts national forests across the country, U.S. District Court for the District of Montana upheld Forest Service's authority to restrict non-conforming uses, such as dirt bikes, four-wheelers, snowmobiles, and mountain bikes in RWAs in the Beaverhead-Deerlodge National Forest (BDNF).

At 3.35 million acres, the BDNF is Montana's largest national forest. It also encompasses 1.8 million acres of unprotected roadless lands, the most unprotected lands of any national forest in Montana. The revised forest plan allocated a small minority (18%) of those roadless lands to recommended wilderness where mechanized and motorized vehicle use is prohibited.

Though banning motorized vehicles in RWAs, the BDNF's revised plan opened up the majority of the forest for motorized vehicle use (55 percent in the summer, and 60 percent in the winter). Nevertheless, a coalition of off-road vehicles groups, county commissioners, and landowners sued the BDNF in December 2010 in an effort to overturn all of the RWA protections.

All of the Plaintiff's claims were either dismissed for lack of subject matter or, more importantly, denied on the merits. This case showed that national forests have the ability to protect the wilderness characteristics of some of our nation's most spectacular wilderness

<sup>23</sup> McAllister, 666 F.3d at 566.

<sup>24</sup> Beaverhead Cnty. Comm'rs v. U.S. Forest Serv., No. 2:10-cv-00068-SEH (D. Mont. July 22, 2013).

quality areas and roadless habitat, where wildlife can thrive safe from modern human activities and interference, and backcountry travelers can enjoy hiking and horseback riding absent the noise and disturbance of non-conforming uses.

## 1. Region 1 Examples - Loss of Wilderness Character

In Region 1, there are several examples that illustrate how management decisions to allow non-conforming uses in RWAs have led to losses of RW acres in subsequent forest planning processes, reducing the potential for future Wilderness designation for those areas.

Summarized below are four examples (three on the BDNF, and one on the Flathead NF) where RWAs have decreased in size following RW management decisions that allowed non-conforming uses in RWAs. By allowing non-conforming uses to persist and establish, and by failing to manage these areas in a manner consistent with the Forest's recommendation, these decisions failed to protect and maintain ecological and social characteristics for wilderness designation.

#### 1. Beaverhead-Deerlodge National Forest: Mt. Jefferson Recommended Wilderness:

In 1990 the BDNF created the 4,474 acre Mt. Jefferson RWA in the Hellroaring Creek drainage, the ultimate headwaters of the Missouri River. Although small, the Mt. Jefferson RWA was adjacent to the 23,054 acre Centennials RWA, managed by the BLM, for a combined total of approximately 28,000 acres. The previous BDNF Forest Plan allowed snowmobiling in RWAs, and when snowmobile technology improved in the 1990s, Mt. Jefferson became a publicized snowmobile destination, accessed primarily from the Idaho side. Attempts by the Madison District Ranger to close the RWA to snowmobiles were overruled by the Forest Supervisor. In contrast, snowmobiling was prohibited in the adjacent BLM Centennials RWA. In 2002, the responsible BLM Field Manager wrote a letter to the BDNF requesting the closure of the USFS portion of the RWA in order to curtail illegal trespass. His request was ignored.

When the BDNF revised its Forest Plan in 2009, the already small Mt. Jefferson RWA was cleaved in half: 2,000 acres in the upper reaches of the Hellroaring Creek drainage were stripped of their recommendations, leaving only a 2,000 acre RWA in the lower reaches of the valley.

#### 1. Beaverhead-Deerlodge National Forest: West Big Hole Recommended Wilderness:

Approximately 56,000 acres of the approximately 130,000 acre West Big Hole Inventoried Roadless Area, on the east slope of the Beaverhead Range was an RWA in the BDNF's 1980s-era Forest Plan. Crowned by 10,620 ft. Homer Youngs Peak, the West Big Hole is a key link in the

chain of wild areas that connect the Greater Yellowstone Ecosystem with central Idaho wildlands, including the Frank Church-River of No Return and Selway-Bitterroot Wildernesses. The previous BDNF Forest Plan allowed snowmobiling in RWAs, and when snowmobile technology improved in the 1990s, the West Big Hole became a popular high-marking playground. As a result, when the BDNF released its revised Forest Plan in 2009, the West Big Hole RWA was eliminated.

#### 1. Beaverhead-Deerlodge National Forest: Anaconda-Pintler Wilderness Recommended Inclusions (Sullivan and Tenmile Creeks):

The 1980s BDNF Forest Plan included Sullivan and Tenmile Creeks as RWA additions to the Anaconda-Pintler Wilderness. At the southeastern end of the Anaconda Range, these drainages harbor ancient, gnarled, 800 year old subalpine larches that are among the oldest trees in Montana. Just like the West Big Hole and Mt. Jefferson, snowmobiles were allowed in this RWA. When technology improved enough to allow access into this rugged high country, recreation became popular enough that the BDNF removed the RWA when it revised its forest plan in 2009.

#### 1. Flathead National Forest: Jewel Basin

The aptly-named Jewel Basin is a beloved gem in the Crown of the Continent ecosystem and the crown jewel of the Swan Range. In the 1987 Flathead National Forest plan, the Jewel Basin RWA encompassed over 32,000 acres. However, the 1987 plan did not mandate a closure of RWAs to mechanized transport. In subsequent years, the Alpine No. 7 trail that traverses the Swan Crest and bisects the Jewel Basin, has become a popular mountain biking and dirt biking destination. Images of mountain bikers riding the Alpine No. 7 trail are used on local mountain biking websites and promotional materials.<sup>25</sup>

The 2018 Flathead ROD ultimately eliminated 14,000 acres of RWA in Jewel Basin, cutting it nearly in half. The plan attributed this loss specifically to recreational use pressure: “[d] Jewel Basin recommended wilderness area excluded a portion in the south end where mechanized transport occurs.”<sup>26</sup> The final environmental impact also specifically states that the acreage of the Jewel Basin RWA was, “[d] reduced [hellip] to minimize effects on mechanized transport.”<sup>27</sup> In this

<sup>25</sup> See, for example, <http://www.whitefishbikeretreat.com/flathead-valley.html>, <http://www.flatheadamb.org/news/flathead-national-forest-plan-revision>, and <https://www.trailforks.com/trails/alpine-trail-7/>.

<sup>26</sup> Flathead National Forest, FEIS, vol 1, p 27.

<sup>27</sup> Flathead National Forest, FEIS, vol 1, p 26.

case, the establishment of mountain biking in an RWA directly precluded that part of the RWA from continued protection and the possibility of future designation.

As proven by the case studies above, failing to close RWAs to burgeoning non-conforming uses precipitates a rapid decline in their potential for future inclusion in the NWPS. In the end, wilderness character, quality of wildlife habitat, RWAs, and the potential for future designations have been significantly degraded.

We urge the CGNF to own its responsibility to wilderness-quality lands and include plan components that are consistent with its own administrative recommendation by managing these landscapes in a way that allows for Wilderness designation in the future. The Forest's own commitment to wilderness character sets the baseline for visitors' expectations and resulting actions in that area.

We strongly oppose the direction in Alternative B of this draft plan, which would allow existing mechanized transport and motorized use, including over-snow vehicle (OSV) use, to continue in RWAs, thereby putting the potential for legislative protection at risk. For the reasons mentioned above, we believe Alternative B's RWA management direction conflicts with the Forest's own recommendations and will fail to uphold the CGNF's legal responsibilities for managing RWAs. MWA supports eliminating non-conforming uses in RWAs as reflected in Alternatives C and D.

Furthermore, the analysis of the effects of Alternative A for areas where mechanized use is currently allowed in RWAs, specifically the Lionhead, fails to address the degradation of social wilderness characteristics that has happened in the area.<sup>28</sup>

The effects analysis of Alternative B in the DEIS regarding mechanized and motorized use in RWAs is inadequate. It is limited to just three paragraphs, and does not meaningfully address the degradation and potential loss of wilderness character in areas that are meant to be managed for potential inclusion in the NWPS. It also fails to analyze the ecological impacts of motorized and mechanized recreation in RWAs (ie, the impacts on animals that rely on secure habitat in these intact areas).<sup>29</sup> Additionally the effects of Alternative D focus on the [displacement] of motorized and mechanized recreators from RWAs,<sup>30</sup> but there is no corollary analysis for the impacts of Alternatives B and E for how wilderness character will be displaced or lost, including the displacement of quiet recreators and wildlife by motorized and

<sup>28</sup> Id. at 817.

<sup>29</sup> Custer Gallatin DEIS, p. 817.

<sup>30</sup> Id. at 827-828.

mechanized use. The failure to seriously address the negative impacts that mechanized and motorized activities will have if allowed in RWAs, would make a decision to allow them arbitrary and capricious.

The CGNF must support its own recommendations by prohibiting all nonconforming uses in RWAs, specifically declaring that these areas are not suitable for mechanized and motorized transport through clear standards, guidelines, and suitability language.

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#### 1. Plan components for RWA management

From the case studies above, and from our work around the state, MWA has learned that clear, unambiguous plan components that fully retain wilderness character and potential of RWAs while waiting on Congress to act are a necessity. We encourage the CGNF to consider the following recommendations for forest-wide RWA plan components.

#### Non-Conforming Uses

Eliminating non-conforming uses and creating strong enforcement mechanisms to support those decisions is the norm in Montana's national forests. We appreciate the strong suitability language in Alternative C and D that clearly states, "[r]ecommended wilderness areas are not suitable for motorized or mechanized recreation."<sup>31</sup> However, the final plan should also include standards, as standards are the only plan components that the Forest Service must (versus should) adhere to.

Inevitable changing technology and increasing recreation pressures over the life of a forest plan emphasize the need for standards that maintain the desired condition of RWAs. Standards are legal constraints on activities, whereas suitability is a slightly more flexible standard, and it is important that those two elements of the final forest plan are congruent and supportive of each other. Consistent standards and suitability language will also make it much easier for the Forest to enforce its own, plan during the monitoring and enforcement phases of forest planning. We encourage the CGNF to adopt a standard, in addition to the existing suitability language, when it comes to non-conforming uses in RWAs.

Both the BDNF<sup>32</sup> and the Kootenai<sup>33</sup> National Forests include RWA standards that prohibit non-conforming uses. We strongly encourage the CGNF to follow the lead of these Region 1 Forests in Montana, and prohibit mechanized and motorized use in RWAs across the CGNF by adopting clear standards and supportive suitability language that makes it clear that motorized and

<sup>31</sup> Custer Gallatin National Forest Draft Plan, p. 131.

<sup>32</sup> Beaverhead-Deerlodge National Forest, Forest Plan Record of Decision (2009), pp. 29-33.

<sup>33</sup> Kootenai National Forest, Final Forest Plan (2015), p. 47.

mechanized recreation is not an allowable nor suitable activity in RWAs. A proposed standard could read:

Standard: All motorized and mechanized forms of transportation and equipment are not allowed in recommended Wilderness, including hang gliders, bicycles, carts and wagons, except for administrative purposes. Landing aircraft is prohibited except for administrative purposes.

#### Mineral Development

While we understand that only an act of Congress can withdraw the rights for future locatable mineral development, we request a clear standard around limiting the impact of mining if it occurs within RWAs. The BCA, FW-STD-BCA 07 states [ldquo]new access to and development of minerals shall minimize impacts to backcountry areas.[rdquo] We ask that the same standard be applied for forest-wide RWA management direction. A standard would read as such:

Standard: New access to and development of locatable minerals shall minimize impacts to recommended wilderness areas.

#### Trail Development

Limiting trail density and managing RWAs like designated Wilderness will help ensure that areas retain their ecological and social wilderness characteristics and retain the possibility for inclusion in the NWPS. As the population centers around the CGNF continue to grow, it will be increasingly important to protect recommended wilderness from trail proliferation. We urge you to consider applying the following guideline to recommended Wilderness areas:

Guideline: To maintain areas of undeveloped wilderness character, there should be no net increase in miles of system trails within recommended wilderness. However, trail re- routes for resource protection or after natural occurrences such as fire, floods, windstorms, and avalanches should utilize the best long-term sustainable routes with minimal trail infrastructure.

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1. Implementation of RWA suitability

MWA is concerned that the draft plan does not provide a mechanism to implement prohibitions on motorized and mechanized transport in Alternatives C and D. If non- conforming recreational uses are occurring in RWAs, the suitability plan component will not have the immediate effect of excluding those uses. This could allow non-



conforming uses to

continue for years if the applicable travel management plan is not promptly and properly amended or revised. Therefore, additional plan direction to implement the suitability determination is necessary to ensure compliance with the 2012 Planning Rule requirement to [ldquo]protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation.[rdquo]

We recommend that the CGNF issue an order, concurrently with the final forest plan and ROD, to close areas that are no longer suitable for motorized and mechanized transport in the revised forest plan. Issuing such a closure order concurrently with the plan revision is authorized by the planning rule directives<sup>34</sup> and would be the most efficient way to implement the suitability plan components prohibiting non-conforming recreational uses. This would ensure that allowable use is not in immediate conflict with the revised forest plan.

In addition to the closure order, CGNF should include a forestwide objective as a plan component to appropriately amend or revise all necessary travel management plans within an appropriate time frame upon completion of the new forest management plan in order to conduct site-specific travel analysis. This idea is briefly touched on in Section 1.6 of the draft plan, stating that travel plans must be consistent with the forest plan, and that such will be updated if necessary.<sup>35</sup> The forest-wide goals should contain a specific objective to do so.

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1. Wilderness Analysis

Proper, comprehensive, and holistic analysis of ecological values is essential to ensure that all of the components of wilderness - social and ecological - are considered. This DEIS fails to address both the ecological diversity of RWAs and wildlife in RWAs, and these oversights must be corrected in the FEIS.

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1. Ecological Diversity and Representation

We are disappointed that the DEIS does not consider ecological representation in its RWA evaluation and analysis (Appendix D). Designated wilderness areas currently do not represent the full, diverse range of ecosystems that occur across the United States. In Montana specifically, nearly all of our designated Wilderness areas consist of high alpine, forested mountainous ecosystems. In fact much of the Forest Service designated Wilderness areas are [lsquo]rock and ice[rsquo]- type landscapes. Diversifying the ecosystem represented in the NWPS has become an important element of conservation planning especially as the climate changes.<sup>36</sup>

<sup>34</sup> FSH 1909.12, section 21.8.

<sup>35</sup> Custer Gallatin Draft Forest Plan, p. 11.

36 J. Aycrigg, J. Tricker, R. Belote, M. Dietz, L. Duarte, and G. Aplet, The Next 50 Years: Opportunities for Diversifying the Ecological Representation of the National Wilderness Preservation System within Contiguous

United States, J. Forestry, Issue 114, Vol. 3, p. 396 (May 2016).

The Custer Gallatin is aptly considered one of the most diverse forests in Region 1.<sup>37</sup> The Forest is comprised of three major ecoregions - the Middle Rockies, Northwestern Great Plains, and the Wyoming Basin in the Pryor Mountains. Within these larger ecoregions, the individual ecosystems vary widely. Yet the DEIS wilderness analysis does not touch on any notable ecological values of the landscapes.

The Flathead National Forest plan revision did address ecological diversity, and provides a model for how ecological representation can and should be factored into the wilderness analysis. The Flathead's wilderness analysis specified the amount of land with underrepresented ecosystem types within each RWA. For example, the brief summary of factors considered for the Alcove-Bunker RWA states, "[d]This area represents an opportunity to add 1,621 acres of underrepresented ecological groups to the National Wilderness Preservation System."<sup>38</sup> The Flathead EIS factored the RWA ecological representation data into its comparison of alternatives, which the CGNF DEIS fails to do. Many additional proposed RWAs on the CGNF have ecological value that is globally significant, including underrepresented ecosystems, which should be considered in the final wilderness analysis.

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1. Wildlife

Similarly, Appendix D fails entirely to address the wildlife values of proposed RWAs. Nowhere in the 97 pages of analysis is a single mention of wilderness-associated wildlife that inhabit the areas. This lack of discussion is particularly perplexing because the wildlife values were considered in the wilderness evaluation in the Proposed Action, but there is no explanation as to why that information is not represented in the DEIS wilderness analysis.<sup>39</sup>

The lack of information about wildlife and other ecological values in Appendix D is clearly reflected in the RWA section in Chapter 3 of the DEIS. The only mention of ecological values of RWAs is found in one sentence: "[d]Recommended wilderness areas are also important for species diversity, protection of threatened and endangered species, protection of watershed, scientific research, and various social values."<sup>40</sup> One sentence is not an analysis, much less a meaningful one, that constitutes the required "[d]hard look[d]" under NEPA.

Again, the Flathead National Forest provides a good example for the CGNF to follow in its final analysis. The

summary of factors considered in the Flathead analysis for the Alcove- Bunker RWA included the following:

37 Custer Gallatin Draft Forest Plan, p. 7

38 Flathead National Forest FEIS, Appx. 4, p. 4-160.

39 Custer Gallatin Proposed Action, Appx. D.

40 Custer Gallatin DEIS, p 813.

\* This area has critical habitat for Canada lynx [hellip]. This area has very high-quality grizzly bear habitat, a very high amount of maternal denning habitat for wolverines, and high-quality habitat for mountain goats.

\* Bull trout and westslope cutthroat trout are present in Bunker Creek, which is designated as bull trout critical habitat.<sup>41</sup>

Overall, we strongly recommend that these major oversights in Appendix D - ecological representation and wildlife - be rectified in the FEIS's analysis of wilderness characteristics, qualities, and values of RWAs.

## 2. MANAGEMENT OF DESIGNATED WILDERNESS

The CGNF manages two spectacular Wilderness Areas, covering a total of 35% of the Forest, the Lee Metcalf and the Absaroka-Beartooth, affectionately known as the [lsquo]AB.[rsquo] These Wilderness areas have a unique need compared to other Wilderness areas in Region 1 because their current management plans are out of date. Other forests in the Region with major Wildernesses, like the Bob Marshall complex, Selway-Bitterroot, or Anaconda-Pintler, have much more recent Wilderness plans that define management strategies to maintain wilderness character, and thresholds that identify when unacceptable changes are occurring. The AB and the Lee Metcalf are currently managed by Wilderness management plans appended to the 1987 Gallatin Forest Plan. The language and direction of these plans are outdated - utilizing what is now [lsquo]vintage[rsquo] principles and language - that it has not provided valuable guidance for many years.

Since this revision process is not concurrently revising the AB and Lee Metcalf Wilderness management plans, these two Wilderness areas will be without independent management plans once the new plan replaces the 1987 plan. Therefore, it is vital that the new Forest Plan provide appropriate guidance to adequately protect wilderness character until revisions to the AB and Lee Metcalf plans are done. It is essential that these Wilderness management plans be completed as soon as practicable following the issuance of a final forest plan. The forest plan itself is an appropriate place to make a commitment to appropriate Wilderness management planning, and we request that the final documents include a concrete commitment to such, such as an objective to complete Wilderness planning to uphold the stated DCs for maintaining wilderness character. In the meantime, we would like to make the following recommendations

41 Flathead National Forest FEIS, App. 4, p. 4-160.

to improve the forestwide management direction for designated Wilderness in order to ensure wilderness character is protected until Wilderness management plans are completed.

Desired Conditions (FW-DC-DWA) - FW-DC-DWA 01 states [ldquo]key qualities of wilderness character for a given area including untrammeled and undeveloped landscapes, natural processes, opportunities for solitude or primitive and unconfined recreation, and any other features of value to the wilderness contributes to the public purposes for which they were designated.[rdquo]<sup>42</sup> We feel that the statement [ldquo]contributes to the public purposes for which they were designated[rdquo] is too vague. Alternatively, we suggest ending that statement by saying (emphasis added) [ldquo]...any other features of value to the wilderness are maintained and enhanced.[rdquo] That gives much clearer direction to future managers.

We similarly feel that FW-DC-DWA 0743 is unclear. We recommend changing that DC to read [ldquo]each wilderness area accommodates levels of recreation use that are ecologically sustainable and provides opportunities for solitude, primitive recreation, and maintains or enhances wilderness character.[rdquo]

Goals (FW-GO-DWA) Because the AB and the Lee Metcalf will be without individual management plans once the 1987 plan and its appendices are replaced, it is critical that the Forest Service make Wilderness management planning a top priority, and complete that planning as soon as possible. We request that the revised forest plan add a goal for revising the AB and Lee Metcalf plans as soon as forest plan revision is complete. Currently, we feel that the draft plan lacks management strategies to maintain wilderness character and important triggers to help forest managers identify when unacceptable change is occurring. It will be vital to get new Wilderness plans in place as soon as possible in order to provide site specific management protocols and specific standards and guidelines which describe the acceptable limits of change for wilderness character. Please consider adding the following:

Goal: Absaroka Beartooth and Lee Metcalf Wilderness Management Plans will be completed and implemented within two (2) years of the Forest Plan Decision.

FW-GO-DWA 04 speaks to cooperation with MT Fish Wildlife and Parks and the continued provision of recreational fisheries.<sup>44</sup> The statement implies that fish stocking programs could be expanded in Wilderness areas. We request that this statement be supported with a standard that explicitly states that management of fisheries (stocking) for recreational use is limited to

<sup>42</sup> Id. at 113.

43 Id. at 114.

44 Id.

only water bodies that were historically stocked before designation, and expansion of such stocking only when it is the only viable way to ensure the longevity of a threatened or endangered species. This goal and corresponding standard should also include language that prioritizes the restoration of native fish over more recreationally preferred fish.

Standards (FW-STD-DWA)<sup>45</sup>Adhering to the ecosystems restoration framework for restoration projects in Wilderness is critical to limiting trammeling and maintaining wilderness character. Currently, this is only referenced in the introductory narrative for section 2.4.36, Designated Wilderness (DWA). The importance of this management guideline deserves to be included as a Standard. In addition, the ecosystems restoration framework<sup>46</sup> has been finalized and can now be referenced at [wilderness.net](http://wilderness.net). We request adding the following standard:

Standard: Ecosystems restoration projects shall comply with a minimum requirement analysis in accordance with the Framework for Evaluating Ecological Intervention in order to determine whether the project is the minimum necessary for the administration of the area as wilderness.

We appreciate the consideration given to providing specific management direction for party size and livestock use in Standards 5-7.<sup>47</sup> However, we have a concern that the specificity of those standards could cause problems for adapting management when unacceptable change is occurring to wilderness character. Should the need arise to revise maximum party size or livestock numbers, it would require an amendment to the Forest Plan to do so. Ideally specific management direction such as this would be within the individual Wilderness management plans that could be more easily modified as necessary. We recommend these standards be re-utilized as suitability components to allow for more flexibility, and including a standard that the Wilderness management plans be the specific source of authority on future management of the AB and the Lee Metcalf. This issue again raises the serious need for the Forest Service to commit to Wilderness management planning as soon as practicable.

Likewise, a specific standard prohibiting motorized, and particularly mechanized, recreation in designated Wilderness should be added as a clear and definitive statement that such activities are not appropriate in designated Wilderness areas in the CGNF.

45 Id.

46 <https://www.wilderness.net/toolboxes/documents/restoration/Supplement%20to%20MRA-MRDG.pdf>

47 Custer Gallatin Draft Forest Plan, p. 115.

#### 2.4.37 Wilderness by Zone

We appreciate that the desired conditions for Zones I-III address all 4 wilderness characteristics. However, we feel that additional language about the untrammeled quality needs to speak to agency actions, not just natural conditions. These desired conditions will be strengthened with corresponding standards and guidelines. We recommend adding the following language to Zone Class I:

Standard: Any management within this zone preserves the wildness of the area and maintains or improves natural integrity and the function of the natural ecosystem.

Guideline: Indirect methods of accomplishing management objectives predominate.

In addition, we strongly recommend adding discrete standards for each Zone in section 2.4.37 in order to guide management to meet the DCs for each Zone. For example, in Zone I we would like to see a standard that specifically limits the construction of system trails in order to ensure it remains [“trail-less”]. If for some reason adding standards for the management of Zones is not possible, the exclusion of system trail building in Zone 1 could be added in Section 2.4.36 to Standard 9 or included as an independent standard. Alternatively, this could be achieved through suitability language making it clear that these areas are not suitable for new trails.

Either way, we feel that will be an important thing for future managers to easily reference in the new plan.

## 1. MONITORING PLAN

### Designated Wilderness

We appreciate the inclusion of a monitoring question related to designated Wilderness. However, at a minimum there should be several entries in the table that reference the National Wilderness Character Monitoring protocol, and AB/Lee Metcalf site specific monitoring strategies that address recreation sites, invasive species, etc. We also believe it is important to monitor recreational use in designated Wilderness to ensure that wilderness character persists and use is appropriate for respective Zones. If recreational use is having a detrimental impact on wilderness character, it will be important for the Forest Service to consider revising group size limitations, or utilizing other management strategies. Monitoring the volume and type of recreational use in Wilderness is important data to inform management decisions.

## Recreation and Wildlife

Recognizing that much is unknown regarding the impacts of increasing recreation on wildlife habitat security, occupancy and connectivity, we believe the Forest needs to develop a more

robust monitoring program related to wildlife and recreation to ensure the allowable use is sustainable over time. This monitoring program should include partnerships with agencies such as Montana Fish, Wildlife and Parks and universities such as Montana State University which can help the Forest Service collect appropriate and necessary data, driven by agency developed monitoring questions. This is fundamental to enabling adaptive management and building public support for some limits on access to public lands trails. The Forest Service and its partners should be monitoring both wildlife occupancy of key habitats and recreation use trends (including volume and type of use) over time in these same key habitats.

The general wildlife monitoring section does not include any monitoring questions or outcome indicators related to the impact of recreation, much less a delineation between the impacts of motorized, mechanized, and quiet recreation. We suggest either adding a monitoring question that looks at the impact of recreation on habitat conditions and movement patterns, or adding in outcome indicators related to recreation for both MON-WL-01 and MON-WL-0248.

Similarly, the monitoring questions in the draft plan regarding recreation are solely focused on accomplishing management activities. This is not sufficient. Looking only at whether the plan is being implemented or not would not comply with the [sect]219.12(a) requirement to [ldquo]determine if a change in plan components or other plan content[rdquo] may be needed. In the next 20-30 years recreational use will likely increase dramatically. It will be important for managers to understand how and where it is changing, and how it is affecting wildlife habitat, movement patterns and other natural resource values. If increased recreational use is having a significant impact on values such as wildlife or water quality, it will be important for the Forest Service to manage recreational use through seasonal closures or other strategies to mitigate the impact to these resources. We request that the Forest Service add additional monitoring questions with supplementary data from the National Visitor Use Monitoring program:

MON-REC-07: To what extent is the mode of recreational use changing across the Forest?

MON-REC-08: To what extent is the volume of recreational use changing in key habitat areas?

Establishing baseline data about wildlife occupancy and recreational use on the CGNF and monitoring changes over the life of the revised plan will be critical for adaptive management and ensuring continued high quality recreation, thriving wildlife, clean water, and wilderness opportunities.

## 1. RECREATION OPPORTUNITY SPECTRUM

The Forest Service is required to use the Recreation Opportunity Spectrum (ROS) to integrate recreation with other resource values to derive sustainable recreation outcomes and it is the best tool the Forest Service has for forest-scale planning.<sup>49</sup> The 2012 Rule requires that a plan must [ldquo]include plan components, including standards or guidelines, for integrated resource management to provide for ecosystem services and multiple uses,[rdquo] including outdoor recreation.<sup>50</sup> Likewise, the 2012 Rule states that plans must [ldquo]include plan components, including standards or guidelines, to provide for sustainable recreation,[rdquo] including [ldquo][s]pecific standards or guidelines where restrictions are needed to ensure the achievement or movement toward the desired [ROS] classes.[rdquo]<sup>51</sup> We appreciate that pages 95-101 of the draft plan include plan components outlining the desired conditions, standards, guidelines, and objectives for the ROS as well as for each ROS setting, for both summer and winter.

The DEIS explains how the ROS serves to set clear expectations of recreation settings and uses across the forest, and that this helps in managing both existing and emerging recreation uses.<sup>52</sup> We agree that it is important for the ROS section of the forest plan to clearly state what level of infrastructure development, types of uses, and overall setting the public should expect within each ROS class, and which ROS class applies where.

We are mostly supportive of the plan components, and the specific components associated with Alternative C, that the CGNF has developed. However, the FEIS should provide an explanation to support the objectives for each ROS setting regarding how many incursions will be reduced, signs posted, etc. For example, while we support the objective of eliminating unauthorized motorized travel incursions into semi-primitive non-motorized areas, the DEIS does not provide the information necessary to determine whether five is a reasonable, or adequate, number of incursions to eliminate in a decade. Without more information we cannot know if the Forest Service could, and should, eliminate more than five unauthorized motorized travel incursions into semi-primitive non-motorized areas within a decade.

### Travel Planning

The FEIS and final plan should clearly state that ROS settings are not a substitute for travel planning decisions. The final plans should explain that site-specific travel planning is needed to determine where within semi-primitive motorized, roaded natural, and rural areas motor vehicle use will be allowed. This is particularly pertinent to winter ROS settings and OSV travel

<sup>49</sup> FSH 1909.12



50 36 C.F.R. [sect] 219.10(a).

51 FSH 1909.12, ch. 20, [sect] 23.23a(2)(g).

52 Custer Gallatin Draft Forest Plan, p. 685.

management, as the Forest Service has historically conflated [ldquo]suitable[rdquo] with [ldquo]designated[rdquo] when considering areas where OSV use is allowed. Any changes to motorized suitability (particularly if new areas are found suitable) within the part of the forest covered by the Gallatin Travel Plan should be followed by site-specific travel planning to designate specific areas or trails within that area. We suggest the following modifications and additions in the final plan:

FW-OBJ-REC 02: Initiate site-specific winter travel planning in compliance with the Travel Management Rule on the Beartooth, Ashland, and Sioux Ranger Districts within one (1) year of completion of the revised forest plan.

FW-OBJ-REC 03: Initiate site-specific travel planning to update the Gallatin Travel Plan to reflect changes in motorized suitability, and where public comment has demonstrated that updates are needed, within one year of completion of the revised forest plan.

Also, because the Custer portion of the CGNF does not currently have an OSV travel plan, when the Forest Service undertakes OSV travel planning for the parts of the forest not covered by the Gallatin Travel Plan, it cannot simply allow OSVs in all areas that are suitable for winter motorized use. The winter ROS is a starting point, identifying zones of suitability, within which the Forest Service must make specific travel management designations. Chapter 10 [sect] 11.2 of the revised Travel Management Planning directives state:

The Responsible Official generally should avoid including travel management decisions in land management plans prepared or revised under current planning regulation. If travel management decisions are approved simultaneously with a plan, plan amendment, or plan revision, the travel management decisions must be accompanied by appropriate environmental analysis.<sup>53</sup>

Appropriate environmental analysis would include compliance with the minimization criteria, as described in 36 C.F.R. [sect] 261.14. Given that application of the minimization criteria are not part of the process wherein ROS classifications are assigned, ROS classifications cannot serve a dual purpose as OHV/OSV area designations. Furthermore, the final plan should articulate, via standards associated with semi-primitive motorized, roaded natural, and rural settings that motorized route and area designations comply with the Travel Management Rule.

Winter Travel

There are several opportunities within forest planning to provide forest wide direction relevant to winter travel management such as establishing season dates for OSV use, establishing a

53 36 CFR [sect]219(A).

forest-wide minimum snow depth, and the winter Recreation Opportunity Spectrum. Including a winter ROS is important programmatic direction and we're glad to see it in the draft plan, but minimum snow depth and season dates are also useful tools for managing OSV use. Having clear and specific forest-wide direction in the revised forest plan will help in future site-specific travel planning efforts.

#### OSV Minimum Snow Depth

As described in the Final Assessment, Final Climate Report, temperatures across the forest are expected to rise significantly over the life of the revised plan and precipitation is expected to shift from snow to rain. These changes will impact where and when people engage in winter recreation on the forest. Low elevation areas that currently support over-snow recreation may not consistently support these uses in the future. Certain trailheads may no longer provide access to snow for OSV recreation. Already, in the spring and fall, it is not uncommon to see people riding snowmobiles across bare ground [ndash] on and off road [ndash] to access higher elevation snow. A minimum snow depth helps the Forest Service minimize impacts to soils and vegetation [ndash] a key requirement of the Travel Management Rule. Several National Forests are considering, or have implemented, a 12-inch minimum snow depth, as has the Chugach National Forest in Alaska. Because snowmobiling is such a popular activity on the CGNF, we ask that minimum snow depths be included in the final plan.

#### OSV Season Dates

We suggested that the revised forest plan should include season dates for when OSV travel is allowed on the forest. Season dates should differ by geographic area and align with snowpack levels and season dates on neighboring forests. The Beaverhead-Deerlodge forest plan allows OSV use from December 1 to May 15. Likewise, the Shoshone National Forest is considering implementing a late April or early May end date for OSV use in their Travel Management Plan. Season dates help to minimize impacts to wildlife and natural resources. They also help to minimize conflict between uses, including different motorized uses, by clearly differentiating when the OSVUM, versus MVUM, is applicable. The Gallatin Travel Plan includes seasonal OSV restrictions for some areas, which we support. The revised forest plan should build off of these restrictions to set season dates for OSV use across the CGNF. Similarly, summer motorized use should include season dates in appropriate places to avoid stressing wildlife at key times of year. We especially think this is important in the Gallatin Range, an important corridor and habitat area for wildlife.

#### Suitability Determinations

We appreciate that the draft plan includes both summer and winter ROS settings for all alternatives. It is critical that the forest plan use the ROS to identify the suitability of various

forest lands for motorized use. However, the ROS map should not merely be a reflection of current conditions. As described in the Forest Service Handbook, integrated planning should form the basis for the desired ROS settings.<sup>54</sup> Integrated planning should identify, for example, where in the landscape motorized recreation is a [stressor] to other resource values like wildlife, cultural resources, etc. For example, in the Crazy Mountains where motorized and mechanized use is currently not allowed and stands to degrade the ecological and cultural values there, a primitive ROS is more fitting and better aligned with those identified values.

#### Electric Bikes

We recommend adding electric bikes to the types of vehicles described in the desired conditions for semi-primitive motorized ROS, roaded natural recreation ROS, (FW-DC-ROS 07, 09 and 11)<sup>55</sup> and list them as suitable for these ROS designations.

### 5. BENEFITS TO PEOPLE

We are disappointed to see that Section 2.4 of the draft plan and the cumulative effects analysis of the DEIS make little mention of the health and medical benefits to people from spending time in nature, engaging in human-powered activities like walking and hiking. There is a rapidly growing body of science documenting the health and medical benefits that people can derive from spending time in quiet nature. These values are certainly among the most important direct benefits the CGNF provides for people of every age and background.

Access to nature can result in lower levels of stress, reduced illness and mortality, accelerated healing times, reduced obesity, improved cardiac and overall health, and a greater sense of well-being.<sup>56</sup> These benefits have been clinically proven to apply to people of all ages, income levels, genetic backgrounds, health conditions, and abilities. <sup>57</sup> Numerous papers on this subject have been written by USDA scientists and researchers. Linda Kruger, a research scientist with the Juneau Forestry Sciences Lab and author of USDA publication *The Forest as Nature's Health Service* states:

...caring for the land and serving people includes the provision of health benefits. One of the guiding principles of sustainability is to contribute to a healthy population... [A]n economic return on nature and wild places through wellness and increased quality of life will reduce healthcare costs and help create

<sup>54</sup> FSH 1909.12, ch. 20 [sect] 23.23(a)(1)(d)

<sup>55</sup> Custer Gallatin Draft Forest Plan, p. 96.

56 Improving Health and Wellness through Access to Nature, American Public Health Association.

57 Outside Magazine, <https://www.outsideonline.com/2393660/science-newest-miracle-drug-free>.

wellness... [D]elivering health benefits contributes to a healthy future for both people and the natural landscape. The most important emerging area of public health is the zone of interaction between the human and the natural environment.<sup>58</sup>

In Montana, the right to [d]clean and healthful environment[r] is an [d]inalienable right[r] guaranteed to all state residents under our State Constitution.<sup>59</sup> National forests and wild public lands provide the cleanest and healthiest environments in our state. These are some of the best areas for Montanans to exercise constitutional rights to a healthful environment because they are available to people regardless of income: in Montana, there are no fees for traveling in Wilderness or enjoying national forest trails, which comprise 90% of all trails in our state.

Growing evidence suggests national forest lands with values including the opportunity for solitude, and the opportunity to immerse oneself in natural landscapes hold immense long- term values for human wellness and recovery.

Wild natural landscapes with outstanding natural and human health values, comprise much of the CGNF. Choices in the final plan directly affect future access to the human health values of the Forest. For example, plan decisions may have long term effects on the availability of areas for natural quiet, primitive wildland settings, solitude, and RWAs, which hold very high natural and human health values. Plan decisions about whether highly valuable landscapes such as the Crazy Mountains, Gallatin Crest, and Pryor Mountains are deemed suitable for activities like oil and gas leasing, timber, road building, and other actions which reduce natural integrity and solitude could threaten the health values for communities around the CGNF.

MWA recommends that the final plan and FEIS carefully and critically include references to the best available science surrounding medical benefits of undeveloped and natural appearing forest lands as an important benefit to people, especially opportunities for quiet and human- powered recreation that are much more prevalent in Alternatives C and D.

## 6. EMERGING RECREATIONAL TECHNOLOGIES

Rapidly evolving recreation technology demands both unambiguous plan components that clearly define what types of recreational uses are permitted in certain areas, as well as forward thinking policies that anticipate the increased use and associated impacts of certain activities

58 The Forest as Nature's Health Service. Linda E. Kruger, Research Social Scientist, Juneau Forestry Sciences Lab.

59 Montana State Constitution, Art. IX, Sec. 1.

over the life of the new plan. For example, in 1986, it was barely conceivable that mountain bikes would be able to traverse most existing trails on the CGNF. Today mountain biking is one of the most popular recreation activities on the CGNF. This plan must be able to withstand advances in technology for the next 15-30 years that, like advancements made since 1986 and 1987, will undoubtedly make further and faster backcountry access easier and therefore more desirable. Products on the marketplace, though, should not influence or override administrative management decisions, especially when it comes to our nation's most undisturbed landscapes.

Motorized (or electric-powered or electric-assisted) mountain bikes is another example of an emerging recreational technology that presents a challenge in the management of quiet trails. The new electric bikes weigh as little as 65 pounds and have fat tires just like regular mountain bikes. Riders can pick the desired level of pedal assistance, or use the throttle that removes pedaling altogether. Worldwide, e-bike sales have skyrocketed with 35 million sold in 2016.

Some economists predict the industry will account for more than \$34 billion in sales by 2025.<sup>60</sup>

MWA strongly supports existing Forest Service management policy 13 that classifies all types of e-bikes as motorized vehicles that are exclusively permitted on motorized trails and roads.<sup>61</sup> While this management decision is not specific to the CGNF, it is important for CGNF to adopt and articulate this policy within recreational plan components.

E-bikes are just one example, but there are many emerging technologies that could change use on our national forest lands. Use of hovercrafts and flying vehicles are increasingly popular, and recreational use could pose new challenges for how to integrate them into CGNF management direction. Aircrafts specifically pose a danger to the integrity of Wilderness and recommended Wilderness. No matter how advanced aircraft technology becomes, such transportation or recreation is not appropriate in any type of wilderness (designated or recommended).<sup>62</sup> Backcountry airstrips for the landing of private aircraft are currently not present anywhere on the Custer Gallatin. We applaud the existing draft's standard,<sup>63</sup> and

60 Similarly, fat tire bikes for mountain biking in winter conditions are an evolution of biking technology that was

not present nor contemplated by forest managers in the 1980s. This form of winter recreation has seen an explosion in popularity in the last decade. While the recreation itself is not new (ie, biking in general), the context in which it takes place (ie, on multi-use trails in the winter where biking has not been a consideration in the past) requires special consideration moving forward. From a wilderness perspective, the popularity of fat tire biking is another example of why mechanized recreation is not allowed in designated Wilderness and cannot be suitable in recommended wilderness: allowing mechanized recreation in RWAs will mean that quiet winter areas would be available for an entirely new user demographic, potentially inundating these areas year-round with bikes.

61 USFS National Forest Briefing Paper, Managing E-Bikes on National Forest System Trails (2015).

62 McAllister, 666 F.3rd at 566.

63 Custer Gallatin Draft Forest Plan, p. 92.

encourage these types of emerging technologies that undoubtedly will develop over the life of the plan to be clarified in the Emerging Recreation Technologies section as well.

For that reason, MWA would like to see some modifications to the plan components of Section 2.4.33, Emerging Recreational Technologies. We suggest the following additional standards regarding emerging recreation technologies:

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\*  
\*

\* Use of emerging recreational technologies that are not specifically addressed by current direction are prohibited unless explicitly integrated through a public planning process.

\* Electric bikes are defined as motorized travel and are not suitable on non-motorized routes.

We also suggest modifying the current ROS suitability language as follows (additional language underlined):

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\*  
\*

\* FW-SUIT-ROSSPM 01: Motorized use, including e-bikes, is suitable on designated routes in semi-primitive motorized settings.

\* FW-SUIT-ROSRN 01: Motorized recreation travel, including e-bikes, is suitable on designated routes within roaded natural settings.

\* FW-SUIT-ROSR 01: Motorized recreation travel, including e-bikes, is suitable on designated routes within rural

settings.

## B. GEOGRAPHIC AREA MANAGEMENT

The following section discusses MWA's priority landscapes in each of the Forest's geographic areas, moving from east to west across the Forest, analysing the proposed management schemes presented in the range of alternatives.

### 1. SIOUX GEOGRAPHIC AREA

As a Montana-based organization, MWA's comments on this geographic area will be limited to the parcels of the Sioux Ranger District that lie within the state of Montana, specifically the Chalk Buttes.

The Chalk Buttes rise abruptly and dramatically from the gentle rolling hills of the surrounding prairie: so dramatically, in fact, that they impact weather systems, trapping them against the Buttes, and creating a lush green ecosystem of canyons, draws, and meadows on the tops of

the Buttes full of wildflowers, mosses, ferns, rare rice grasses, and some of the only birch tree stands in the western United States. The Chalk Buttes are like an island in the prairie, providing sanctuary for many animal species, including mule deer, mountain lions, black bears, and some of the biggest trophy elk in the state. For people, the Buttes provide quiet hiking opportunities that are unique in the far southeastern corner of our state. It's not hard to see and feel why the Buttes are a sacred landscape to many Native American peoples, particularly to bands of the Great Sioux Nation. This area has been under study as a traditional cultural landscape because of its importance to the Sioux and Northern Cheyenne tribes. The ecological integrity of this area is key to retaining its cultural characteristics.

MWA commends the Planning Team for recognizing the importance of this area in Alternative D as a BCA. While we support the management of the Buttes as a BCA, we ask that their management be based in an on-the-ground understanding of this place. Motorized and mechanized recreation are neither in demand nor suitable for this unit, and thus we ask that the BCA management be for non-motorized and non-mechanized primitive recreation only.

While the opportunity to experience solitude is not necessarily hard to come by in this sparsely populated corner of our state, the opportunities for primitive and unconfined hiking in terrain with varying and challenging elevational changes is a rare resource on the plains. Managing this area for quiet recreation, reflection, and the Buttes' important ecological characteristics, will ensure the Chalk Buttes remain the hidden jewels on the

prairie that they are, and provide important opportunities for eastern Montana and South Dakota communities to access national forest lands for quiet recreation. To emphasize the reverence people have for the hike to the top of Fighting Butte, in Appendix A we have included notes written by those who have made the hike to the top over the last ten or so years. These notes are stewarded by an MWA member who grew up in Ekalaka, hiking the Buttes, and has shared this beautiful part of her home with countless people over the years. These notes, dating back to 2008, are the reflections of just a few of the people Helen has escorted up the Buttes, as well as people who have made the journey on their own, some returning year after year, bringing their friends and family to share in the awe-inspiring experience of traversing the canyons to stand atop Fighting Butte and look out over the Powder River Valley.

Importantly, motorized and mechanized experiences are at odds with the cultural and spiritual significance of the Buttes to indigenous peoples. The Buttes retain so much of their intact character, allowing indigenous peoples to continue to practice their traditional cultural and religious ceremonies, precisely because the Buttes have limited access and limited motorized or mechanized use. Since this area is under study as a traditional cultural property, and continues

to be used and revered by indigenous peoples for those values, the religious and cultural importance must be given greater weight than recreational interests.

The nearby Ekalaka Hills, also managed by the CGNF, are full of motorized trails. The Hills are well-known in the area as the place for ATV, off-road, and motocross recreation. This unit provides ample motorized opportunities. The Chalk Buttes should not be sold out to provide more space for motorized recreation. Instead it should be retained as a quiet recreation area to provide for the full range of multiple uses (recreation, as well as wildlife values and ecological services) across the area the Forest Service is legally tasked with carrying out.

Similarly, this landscape is not conducive to mountain biking, nor other mechanized recreation. There are no trails or other such facilities for mountain biking, and the terrain itself is not attractive to mountain bikers. There is not a demand from any constituency for mountain biking in the Buttes. It simply does not make sense to declare an area suitable for mountain biking when, in fact, it really isn't. Managing the area for its cultural, ecological, geologic, and geographic values, which inform the appropriate and reasonable recreational demands from the public, is the best use of limited agency capacity, and here, that means managing the Buttes for hiking, backpacking, and equestrian use.<sup>64</sup>

Therefore, MWA requests that the Chalk Buttes unit be specifically managed for its unique properties, and that the final plan adopt a BCA designation, managed without mechanized and motorized recreation, with corresponding desired conditions, standards, suitability language, and ROS designations.

## 2. ASHLAND GEOGRAPHIC AREA

The Ashland Geographic Area, like the Chalk Buttes, is an island in the prairie. The Ashland Ranger District is the largest contiguous block of land managed by any federal agency in eastern Montana. Like every piece of land



in our state, this area is rich with indigenous history. The Sioux, Crow, and Cheyenne peoples all have historic ties to this part of the forest, though none

64 As an aside, MWA staff has reviewed public comments on the Forest Service's public reading room, both comments on the draft plan and DEIS and during the scoping period, and there are only four comments that mention the Chalk Buttes: not a single one of those four call for any mechanized or motorized access, nor supports such access in the Buttes. It is unclear, based on this available public feedback, what information the Planning Team is using to justify its claims that such recreational uses are in demand in the area, and thus makes it appropriate to manage the Chalk Buttes for such. More importantly, only on page 845 of the DEIS does the Forest Service present an attempted analysis of current recreation conditions in the Chalk Buttes. This analysis is just a table comparing motorized trails across different proposed BCAs. There is no corresponding discussion or assessment of actual use or conditions anywhere in the DEIS, for motorized or mechanized recreation in the Chalk Buttes. Without such an assessment that provides the basis for a decision to allow such recreation in the Chalk Buttes, a decision to do so would be arbitrary.

with as strong a contemporary relationship as the Northern Cheyenne Tribe. The Tongue River Breaks, directly east of the Northern Cheyenne Reservation, are particularly important to the S[acute]'ta[acute]aneo'o and Tsistsistas people, who continue to practice traditional cultural and religious ceremonies in this sacred area. The Ashland District is also deeply connected to Montana's cattle drive history, and to this day boasts one of the largest cattle grazing systems in the nation.

Characterized by bright red sandstone hills, thick stands of ponderosa pines, and open meadows of sage and beautiful wildflowers, this district is important wildlife habitat for all kinds of species, in addition to being the backbone of the local cattle grazing economy. Three areas inventoried roadless areas - the Tongue River Breaks, King Mountain, and Cook Mountain

- are roadless and have been managed for their primitive foot-and-hoofstock opportunities alongside thoughtful grazing for the last 30 years. Public statements by forest officials over the course of this planning process have indicated that the success of these [ldquo]low development areas[rdquo] is the inspiration for the proposed BCAs in the draft plan.<sup>65</sup>

MWA argues that these low development areas have indeed been successful enough to warrant recommended wilderness management. MWA completed and submitted to the Forest Service wilderness inventorying of these three units in the summer of 2017. Our on-the-ground inventory work clearly and accurately describes the social and ecological characteristics present in Cook Mountain, King Mountain, and the Tongue River Breaks as being of wilderness-quality. It's clear that the Planning Team agrees with that analysis on some level because these three units are offered as RWAs in Alternative D.

While there may be concerns among members of the public about the compatibility of RWA management and cattle grazing on the same unit, MWA knows that these two resources can coexist.<sup>66</sup> The Wilderness Act does not preclude grazing<sup>67</sup> and therefore RWA management should not preclude grazing either. Furthermore, the

fact that the Ashland District as a whole supports a large grazing program should not be a reason to forgo compatible conservation protections on three small areas. Likewise, the existence of some grazing facilities, like limited fencing and unobtrusive stock ponds that are noted in the three areas in Appendix D - is not in opposition to their wilderness character as the Appendix's discussion implies. Furthermore, each of these three areas only has one grazing allotment per area. That means there is only one

65 See also Custer Gallatin Forest Plan DEIS, p. 17.

66 As one example, MWA is an active member of the Ruby Valley Strategic Alliance, a collaborative group of conservationists and ranchers, working to maintain and enhance the stewardship and management of the greater

Ruby landscape. The coexistence of sustainable ranching and wild lands is central to this work.  
<https://rvcd.org/ruby-valley-strategic-alliance/>

67 16 U.S.C. [sect] 1133(d)(4).

permittee the Forest Service must work with for each of the areas: one allottee per RWA unit is an entirely reasonable management and coordination load for the Forest to oversee

Appendix D notes that all three areas contain various amounts of [ldquo]departure from historic vegetation conditions.[rdquo]68 These departures are attributed to wildfire activity that has deviated from historical and ecological norms due to past fire suppression. Recommended wilderness management - with its emphasis on natural processes dominating and little artificial manipulation - will allow historic, natural processes to dominate.69 Emphasis on natural processes is especially important in grassland and pine savanna ecosystems in the face of climate change. Allowing these areas to naturally adapt to the coming [lsquo]new normal[rsquo] is essential to their long-term viability. Likewise, continued artificial manipulation of the landscape, including extreme fire suppression is not just damaging to the natural systems and adaptation, but extremely costly for the agency. Recommended wilderness management is appropriate not only for [lsquo]pristine[rsquo] landscapes, but also for units that will benefit ecologically from such management: areas that are otherwise outstanding candidates for inclusion in the Wilderness system can be restored to natural conditions through appropriate RWA management. The Tongue River Breaks, Cook Mountain, and King Mountain are three wonderfully unique, wild, and rugged landscapes that, due to management decisions that artificially altered their natural conditions and processes, can and should be restored with appropriate management. Finally, these three landscapes, with their rolling hills, craggy breaks, and lush grasslands, represent ecosystems not currently represented in the NPWS. Increasing the diversity of protected ecosystems should be a goal of our federal land managers.70

As [ldquo]low development areas,[rdquo] the Tongue River Breaks, Cook Mountain, and King Mountain are all currently managed for foot and hoofstock recreation, and motorized recreation is not allowed. While the areas are technically open to mechanized recreation, the geography is not at all conducive to an enjoyable mountain biking experience due to tall grasses in open areas and the river breaks geology. Furthermore, the fact that there are no trails makes this kind of transportation nearly impossible. We appreciate the proposed BCAs under Alternative B and C, offering suitability language that expressly make mechanized recreation unsuitable in these areas.

These three areas are rugged, challenging the few recreational visitors to a profoundly primitive experience, whether on foot or on horseback. The fact of the matter is that the [ldquo]low development management[rdquo] since the 1980s has preserved and enhanced the social character

68 Custer Gallatin DEIS, Appx. D, pp. 162-167.

69 See Custer Gallatin Draft Forest Plan, FW-GDL-FIRE 03 (p. 50) and FW-SUIT-RWA 03 (p 131).

70 See note 36, Aycrigg, et al.

of wilderness. With this plan revision, the Planning Team offers to manage the Tongue River Breaks, King Mountain, and Cook Mountain as non-motorized, non-mechanized primitive areas for unconfined quiet recreation, solitude, and ecological character.<sup>71</sup> This management scheme, while called BCA, is RWA in spirit: managing an area for natural conditions to dominate and for primitive, non-motorized and non-mechanized recreation is managing its wilderness characteristics. Using BCA management to preserve wilderness characteristics, rather than RWA management, seems unnecessary: if wilderness characteristics are present and are to be managed, RWA management is the appropriate scheme, as proposed in Alternative D.

Like the Chalk Buttes, the Tongue River Breaks continue to hold special significance for indigenous peoples. The ability of indigenous peoples to maintain these connections and practices depends on the intact nature of the Breaks. The natural settings that inform and maintain indigenous connections are best respected by continuing to allow access only by foot and hoofstock to prevent physical and social damage and managing for natural processes to dominate the landscape. Therefore, we appreciate the standard for this geographic area that reads [ldquo]New spring development in the Tongue River Breaks should avoid springs used for traditional cultural purposes, to minimize conflicts with traditional cultural practices.[rdquo]<sup>72</sup>

### 3. PRYORS GEOGRAPHIC AREA

The Pryor Mountains are as unique as they are wild. These mountains represent a truly one-of-a-kind convergence of three separate and distinct ecoregions: the Middle Rockies, Wyoming Basin, and Northern Great Plains. This confluence results in a biodiversity hotspot.<sup>73</sup> The Pryors are home to many plants and animals found nowhere else in Montana, often representing the northern-most reach of their range, as well as species that are found nowhere else in the world. These uplifted limestone plateaus, featuring numerous caves and canyons, rise from the driest region in Montana and yet hold year-round snowfields atop Big Pryor. The Pryor Mountains also have deep significance for the Apsaalooke (Crow) Tribe, who[rsquo]s contemporary reservation covers the northern section of the mountains. The Pryor Mountains[rsquo] ecosystems are underrepresented (if represented at all) in the NWPS and as a whole is an important landscape to protect, a fact that Appendix D entirely neglects.<sup>74</sup>

71 Custer Gallatin Draft Forest Plan, p. 146. AL-DC-ABCA 01: [ldquo]Quiet, non-motorized recreation opportunities predominate,[rdquo] and 02: [ldquo]The physical environment and visual settings of the Tongue River Breaks provide the qualities of reflection, renewal and sanctuary.[rdquo] See also FW-DC-BCA 01 (p. 131) and FW-STD-BCA 02-07 (p.132). 72 Custer Gallatin Draft Forest Plan, p. 146.

73 See K. Ostovar, Pryor Mountains Bioblitz Report, Rocky Mountain College Department of Environmental Sciences (2012).

74 See note 36, Arycrigg et al.

We agree that the Pryor Mountains are unique and deserve some type of special management, but the BCAs proposed in Alternatives B and C are inadequate to fulfil the stated DCs for the range and to fully protect the social, cultural, and ecological resources. Allowing natural processes to dominate and retain the existing primitive, intact, backcountry character is best achieved through RWA management. MWA participated in inventory work in the Pryor Mountains during that stage of this planning process. Like our work in the Ashland District, these inventories that were previously submitted and accepted by the CGNF, accurately capture the social and ecological characteristics of the Pryors, and clearly shows that these areas qualify to be managed as recommended wilderness. MWA therefore urges the Forest Service to adopt the strongest possible protections for these incredible mountains, and manage Big Pryor, Bear Canyon, Punch Bowl, and the entirety of the Lost Water Canyon area (the existing RWA from Alternative A expanded as reflected in Alternative D) as RWAs. Each of these areas is discussed in detail in the following sections.

## Big Pryor

The Big Pryor Mountain plateau is a [ldquo]prairie in the sky,[rdquo] rising from rocky, scrubby desert-like conditions in the lower elevations to almost a savanna-like expanse of grasses, wildflowers, and ponderosa pine stands. The DEIS, Appendix D notes some [ldquo]departure from natural conditions[rdquo] in the vegetation of the area, seeming to imply that such deviations do not conform with recommended wilderness.<sup>75</sup> This is incorrect. The areas in question may have some deviations from the natural conditions, but the area still appears very natural. While some plant communities may be different than native or historical conditions, to the average visitor, these areas [ldquo]appear[rdquo] very natural: apparent naturalness is not the same as ecologically native or historic conditions. Likewise, RWA management would preserve, and therefore inadvertently improve, existing wilderness character that has been lost or degraded due to past management and uses in an otherwise outstanding area.

Likewise, Appendix D describes [ldquo]abandoned mines[rdquo] on the top of the plateau.<sup>76</sup> Without context, these [ldquo]mines[rdquo] create an image of large-scale surface disruption or significant infrastructure, which very well would detract from the wild character of a place. However, the so called [ldquo]abandoned mines[rdquo] in the Pryors are merely small trenches that have become re- vegetated and would be better described as [ldquo]undeveloped mining claims being ecologically reclaimed.[rdquo] These small divots in the earth are small, singular track marks made by some kind of machine (like a backhoe) by the claimholders many years ago. These were likely done to avoid losing their claims to subsequent locators by meeting the \$100 annual development minimum requirement. Most are no more than eight feet wide by twelve feet long and not

75 Custer Gallatin DEIS, Appx. D pp. 170-171.

76 Id. at 170.

more than eight inches deep. These divots are entirely unnoticeable except to those who know they are there and what they are: an unfamiliar eye could easily miss these small deviations in the landscape, or assume they are old sink holes, given the limestone geology of the range.

These are not [ldquo]abandoned mines[rdquo] in the common sense, as evoked by the language in Appendix D, and do not detract in any way from the wilderness characteristics that do exist on Big Pryor. (See photos attached in Appendix A of these comments.)

Similarly, the water ponds noted in Appendix D are not noticeable as man-made features on the landscape.<sup>77</sup> To the lay observer, they look like small, natural ponds or filled sinkholes, which are common in the limestone geology of the Pryors. Only a rangeland expert or someone deeply knowledgeable about the landscape could easily pick these out as stock ponds. And, like the [ldquo]mines,[rdquo] these ponds are not rampant across the landscape, but rather unobtrusive and sporadic. Additionally, as grazing is allowed in RWA and designated Wilderness landscapes, it is similarly nonsensical to expect areas that support both wilderness and rangeland values to be devoid of any evidence of grazing: grazing and wilderness are compatible, and therefore some evidence of grazing activities cannot legally detract from wilderness values.

When it comes to recreation on Big Pryor, this remarkable place invites those seeking a wild, primitive, and solitary experience. Appendix D[rsquo]s observation that the area is [ldquo]hard to access[rdquo]<sup>78</sup> seems to be written as a detractant from the area[rsquo]s wilderness potential, but really, strengthens the case that this area is wild, primitive, and where visitors will likely not encounter others because of the lack of improved access. Wilderness areas are not designated solely for recreation, and thus recreational access is not the sole element for consideration. Where recreation is included in managing an area for wilderness, such recreation is meant to challenge visitors[rsquo] skills. Designated and recommended wilderness areas are not built, [ldquo]frontcountry[rdquo] recreational areas: they are wild places, and a lack of human access strengthens both the social and ecological wilderness character.

In the proposed Big Pryor RWA, the Forest Service notes that there are less than 11 miles of routes currently open to mechanized and motorized recreational transport that would be implicated if RWA management is to prohibit non-conforming uses (which MWA advocates for, as discussed in earlier sections of this comment letter).<sup>79</sup> MWA believes it is a worthwhile tradeoff to close so few miles of scarcely used routes - especially the user-created routes and other routes that dead-end in the proposed RWA areas and therefore do not provide enjoyable loop rides for ATV and OHV enthusiasts - to protect the ecological integrity of nearly 13,000

77 Id.

78 Id.

79 Id. at 171.

acres, particularly given the fact that there are nearly 200 miles of motorized and mechanized routes in non-wilderness areas of the Pryors.

The truly unique landscape of Big Pryor would be a wonderful addition to the NWPS, and should be managed as such. MWA urges the Forest Service to manage the Big Pryor RWA as put forth in Alternative D, with no motorized or mechanized, non-conforming uses.

#### Bear Canyon

Bear Canyon is a quintessential area of the Pryors: the area includes scrubby, rocky exposed lowlands, lush river bottoms lined with tall cottonwoods, and spectacular views on the top of the canyon of the Big Pryor proposed RWA. This area abuts lands managed by the BLM and is an extremely popular destination for hikers, birders, and other people interested in peace, quiet, and solitude in a beautiful canyon. In fact, the Yellowstone Valley Audubon Society designated Bear Canyon an Important Birding Area several years ago because of the unique ecology of the canyon that creates spectacular habitat for an array of bird species. The aptly named canyon is also a popular spot for black bears and other wildlife who travel through this riparian corridor in an otherwise arid landscape.

Similar to Big Pryor, the few stock ponds in the Bear Canyon area are entirely inconspicuous and not noticeable as [ldquo]unnatural[rdquo] features to the average forest-visitor.<sup>80</sup> Likewise, any small departures from historic vegetative conditions can be rectified through RW management, and deviation from such historic conditions does not make an area unqualified for RW management so long as the area, like Big Pryor, [ldquo]appears natural.[rdquo]

We are concerned at the contradiction in Appendix D that states [ldquo]there are no trails[rdquo] in the proposed RWA, and in the same breath suggests that unconfined and primitive recreation will be difficult in the area because [ldquo]however, much of the area is very rugged.[rdquo]<sup>81</sup> First, the lack of designated, built system trails in the area is because of the Forest Service[rsquo]s failure to provide such facilities for primitive recreation like hiking.<sup>82</sup> Second, the lack of trails strongly suggests the area is primitive precisely because there are no facilities for visitors to rely upon, thereby testing their own skills and abilities to navigate the landscape. Finally, [ldquo]much of the area is very rugged[rdquo]<sup>83</sup> only lends support to the primitive experiences available to those looking for a wilderness experience. Rugged landscapes that lack extensive built facilities - like Bear Canyon -

80 Id. at 168.

81 Id.

82 Nonetheless, this area is popular with hikers, starting on BLM land and crossing agency boundaries. MWA members routinely lead hikes as part of our Wilderness Walks series on these trails. See our online hiking guide at

<http://hike.wildmontana.org/> for more on these trails.

83 Custer Gallatin DEIS, Appx. D at 168.

are the definition of primitive, and naturally tend to result solitude because the lack of developed access and system trails mean only particularly hearty hikers and equestrians make the journey. Again, as in Big Pryor, the main purpose of wilderness management and designation is not solely for recreational experiences, but for a whole range of ecosystem services and the recreational experience that comes out of that management is of primitive and challenging experiences for foot and hoofstock visitors. Bear Canyon is an incredible jewel in the national forest system, and it deserves to be recognized and protected as recommended wilderness.

#### Punch Bowl

The Punch Bowl area is arguably the least-visited of the proposed RWAs in the Pryors. It is hard to access and far from any population center, immediately creating the conditions for solitude. While the grazing allotments and historic fire suppression in the area have resulted in some artificial manipulation of the vegetation, the area still appears to the lay visitor as very [Idquo]natural.[rdquo]84 As discussed in other sections, RWA management is appropriate for enhancing natural conditions to otherwise outstanding candidates for Wilderness recommendation.

The Punch Bowl area is specifically known for its cultural importance to the Crow people.<sup>85</sup> These values are best honored through a high level of protection from degradation through increased access, and motorized and mechanized recreation. The Punch Bowl area, like all land sacred to indigenous peoples, is not a recreational playground: BCA management, with its emphasis on human recreation, is not appropriate for this area. Such a decision would indeed be arbitrary and capricious.

Finally, Appendix D notes that Road #2144 [Idquo]nearly dissects the northwest portion of the [RWA],[rdquo] and offers the observation that [Idquo]manageability as wilderness...in its entirety would be challenging with the long motorized incursion.[rdquo]86 First, cherry stem roads are not uncommon in designated and recommended wilderness areas in this forest. The Absaroka-Beartooth Wilderness is famous for its Boulder Road cherry stem. Such [Idquo]intrusion[rdquo] alone is not enough reason to fail to protect the rest of an outstanding area. Second, Road #2144 does not provide meaningful access: it is not considered a main access road in the Pryors as it dead-ends in the heart of the Punch Bowl area. This intrusion, while maybe providing easier access for recreationalists into the area, is not essential for such access (and again, recreation and recreational access is

not the sole purpose for wilderness designation or management). The area is not so large that foot access cannot be achieved by traversing the landscape from the

84 Id. at 174.

85 Id., see also Custer Gallatin DEIS, pp. 543, 545, and 792.

86 Id., Appx D at 175.

other main access routes in the Pryors. The Forest Service that it has the full authority to, upon appropriate analysis, close or decommission unnecessary motorized roads and routes, particularly to protect other outstanding resource values, like wilderness values. Managing Punch Bowl as an RWA without motorized and mechanized recreation, and taking steps to analyze the closure of Road #2144 will make managing the entire 7,766 acre Punchbowl area as wilderness much easier for the agency.

#### Lost Water Canyon

MWA supports retaining the existing Lost Water Canyon RWA present in Alternatives A, B, and C, but more importantly, supports the expansion of the RWA to cover the whole area as described in Alternative D. This expansion, to include the forest land that abuts BLM land to the east and south, recognizes the integrity of the landscape as a whole, and any reservations about the feasibility of managing this area as RW are unfounded or disproportionately emphasised in the DEIS, Appendix D, upon further contextual investigation.

Since the current forest plan was adopted, the BLM has issued a new Resource Management Plan for areas adjacent to the Pryor Mountains Geographic Area. This plan designated 11,504 acres as Lands with Wilderness Characteristics (LWC), the BLM's corollary to RW management.<sup>87</sup> Those acres are in addition to the 21,795 acres included in three BLM Wilderness Study Areas<sup>88</sup> immediately adjacent to the boundary of forest land in the Lost Water Canyon RWA from Alternative D. The National Park Service has also recommended 7,975 acres of the Bighorn Canyon National Recreation Area for wilderness in its General Management Plan, just to the east of the forest, consistent with the BLM's WSA and LWC management.<sup>89</sup> That totals over 41,000 adjacent acres managed specifically to preserve their wilderness character in the southeast Pryor Mountains. The BLM and the Park Service have recognized and protected the wild character of the Pryors that surround CGNF's lands. This demonstrates both the inherent characteristics of this range that are worthy of protection as recommended wilderness regardless of the agency, and the feasibility of managing the larger area of this specific landscape for such characteristics.

Appendix D discusses the difficulty of managing the 1,062 acres south of Burnt Timber Road as RW because of its apparent separation from the rest of the area by the road. The Appendix discusses this area as an isolated island from the rest of wilderness-managed land. The reality, though, is that this parcel is immediately adjacent to the above-discussed BLM WSA lands that are specifically managed for their wilderness character. There is nothing on the ground along



87 Billings Field Office Approved Resource Management Plan (2015).

88 All of these WSAs were recommended for Wilderness designation in the 1991 statewide study of BLM WSAs.

89 Bighorn Canyon National Recreation Area General Management Plan (1980).

the boundary of the Forest Service and BLM lands that separates the areas. Instead, this landscape is entirely intact across the management boundaries, and the Forest Service land is seamlessly connected to the wilderness-quality lands with the WSA. This area abuts more area managed as wilderness from the BLM and Parks Service, easily qualifying for such management.<sup>90</sup> The analysis in Appendix D and elsewhere in the DEIS fails entirely to take these other federal management schemes into meaningful consideration.<sup>91</sup> Without proper analysis in the wilderness inventory of these other areas, the analysis is flawed. We ask that the CGNF recognize and account for the management plans and prescriptions of adjacent agencies in the planning process, and manage the entire Lost Water Canyon area as RW, as it complements the existing wilderness management by the BLM.

Similarly, Appendix D discusses the perceived difficulties of this small area's overlap with the Pryor Mountain Wild Horse Territory. The Appendix asserts that it is the management activities associated with the herd, not necessarily the horses themselves, that are at odds with RWA management.<sup>92</sup> This initial impulse is without founding. Authorized administrative means of managing the wild horse herd using motorized or mechanized means would not be precluded under RWA management. The draft forest plan provides specifically for the use of mechanized and motorized tools to accomplish restoration activities.<sup>93</sup> While wilderness restoration could be interpreted as not including wild horse management activities, MWA argues that managing the wild horses is indeed part of maintaining and restoring wild character, just like any other species-focused project. Alternatively, the draft plan could easily include a specific suitability requirement for the Lost Water Canyon RWA, making it clear that the area is suitable for mechanized and motorized wild horse management activities as needed. Furthermore, the BLM and the Park Service are both able to manage the Wild Horse Range where it overlaps with their lands managed for wilderness character. Similarly, it must be noted that Appendix D's statement regarding the apparent impact of wild horses on the area's vegetation ("appears generally modified due to wild horse grazing") is unjustified.<sup>94</sup> Wild horses are, by their very name, wild: the impacts of wild animals on the landscapes should not be considered degrading to the wilderness character of an area.

90 FSH [sect]71.21: "[c]ontiguous to an existing wilderness, primitive areas, administratively recommended wilderness, or wilderness inventory of other Federal ownership."

91 Page 789 of the DEIS mentions the adjacent BLM and Park Service lands in name only. There is no discussion nor analysis of the Handbook's language nor the adjacent management of the WSAs, Lands with Wilderness Character,

and Park Service areas. But Appendix D, the wilderness inventory, does not discuss the adjacent wilderness-managed areas at all.

92 Custer Gallatin DEIS, Appx. D, pp. 172-173.

93 Custer Gallatin Draft Forest Plan, p. 131 (FW-SUIT-RW 04).

94 Custer Gallatin DEIS, Appx. D, pp. 172-173.

Similarly, any modification of the area from grazing of domestic animals, such as cattle, is not disqualifying for RWA management. The nearly pristine condition of the Research Natural Area's vegetation is a perfect example of how thoughtful management of the landscape's ecology leads to landscape resiliency. RWA management is appropriate not just to maintain existing wilderness character, but also to bolster and improve the wilderness character of an otherwise outstanding area.

Finally, Burnt Timber Road does not detract from the wilderness character of the two sections on either side, and the integrity of the whole. It is contradictory when comparing Appendix D's criticism of Burnt Timber Road, providing access to and through the area, as a detractant from the agency's ability to manage the area as wilderness, but criticizes Big Pryor's wilderness suitability because it is "hard to access."<sup>95</sup> Similarly, Bear Canyon's wild character is questioned seeming to suggest the area is not appropriate for primitive recreation because "much of the area is very rugged." These contradictory statements about the primitive qualities of these outstanding areas is questionable and confusing. The evaluation of wilderness characteristics must be an objective process. These contradictory and unfounded statements seem as though the DEIS is searching for reasons to not manage these areas of the Pryors as wilderness, evidence of arbitrary and capricious decisions and an abuse of discretion under the Administrative Procedures Act.

Overall, Appendix D's disproportionate focus on road access, trail access, minimal historic mining activity, and grazing activity in the Pryors over the areas' other social and ecological wilderness characteristics is presented without a clear and objective discussion on how these factors were all weighted in the analysis to create the five different alternatives. Clearly, all four areas were inventoried, identified, and qualify as wilderness areas since they are presented in Alternative D as RWAs. But without disclosure and discussion of exactly how the inventory objectively weighed the present characteristics that led to the final statements in Appendix D, a decision to disqualify such areas from wilderness consideration would be arbitrary and capricious.

#### Recreation Opportunity Spectrum

The Pryor Mountains Geographic Area has never been adequately recognized for its quiet recreation opportunities. Instead, they have been managed and advertised as an "ATV playground" with hundreds of miles of roads and routes that traverse the Forest Service and BLM managed areas.<sup>96</sup> Both agencies have demonstrated a commitment to collaborating to

<sup>95</sup> Id.

renumber and maintain these routes, and we urge the Forest Service to continue that collaboration for the many quiet recreation opportunities that exist in the Pryors. Heavy construction of highly developed recreation facilities for quiet recreation is not necessary, nor appropriate, for the Pryors. However, basic signage is necessary, and should not be foreclosed by a misinterpretation or misapplication of ROS standards for primitive recreation: primitive does not mean a complete lack of basic signage. Basic amenities for quiet recreation in these fragile ecosystems - like trail head signs at appropriate locations, blazes, witness markers or other [ldquo]primitive[rsquo] trail markers along routes that are already used by quiet recreators - will ensure these activities will continue to be sustainable. Appropriate markers will not detract from the primitive and unconfined experience, and will help ensure that recreation does not do damage to fragile plant communities that are easily damaged by roving recreators, and keeping visitors safe by delineating appropriate routes.

As discussed above, MWA urges the Forest Service to manage qualifying areas of the Pryors as RWAs, evidenced in Alternative D. These very basic recreational facilities are not precluded by RWA management and a corresponding ROS Primitive setting. This ROS setting allows for basic, rustic signage that ensures the safety of both the visitor and the landscape, so the wilderness characteristics (both ecological and social) are not impaired.<sup>97</sup> In fact, FW-DC-ROS 03 proclaims that signage and other information in primitive areas is [ldquo]not prevalent,[rdquo] but certainly not non-existent.<sup>98</sup> The specific word choice of not prevent, combined with the language in FS-OBJ-ROSP 01 that makes a commitment to construct primitive signage in Wilderness and RWAs, implies that basic and appropriate signage is expected in primitive areas.<sup>99</sup> We urge the Forest Service not to overlook the Pryors for these activities, and to not use the current lack of basic information as an excuse for competent management going forward.

#### 4. ABSAROKA-BEARTOOTH GEOGRAPHIC AREA

The majority of the Absaroka-Beartooth Geographic Area is dominated by the AB Wilderness. Again, as described above, we impress upon the agency the need for Wilderness management planning, and MWA looks forward to being a part of that planning process.

For the areas that lie outside the designated Wilderness, we offer our thoughts on the inventoried wilderness areas in the following sections.

<sup>97</sup> FSM 2330.5 (2018).

<sup>98</sup> Custer Gallatin Draft Forest Plan Plan, p. 95.

<sup>99</sup> Id. at 98.

## Stillwater Mine Complex

The [ldquo]Stillwater Mine Complex,[rdquo] as proposed in Alternatives B and C, is not clearly defined as an administrative management allocation anywhere in the draft plan or the DEIS, nor does the draft Plan provide any meaningful direction for the management of the proposed complex.

MWA recognizes the importance of the Stillwater Mine as an economic driver of the region and the state, and the importance of the minerals it produces for industrial air pollution abatement technologies. Likewise, we appreciate the existing, valid mineral claims on federal land will not be precluded from development under recommended or even designated Wilderness status.

However, we are deeply concerned by the lack of standards or guidance for how the desired conditions for the area, as listed in Section 3.5.7 of the draft plan, are to be met. The draft plan lists only the desired conditions that [ldquo]exploration, development, and production[rdquo] of the mines continue, and that mine production is [ldquo]commensurate with conservation of other resources.[rdquo]<sup>100</sup> There are no standards or objectives that will guide the Forest over the lifespan of this plan to achieve those desired conditions and for the Forest[rsquo]s obligations to these federal resources. Forest-wide directives that would apply are not sufficient guidance where the Forest Service is proposing a specific complex area, such as the Stillwater Mine Complex. Without more robust and specific plan components, it is unclear exactly why the Complex is needed and how its management will be different from forest-wide management and tailored to the Complex, in defiance of the 2012 Rule.<sup>101</sup>

Likewise, we are deeply concerned that these desired conditions do not address the biodiversity, wildlife habitat, and connectivity, and recreational values recognized in this area n. The proposed complex in Alternatives B and C is 102,945 acres, of which 57,563 are inventoried roadless acres. This area of the forest, just north of and contiguous to the designated AB Wilderness, provide important wildlife habitat for several identified species of critical concern, and also provide valuable recreational opportunities for people. The sheer fact that the current mines operate and the proposed Complex immediately borders designated Wilderness requires specific plan components to address the impacts - direct, indirect, and cumulative - of mining in such close proximity to designated Wilderness.

The DEIS notes the potential negative impacts of such a [ldquo]complex[rdquo] on Bighorn sheep, lynx, and other species of concern, but the draft plan fails to incorporate any direction for how those impacts should be mitigated, even though the DEIS concedes that mining will likely continue

<sup>100</sup> Id. at 163.

<sup>101</sup> See [sect]219.19 of the 2012 Rule: [ldquo]Management area: A land area identified within the planning area that has the same set of applicable plan components. [ldquo]

over the next 30 years.<sup>102</sup> There are many popular motorized and mechanized trails that provide recreational opportunities outside the designated Wilderness, as well as valuable backcountry hunting areas that overlap directly or would be impacted by the proposed Stillwater Complex. Balancing the importance of the mining activities to local economies with the growing demand for outdoor recreation should be addressed with additional language in the forest plan.

While forest-wide directives and goals will apply to the proposed Stillwater Complex, the sheer size and potential impact of mining operations (from surface and subsurface disturbance, road building, infrastructure development, impacts on recreational opportunities on established trails, the many effects on water resources, and impacts on the adjacent AB Wilderness) warrants more site-specific direction to ensure mining activities are truly sustainable - ecologically, socially, and economically.

### Recommended Wilderness Areas

While the majority of this geographic district is dominated by the designated AB Wilderness, there are several key areas that lack congressional designation, and this plan revision offers the Forest Service an important opportunity to manage these areas for their wilderness qualities.

MWA supports continued RWA management of the six areas identified in the 1986 Custer Forest Plan, as evidenced in Alternative A (Line Creek Plateau, Red Lodge Creek/Hellroaring, Mystic Lake, Burnt Mountain, and Republic Mountain). In addition to these six areas, we support RWA management of the following areas identified in Alternative D: Red Lodge Creek, East Rosebud to Stillwater, West Woodbine, Chico Peak, Emigrant Peak, and Dome Mountain.

Line Creek Plateau is an important area for a variety of reasons, and continued recommended wilderness management will best protect the wilderness values of the area. The area outside of the existing RWA in Alternative A provides important and valuable backcountry mountain biking that has been stewarded by the cycling community, balanced with the larger plateau's designation as a Research Natural Area (RNA). Protecting the area currently managed as RWA protects an area of the plateau outside of the RNA and provides continuity to the overall landscape.

Red Lodge Creek/Hellroaring RWA includes the primitive hiking trail to Lake Gertrude and Timberline Lake. RWA management improves manageability of the surrounding Wilderness, shoring up a gap in the boundary of the designated AB Wilderness, and provides continuity to the management of the overall landscape. This area has been managed as recommended Wilderness since the 1980s, and should retain that designation. There is nothing that sets this

<sup>102</sup> Custer Gallatin DEIS, p. 439.

unit apart from the surrounding AB, nothing that detracts from its wilderness character to suggest that it should be treated as anything less than part of the existing Wilderness. In fact, the burn area actually adds to the overall ecological diversity in the AB as a whole.

Mystic Lake RWA, while quite small, provides important opportunities to manage the areas immediately surrounding Mystic Lake consistently with the surrounding designated Wilderness. Mystic Lake is an extremely popular day and overnight destination for hikers and backpackers, and the trail sees heavy traffic. Nonetheless, upon reaching the lake, solitude can quickly and easily be found by accessing the RWA area or heading deeper in the AB that immediately surrounds the entire lake. RWA management in the existing RWA also gives the Forest Service the best tools to manage Mystic Lake RWA in a way that maintains the lake and surrounding area's ecological and social characteristics that make it such a popular destination for quiet recreators and for the overall continuity of the surrounding Wilderness.

Republic Mountain RWA should also be retained because it is disconnected from any roads or trails, making it entirely shaped by natural forces with no sign of modern human management. This area is especially important for its primitive and unconfined backcountry skiing opportunities. Like Line Creek, it is contiguous to existing designated Wilderness (two in fact, the AB and the North Absaroka Wilderness in Wyoming).

In terms of new areas that should be recommended, MWA supports the following areas proposed in Alternative D; Red Lodge Creek, East Rosebud to Stillwater, West Woodbine, Chico Peak, Emigrant Peak, and Dome Mountain. These areas are perfect candidates for RWA management because of their continuity to the existing AB Wilderness. All of these areas, with the exception of Chico Peak, are immediately contiguous to the AB (Chico Peak is of sufficient size to be managed as RWA without the immediate continuity with designated Wilderness), and are almost entirely IRAs. These areas are largely trail-less, making their social conditions ideal for solitude. Each of these areas provides vital wildlife habitat for animals moving through the Greater Yellowstone Ecosystem, and out of the protected areas of the Absaroka-Beartooth Wilderness and Yellowstone National Park.

Red Lodge Creek RWA includes the currently recommended Burnt Mountain RWA just north of Red Lodge Mountain ski area. Because of the area's disconnection from any existing trail or road network, it remains untrammelled, ecologically and socially. Appendix D, Wilderness Inventory, of the DEIS does not note any reason why this area should lose its management status. Rather, it very clearly describes an area that meets all the requirements for RWA management. We would like to see this area expanded into the proposed Red Lodge Creek RWA in order to protect important lands adjacent to the AB.

East Rosebud to Stillwater, particularly the two areas on either side of West Rosebud Rd., provide an important

opportunity to protect lower-elevation areas outside of the core of the AB. Protecting these lower-elevation landscapes that are not presently protected in the designated Wilderness increases the diversity, complexity, and integration of protected ecosystems. These areas in particular host an abundance of game, and the combination of the low elevation, and vegetative stands provide sought-after backcountry hunting experiences.

The West Woodbine unit is small, but contiguous to the AB. There are no trails in the unit, which speaks to its intact ecological character, and its social characteristics for primitive, solitary recreation. Appendix D notes that this unit is immediately south of the Stillwater Mine, and while there may be slight interference from a human perspective from the sights and sounds of mining activity, managing this unit for its wilderness character will serve the wildlife (particularly species of concern like Bighorn sheep and lynx) that need refuge from habitats impacted by mining.

Chico Peak, while not continuous to AB, is large enough on its own and its boundaries configured in such a way that wilderness management is entirely feasible. Chico Peak provides important habitat as well as migration corridors for elk, deer, Grizzly bears, and other animal species. This area does not have trails of any kind. This provides a high degree of solitude for quiet, primitive recreation.

Emigrant Peak, just south and west of Chico Peak, should also be managed as an RWA. This large unit, contiguous on its southern border to the AB and sweeping up into the corridor of Paradise Valley, provides high quality opportunity for summer and winter primitive recreation. This area is also important for seasonal wildlife movements and provides secure habitat for elk, wolves, Grizzly bear, wolverine, and Lynx. The recent passage of the Yellowstone Gateway Protection Act demonstrates the desire of congress and the public to protect the wild character of this unique area. It is important to protect that legacy by managing the area as recommended wilderness.

Dome Mountain, just to the south of Emigrant Peak, also contiguous to the AB and provides the same ecosystem services to wildlife and people alike that Emigrant Peak does. Appendix D identifies one 4.5 mile trail in each unit as the only trail in each of the areas, and notes that both trails are currently open to mechanized use.<sup>103</sup> Although open, these trails are seldom used in general and are not highlighted on any of the regional mountain biking maps or websites. Neither trail is maintained for mountain bikes, and the geography of both areas is

<sup>103</sup> Custer Gallatin DEIS, Appx. D, pp. 184-185.

not conducive to a quality riding experience. Both trails are not appropriate, nor commonly used by mountain bikers. Therefore, managing these units as recommended wilderness without non-conforming uses will not displace any valued mechanized uses in the area, and should not be a reason for excluding this area from being recommended.<sup>104</sup>

## Bad Canyon BCA

The Bad Canyon area provides important wildlife habitat, as well as opportunities for human solitude. Bad Canyon is one of the few areas outside of the designated AB where human visitors can have a truly backcountry experience that is easily accessible by vehicle, notably horse trailers. As pressures continue to grow on the AB with increased use, it will be important to provide valuable, sought-after recreation opportunities and wildlife habitat outside of the AB.

Bad Canyon provides great opportunities for backcountry hunting due to its size, lack of motorized and mechanized use, intact habitat, and accessibility. To protect both the social conditions of solitude and the ecological conditions of naturalness and the prevalence of game in the area, it is essential that Bad Canyon be managed as a non-mechanized BCA as proposed in Alternative B.

## 5. BRIDGER, BANGTAIL, AND CRAZY MOUNTAINS GEOGRAPHIC AREA

### Crazy Mountains

The Crazy Mountains (90,690 acres), include the headwaters of the Shields River and the 82,093 acre Crazy Mountains roadless area. An additional 57,618 acres of the northern Crazy Mountains are on the adjacent Helena-Lewis and Clark National Forest (HLCNF), about half of which is also being considered for recommended wilderness in the HLCNF forest plan revision process.<sup>105</sup>

Visible for a hundred miles across the central Montana prairie, the Crazy Mountains include 57 glaciers and permanent snowfields (accounting for 5% of Montana's total number<sup>106</sup>), 56 sparkling mountain lakes, 34 peaks over 10,000 feet, 68 trail-less high cirques and basins and dozens of breathtaking waterfalls. These natural wonders are present in a landscape setting

<sup>104</sup> As of June 3, 2019, not a single public comment available in the online Reading Room of the Custer Gallatin Plan Revision webpage calls for mountain biking in Emigrant Peak, Dome Mountain, or Chico Peak. Not one comment even mentions the existence of the trails on Emigrant Peak and Dome Mountain. Instead, every comment that specifically mentions these areas speak to their wilderness characteristics, particularly their important wildlife habitat. Clearly, there is considerable social demand and acceptance of Emigrant Peak and Chico Mountain areas as wildlands not suitable for mechanized or motorized recreation.

<sup>105</sup> Helena-Lewis and Clark Draft Forest Plan, p. 130.

<sup>106</sup> Custer Gallatin DEIS, p.74.



overwhelmingly characterized by primitive character, remoteness, natural soundscapes, and opportunities for solitude, healing, challenge and prayer. The revised plan should apply the strongest available protections to the largest area to ensure the remote, primitive, wild character and traditional cultural significance of the Crazy Mountains remain intact and undiminished through the life of the revised plan.

#### Wildlife Habitat

As the highest, largest and wildest of Montana's island ranges, the Crazies protect vital headwaters and refugia for plants, fish and wildlife. The flows of Big Timber, Sweetgrass, American Fork, Swamp, Rock, Elk, and Cottonwood Creeks as well as the Shields River and its tributaries sustain trout fisheries - in stream and downstream - as well as provide critical late season irrigation and water uses downstream. These mountains also provide outstanding wildlife habitat for a vast community of life including marten, pika, lemmings, marmots, weasels, fox, coyotes, wolves, bears (black and grizzly) elk, mule deer, bighorn sheep, mountain goats, and wolverines.

With an estimated population of 450 mountain goats (*Oreamnos Americanus*), the Crazies sustain more mountain goats than the Beartooths and the Bob Marshall Wilderness region. Mountain goat populations in the Crazies are large and stable, in stark contrast to the Bitterroot, Sapphires, Swan, Pintlers, Bob Marshall, Rocky Mountain Front or the Whitefish Range where mountain goat populations are struggling.<sup>107</sup>

Mountain goats have the lowest reproductive rate and highest natural mortality rate of any ungulate in North America. They survive all year on storm-blasted peaks, high elevation ridges, cliffs and trackless basins. Sensitive to changes and disturbance, Mountain goat populations are collapsing across most of their native ranges of western Montana, Idaho, Alberta, British Columbia and Washington. In Western Montana, mountain goats are one third to one quarter of historic populations. Montana Fish Wildlife and Parks consider populations in the Crazy Mountains essential to the future survival of the species.<sup>108</sup> The Crazies offer the perfect future refugia; excellent habitat in isolated basins at high elevations.

Such high and isolated wild country, with mountain goats and other prey also comprises ideal habitat conditions for wolverines, the rarest of mountain predators. Mountain goat mortality from falls, avalanches or predation provide highly valuable food sources for wolverine and bears.

<sup>107</sup> Smith, B. L., and N. J. DeCesare. 2017. Status of Montana's mountain goats: A synthesis of management data (1960–2015) and field biologists' perspectives. Final report, Montana Fish, Wildlife and Parks.

<sup>108</sup> Id.

Wolverines exist only in rugged and remote mountainous areas with persistent snowpack through the late winter denning and spring. Wolverine are snow-adapted, with dense hydrophobic frost-resistant hair and low foot loading due to very large paws. These carnivores travel effortlessly through deep snow and extremely steep terrain, like that found in the Crazy Mountains. They require snow to reproduce and rear young, selecting remote areas with a minimum of five feet snow depth for denning. The Wolverine Foundation provides this description of wolverine denning:

Wolverines give birth to their young during a period when winter conditions prevail, usually February-March, so dens must provide not only protection from predators but also protection from cold temperatures. Wolverines are known to den in alpine, subalpine, taiga, boreal forest, and tundra habitats.

Sites where wolverine dens have been found include ravines or drainages where snow accumulates (Pulliainen 1968, Bj[au]m[au]ll[au]rval 1982, Serebryakov 1984, Magoun 1985), snow- covered rocky scree or boulder talus (Haglund 1966, Myrberget 1968, Pulliainen 1968, Copeland 1996, Lee and Niptanatiak 1996), snow-covered fallen trees usually near timberline, including trees downed by avalanches (Pulliainen 1968, Zyryanov 1989, Copeland 1996, Inman et al. 2007), taiga peat bogs or conifer forest with rocky areas and fallen trees (Pulliainen 1968, Dawson et al. in press), and mountain birch woodlands near fells or alpine areas (Pulliainen 1968, Landa et al. 1998).

Magoun and Copeland (1998) suggested that a critical feature of wolverine denning habitat is the dependability of deep snow throughout the denning season (February- May). Snow greater than 1 m deep, distributed uniformly or accumulated in drifts, provides protection from cold temperatures. Long, complex snow tunnels in hardened snowdrifts characterize den sites in tundra and alpine areas, and in some cases, the tunnels lead down to entrances under boulders that provide additional protection for kits[hellip]

The combination of high value food sources, remote trail-less basins and high elevation (snowpack) within the Crazy Mountains provide outstanding wolverine habitat, including remote deep snowy basins ideal for natal denning and rearing.

Unique alpine and riparian ecosystems and high peaks that hold snow late into the summer also provide important habitat for rare species such as Yellowstone Cutthroat Trout, Grizzlies, Lynx, Elk and Goshawk. More isolated, higher and wilder than the Bridgers, the presence of prey

species, native plant communities, and the remote wild character of the Crazies combine to provide key refugia in a wildlife movement corridor connecting the Northern Continental Divide Ecosystem and the Greater Yellowstone Ecosystem.<sup>109</sup> Greater Yellowstone grizzlies are present in Park and Sweetgrass counties, while NCDE grizzlies are moving south, creating opportunities for the populations to reconnect for the first time in 70 years.<sup>110</sup> Recovery of the species may depend on secure habitat here providing linkage between the Yellowstone and

Northern Continental Divide ecosystems.

As our climate warms, habitat refugia and wildlife corridors will be increasingly important<sup>111</sup>. It is critical that these largely unrecognized ecological values in the Crazies are actively protected in the new forest plan.

#### Outstanding Wilderness Values

The Crazy Mountains are wild and rugged, with high cirques and isolated basins that remain roadless and trail-less. Protecting the Crazy Mountains for their wilderness character has been an unwavering goal for MWA for more than five decades. One of our very first Wilderness Walks, led by our founders Ken and Florence Baldwin in 1963, took hikers into the Crazies.

MWA was a key stakeholder and led grassroots efforts that resulted in multiple legislative attempts to permanently protect this landscape<sup>112</sup>.

Within the roadless core of the Crazies, all but a single private inholding<sup>113</sup> remain vacant, undeveloped and roadless (See maps in Appendix A.) Within the Crazies a number of private sections are either completely or predominantly trail-less, and indistinguishable from the surrounding wild public lands. Wilderness character is intact in these checkerboard areas.

Strong protective management of national forest lands is equally necessary in checkerboard areas such as Sweetgrass, Big Timber and Upper Cottonwood Creek.

<sup>109</sup> Walker and Craighead 1997, Cushman et al. 2009, Peck et al. 2017

<sup>110</sup> <http://fwp.mt.gov/fishAndWildlife/management/grizzlyBear/monitoring.html>,

<http://fwp.mt.gov/fwpDoc.html?id=61966>

<sup>111</sup> Belote et al. Ecological Adaptations, 27(4), 2017, pp.1050-1056

<sup>112</sup> In 1988, following five years of hearings, the U.S. House and Senate passed legislation

(S. 2751, Cong. 100th) to designate the Crazies as a WSA to study land consolidation and acquire wild land inholdings on 109,000 acres. In 1992, the U.S. House again passed legislation (H.R 2473, Cong. 103rd) to designate 130,000 acres of the Crazies as a combination wilderness and wilderness study areas. In 1993, the U.S. Forest Service was asked by Congress to review and identify areas in the Crazy Mountains that possessed wilderness qualities. Roughly 97,000 acres in the Crazies were identified as lands having [ldquo]wilderness characteristics.[rdquo] Between 1991 and 1993, Congress appropriated LWCF funds to acquire 39,000 acres of checkerboard inholdings from the Galt Family in the Crazy Mountains.

113 Sec 9, Cottonwood Creek has road access granted in 1990s easement from USFS.

The private land checkerboarding within the Crazies presents a challenge for designation now but land consolidation could change that in the future. Over the next 30 years, private landowners could change and lands may be consolidated as they were in the North Crazies (1992), the Lee Metcalf Wilderness (1983) and the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area (1996). Checkerboarding should not prevent strong protective management of the public lands. The wilderness character and cultural value is too important to give up for fear of what may or may not happen in private parcels. We strongly recommend the Forest Service include an objective to study the Crazies for land consolidation opportunities. Protecting wilderness character on public land will leave the door open for land consolidation in the future.

The wilderness evaluation of the Crazy Mountains cites concerns about outstanding subsurface mineral rights and the difficulty that would create for wilderness managers. However, there are many examples of areas recommended for wilderness with outstanding subsurface mineral rights, including the Gallatins. Furthermore, the CGNF Assessment Report for Renewable and Nonrenewable Energy and Mineral Resources stated that the likelihood of development for leasable and locatable minerals was low. See the following statement regarding locatable mineral development:

2005 U.S. Geological Survey report concluded that future locatable mineral production in these areas are unlikely due to unknown economic values and cost associated with mineral extraction, transportation and refinement. In addition, substantial public concern in regards to locatable mineral extraction within the Greater Yellowstone Ecosystem could serve to reduce the possibility of future mining activities.<sup>114</sup>

The Crazy mountains are not an appropriate place for extractive mining for many reasons. If the area is recommended for wilderness, that would only strengthen the odds against development by making social acceptance of extractive activities that much less likely. Citing the outstanding mineral rights is not sufficient reasoning to deny the Crazies a wilderness recommendation.

MWA strongly supports recommending the roadless Crazy Mountains for Wilderness with a revised boundary (See maps in Appendix A). Recommended Wilderness is the strongest available forest plan protection for preventing new roads, machines, vehicles or commercial uses from degrading the wild area.

A BCA is not sufficient because it does not aim to protect and maintain the existing wilderness character, and new trails and facilities may be constructed over time into primitive areas. In

<sup>114</sup> CGNF Assessment, Final Renewable and Nonrenewable Energy and Mineral Resources Report, p. 33

addition, the semi-primitive non-motorized ROS in Alternative C leaves the door open for expanded mountain bike use, which would have a significant impact on the wild character of the Crazies. Mountain bikes allow people to go farther into backcountry areas more quickly, thereby increasing the human presence in wild places. For an island range as small as the Crazies, this would have a significant and detrimental impact on the opportunities for solitude and primitive recreation in the Crazies, and on wildlife.

Most importantly, unlike a BCA, RWA would protect wild and trail-less areas in the Crazies and would not allow further developments such as road easements to access private parcels for mining or other development<sup>115</sup>.

MWA appreciates the consideration of recommended wilderness in Alternative D, but feels that it omits too much. Alternative D includes 59,636 acres RWA in the Crazies. Alternatively the BCA in Alternative C proposes 83,368 acres and includes National Forest System Lands isolated by private sections. If it is possible to manage isolated sections of public land for backcountry character where human use leaves little permanent or long lasting evidence, it's not clear why isolated parcels are not likewise eligible for recommended wilderness. Recommended wilderness may even require less management action than other designations. For most checkerboard wild areas, RWA management would simply maintain the status quo, with teeth that serve to protect the wild character of public lands.

MWA proposes a contiguous RWA consisting of 89,000 acres that is expanded to match the proposed boundary of the Crazy Mountain BCA in Alternative C on the east side of the range. On the west side of the Crazy Mountains, there is significant use from mountain bikes, snowmobiles, and other uses that create social conditions that make recommended wilderness problematic. We support a revised RWA boundary on the west side that follows the topography and excludes Elk Creek, Trespass Creek, Shields Lowline, Porcupine, Horse Creek Tie, and Cottonwood Lowline Trails (see maps in Appendix A).

#### Recreation Opportunity Spectrum

Although the allowable use in much of the Crazies is restricted to foot and stock, the ROS is currently semi-primitive non-motorized. Regardless of the designation, primitive ROS is vital to ensure the primitive character of the Crazies persists.

We are aware of concerns about how a primitive ROS may would limit management activities for addressing high levels of use in a handful of popular areas. However, we feel that

<sup>115</sup>Johnson v. USFS, 93 Fed. App. 133, 02-35644 (March 12, 2004)

appropriate management is possible and it is critical that higher levels of use in a few locations not dictate the ROS or development of facilities or structures throughout the Crazies.

High use in primitive areas is a concern in many places on the CGNF, including Lava Lake, Pine Creek, and Beehive Basin, and are a focus of MWA's volunteer Wilderness Ambassador program<sup>116</sup>. However, despite the primitive ROS in those places, there is still an ability to manage the areas as needed. Similarly, we believe high use in the Crazies is not incongruent with a Primitive ROS. We believe a primitive ROS would provide important safeguards for protection against new recreational uses and future management activities that could degrade the wild character and cultural values of the Crazies. We request that the area currently managed for foot and stock use in the Crazies be changed to a Primitive ROS for more consistent management and to provide important safeguards for the future.

#### Cultural Significance

For generations, visitors have journeyed into the wild Crazies for hunting, fishing, camping, and reveling in their wild beauty. Before the arrival of European settlers, members of the Apsálooke (Crow) people traveled to these sacred mountains on vision quests. Tribal leaders describe them as one of the most important, sacred places in the Apsálooke homeland, and they hold special significance for many Montanans who visit this island range. As communities like Livingston and Bozeman undergo significant growth, it is more important than ever that these historical and cultural values are protected in the new CGNF plan. The current (1987) forest plan offers no goals or meaningful commitments to keep these mountains wild.<sup>117</sup>

Promises made by the U. S. Forest Service to Apsálooke (Crow) Tribal members to amend the 1987 plan to recognize the cultural, historic and spiritual qualities of the Crazy Mountains remain unfulfilled. In 1988, the United States Forest Service negotiated a Settlement Agreement with Tribal Representatives designating the Crow Indian Cultural Commission as a "consulting party" and promising to amend the 1987 Gallatin National Forest Plan to recognize the special cultural significance of the Crazy Mountains to the Apsálooke (Crow) Tribe. The 1987 Gallatin Forest Plan was never amended as promised. Consultation omitted key issues, such as travel planning, despite clear communications from the Tribe that travel decisions

<sup>116</sup> The local MWA chapter will be working with the Bozeman Ranger District to launch the second year of the MWA Wilderness Ambassador program this summer. The program aims to monitor use and educate visitors on LNT, safety, and wilderness ethics.

<sup>117</sup> The 2001 roadless rule added a generic layer of administrative protection that generally prohibits new road construction with exceptions including roads for federal highways or to meet "existing rights of access and use"

such as utility corridors, state and private inholdings.

affected their interest in the sacred Crazy Mountains.<sup>118</sup> In 1988 CGNF Supervisor David Garber stated:

[Idquo]With regard to our Forest Plan and the settlement agreement, we stated we would amend our Forest Plan to include a statement that the Crazy Mountains are sacred to the Crow Nation. This has not been done to date[hellip] we may best address this issue in our upcoming Forest Plan Revision[hellip][rdquo]<sup>119</sup>

We appreciate that the geographic area description for the Crazy Mountains includes the cultural and historical characteristics and notes its status as a proposed Traditional Cultural Landscape. We fully support the comments submitted by the Crow Executive Branch regarding management of the Crazy Mountains and encourage consultation with the Apsaalooke and other tribal nations with aboriginal land in the CGNF. We would like to see specific plan components that speak to the cultural values in the Crazies, similar to those proposed for the Badger Two Medicine, a designated Traditional Cultural District, on the HLCNF. We request the following plan components be added to the Crazies section of the final forest plan.

#### Desired Conditions

- \* Interpretation and adaptive use of cultural resources provide public benefits and enhance understanding and appreciation of Crazy Mountains prehistory and history.
- \* The Crazies are characterized by a natural environment where ecological processes such as natural succession, fire, insects, and disease function and exist. Impacts from visitor uses do not detract from the primitive natural setting.

#### Standards

- \* The Crazy Mountains shall be managed in close consultation to fulfill Crow treaty obligations, and the federal trust responsibility. The area shall be managed to protect and honor Crow reserved rights and sacred land through government to government consultation.
- \* Management activities within the Crazy Mountains shall not pose adverse effects to the Crazy Mountain proposed traditional cultural landscape. Management activities shall consider scientific research and ethnographic research as they relate to Crow cultural land-use identities when analyzing project effects.

<sup>118</sup> See attached Settlement Agreement in Appendix A

<sup>119</sup> Gallatin Forest Supervisor David Garber, July 2, 1998 letter to Burton Pretty On Top

- \* There shall be no new roads, no expansion or new road easements, no off [ndash]road or over-snow vehicle traffic or mechanized travel in the Crazy Mountains RWA
- \* To maintain areas of undeveloped wilderness character, there should be no net increase in miles of system trails. Trail re-routes for resource protection should utilize the best long-term sustainable routes with minimal trail

infrastructure.

\* Trail-less areas shall remain primitive and trail-less, with the exception of relocation of existing system trails.

In closing, we request the new forest plan fully protect the wild, unroaded, primitive character, solitude and traditional cultural landscape values of the Crazy Mountains for the life of the revised plan as recommended wilderness.

## 6. MADISON, HENRYS LAKE, AND GALLATIN MOUNTAINS GEOGRAPHIC AREA

### Gallatin Forest Partnership

MWA is an active member of the Gallatin Forest Partnership (GFP) and the comments below are intended to emphasize our support for the GFP agreement. We want to thank the Planning Team for including many of the recommendations submitted by our Partnership within the range of alternatives being considered for the Gallatin and Madison Ranges. We continue to believe our agreement offers the best solution for the long-term management of these two ranges, to protect the wildlife, clean water, wild lands and recreation opportunities valued by the growing communities of Livingston, Bozeman and Big Sky.

There are several management recommendations in the GFP agreement that are missing in Alternative C and we feel that including them is necessary for accurately reflecting our agreement and will strengthen the final forest plan if they are incorporated into the final decision. It was not easy for our group to reach this agreement. It took countless meetings, difficult conversations, and compromise on all sides. Each element of our agreement is important, deliberate, and often interdependent. Therefore, it is critical for our collaborative group that the entirety of the GFP agreement that is suitable for the forest planning process be implemented in the final plan. The many people, businesses, organizations, and officials who have endorsed our agreement have done so with the understanding that our agreement is a cohesive package, as opposed to something that could be implemented part and parcel.

For example, a key piece of our proposed wildlife management areas (or BCA) in West Pine and Porcupine Buffalo Horn is the management language that explicitly references maintaining

wilderness character and wildlife habitat. Without that language in the DCs, we have no guarantee that those backcountry areas will be managed to protect those values in the future. That language is an important part of MWA's ability to agree on a designation other than recommended wilderness. Without that management direction to protect wilderness character and wildlife habitat, we do not support alternative designations. Similarly, there are many other small pieces of our agreement that are important to our various partners and are what glue our agreement together.

We have carefully reviewed the draft plan and we are pleased that much of our agreement is reflected in



Alternative C. The GFP's comments carefully describe the elements that are missing that we would like to see included in the final plan. We request that these changes be made if the GFP agreement is included in the final plan so that the integrity of our collaborative agreement is maintained. A copy of the GFP comments, agreement, and maps are included in Appendix A.

#### Lionhead (Earthquake)<sup>120</sup> Recommended Wilderness Area

The Lionhead RWA was the only area recommended for wilderness in the 1987 Gallatin Forest Plan that protected a landscape and was not a tack on to an existing Wilderness area<sup>121</sup>. It is joined along the rugged Continental Divide by the Targhee Creek Recommended Wilderness in Idaho. The Lionhead RWA protects a very important wildlife linkage between Yellowstone National Park and the Centennial Mountains. It offers a stunning backcountry experience and provides secure habitat for elk, bighorn sheep, wolverine and Grizzly bear.

Conflict within the RWA between mountain biking and wilderness is the direct result of the failure of the Custer-Gallatin to protect the wilderness character and potential for designation of this RWA.

The 2007 Gallatin NF Travel Plan moved forward with a decision to protect its wilderness character and potential for future designation by ending mechanized travel within the Lionhead RWA. However this part of the final decision was pulled at the last minute. MWA was assured that the decision would be completed in a subsequent EA with additional public comment and analysis. The EA with additional comment was completed but no decision was ever issued.

<sup>120</sup> Lionhead Mountain is outside the RWA. When the U S House and Senate passed wilderness legislation for this area it was called [ldquo]Earthquake Wilderness Area.[rdquo] Montana is the only state to have Congress pass a USFS (RARE II) wilderness bill left unsigned by the president.

<sup>121</sup> The 388-acre Republic Mountain addition to the AB was the only other area recommended in 1987

No decision had exactly the same effect as a decision to not protect the RWA's wilderness character and potential. The lack of administrative action has led to increasing mountain bike use, creating a complex social problem that negatively affects wilderness character, land managers, and the potential for the area's future inclusion in the NWPS.

MWA believes that the original reasons why Lionhead is today a recommended wilderness must finally be fully restored and protected by a forest plan decision in favor of the current RWA boundaries in Alternative A.<sup>122</sup>

This does not eliminate mountain bike opportunities but shifts them—appropriately- to miles and miles of

national forest lands and trails outside the RWA, such as the 3,083 mile long Great Divide Mountain Bike Trail<sup>123</sup> (GDMBT) and plans for a new rail trail along the old Union Pacific line between the Rheas Pass and West Yellowstone.

The GDMBT was created twenty years ago by and for mountain bikers and is intended to provide bikepacking opportunities. It follows the Continental Divide from Banff, Alberta to New Mexico. The GDMBT does not share the same purposes as the CDNST, designated by Congress in 1978 to provide [ldquo]high-quality[rdquo] hiking and horseback riding.

The CDNST is considered one of the greatest long-distance foot and stock trails in the world. It is among the highest, most challenging, and remote of our National Scenic and Historic Trails. The CDNST was the dream of Benton MacKaye, a colleague of Bob Marshall and a co-founder of The Wilderness Society. In 1966, MacKaye presented Department of Interior Secretary Stewart Udall a memo entitled, [ldquo]Of Wilderness Trails and Areas: Steps to Preserve the Original America.[rdquo] MacKaye[rsquo]s memo called for creation of [ldquo]a wilderness trail along the crest of the Continental Divide.[rdquo]

Congress designated the CDNST in 1978 for the dual purposes of providing quiet recreation and conservation of the special qualities of its rugged mountain corridor. The Lionhead Recommended Wilderness is fully consistent with the nature and purposes of this congressionally designated trail as described in the Continental Divide National Scenic Trail Comprehensive Plan:

The nature and purposes of the Continental Divide National Scenic Trail (CDT) are to provide for high-quality, scenic and primitive hiking and horseback riding opportunities and to conserve the natural, historic, and cultural resources along the CDT corridor.<sup>124</sup>

<sup>122</sup> We support the boundaries of Alt A, but the RWA management of Alt C/D

<sup>123</sup> <https://bikepacking.com/routes/great-divide-mountain-bike-route-gdmbr/>

<sup>124</sup> 74 FR 51116 - Continental Divide National Scenic Trail Comprehensive Plan; FSM 2350

In 2016, the Regional Foresters along the CDT agreed on guidelines to manage and protect the resources of lands along the CDT Corridor in forest planning, recognizing that the Trail passed through a mix of roaded, developed and wild landscapes. Non-motorized bikes may be allowed on some segments, but bikes are not suitable on the CDNST riding through a primitive RWA.

The Lionhead RWA is neither developed nor suitable for mechanized travel on the CDNST. It is wild and should

be managed to provide traditional [ldquo]primitive hiking and horseback riding[rdquo] at nature[rsquo]s pace. The forest plan desired conditions for the wild segments of the CDNST are as follows:

Wild and remote, backcountry segments of the route (CDNST) provide opportunities for solitude, immersion in natural landscapes and primitive outdoor recreation.<sup>125</sup>

The DEIS describes the nature and purpose of the CDNST as providing for high-quality, scenic, primitive hiking and horseback riding experiences and to conserve natural, historic, and cultural resources along the trail corridor. Mountain biking does not align with these purposes, especially when it is within an area recommended for wilderness.

MWA supports retaining the current footprint of 22,800 acre Lionhead RWA (Alternative A) and managing the RWA free of non-conforming uses including mechanized travel (proposed in Alternative C and D).

#### IV. CONCLUSION

Thank you for the opportunity to comment during this important process. We appreciate the hard work of the Forest Plan Revision Team and other CGNF staff during this Forest Plan Revision process. The CGNF, sweeping from West Yellowstone all the way across the plains to South Dakota, encapsulates the best of the remaining wild public lands, not just in southwest Montana, but arguably in the country. The wilderness values are some of the best assets on the Forest, and this plan revision is a critical nexus in forest management to protect these incredible landscapes for the plants, animals, and people who depend on these areas.

We look forward to continued work with the CGNF team moving forward.