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Comments: See attached objection.

Thank you.

Cottonwood Environmental Law Center respectfully objects to the Custer Gallatin National Forest's decision not to designate bison as a Species of Conservation Concern for the revised Forest Plan. Cottonwood's mission is to protect the people, forests, water, and wildlife of the West. Cottonwood has several members of IBMP tribes that will be benefited by designating the bison a Species of Conservation Concern, by allowing them to safely assert Treaty rights. On June 30, 2020, Regional Forester Leanne Marten determined that bison do not meet the criteria for being designated a Species of Conservation Concern. Exhibit 1. Cottonwood respectfully disagrees and asks that the Forest Service reconsider and include bison as a Species of Conservation Concern. Federal regulations defines "Species of Conservation Concern" as: A "Species of Conservation Concern" is a species, other than federally recognized threatened, endangered, proposed or candidate species, that is known to occur in the plan area (the Custer Gallatin Forest lands) for which the best available scientific information indicates substantial concern about the species' capability to persist over the long term in the plan area. 36 C.F.R. [sect] 219.9. The best available scientific information indicates substantial concern about the species capability to persist over the long term in the plan area. As a preliminary matter, the "plan area" encompasses the entire Custer Gallatin National Forest. There is no question that current management does not allow bison to persist across the entire Custer Gallatin National Forest. In November 2016, the Forest Service prepared a "Draft Assessment of Ecological, Social and Economic Conditions on the Custer Gallatin National Forest." According to the Assessment, "The Custer Gallatin is the only national forest occupied by wild bison for a portion of the year." Exhibit 2 at 43. Notably, the "Key Findings" in the "Draft Terrestrial Report for the Forest Plan Revision" states "distribution of the [] species has increased notably in the plan area during the past few decades (under management direction contained in existing plans)." Exhibit 3 at 22. According to the Draft Assessment, "Bison management concerns include population growth that exceeds available habitat[.]" Exhibit 2 at 43. "To manage population growth, Montana has a regulated bison hunting season and tribal members also hunt bison outside of Yellowstone National Park." Exhibit 2 at 43. Every year, members of various Tribes that are also members of Cottonwood, go to Yellowstone National Park to assert Treaty rights to hunt bison. The National Park Service has stated there are too many hunters confined to too small an area outside of the Park. Exhibit 4. Hunters are shooting across roads and even shooting at each other. Exhibit 4 at 2, 3. Montana Fish, Wildlife, and Parks has stated that the fear of death or injury to a hunter is "real." Exhibit 5. The reason the hunt is dangerous is because bison are not allowed to freely roam on federal land in the state of Montana. Designating bison as a Species of Conservation Concern will ensure our National Mammal is allowed to more freely roam on federal land outside of Yellowstone National Park in the upcoming Interagency Bison Management Plan, to which the Forest Service is a partner. Millions of bison used to roam across Montana. Today, bison have been reduced to fewer than 6,000 animals and confined to Yellowstone National Park and a tiny area of the Custer Gallatin National Forest outside of the Park. Cottonwood does not believe that the bison population needs to be managed. Instead, we believe that habitat available on federal land in the state of Montana needs to be better managed so that bison can repopulate the areas they historically occupied. Designating bison a Species of Conservation Concern is a positive step towards ensuring that happens. Cottonwood also objects to the lack of plan direction regarding climate change. The revised Forest Plan lacks standards for protecting old growth and other forested areas that sequester carbon.