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Comments: Please find attached Defenders of Wildlife's objection to the decision to approve the Custer Gallatin land management plan and the Regional Forester's identification of species of conservation concern. Submitted September 8 to the Objection Reviewing Officer via the CARA objection webform.

Part 1: The Regional Forester failed to identify Yellowstone cutthroat trout as a species of

conservation concern due to an incorrect interpretation of Planning Rule requirements.

We applaud the Forest Service for making the appropriate determination to list the Westslope cutthroat trout (WCT) as a species of conservation concern (SCC). However, the agency needs to do the same for Yellowstone cutthroat trout (YCT). The Forest continues to incorrectly dismiss YCT as an SCC due to an incorrect interpretation of Planning Rule requirements.

As a scientific matter, there is substantial concern about the species capability to persist over the long-term in the plan area. The assessment identified YCT as a potential SCC because of:

significant rangewide population declines and current populations on Custer Gallatin being critical to conservation. Even though habitat trends are improving within the plan area, local populations could be susceptible to further hybridization, isolation, and declining numbers from stressors such as localized habitat degradation and climate change (Assessment [ndash] Aquatic and Riparian Ecosystems Report, p. 21)

YCT occupy 43 percent of historical stream habitat, and nearly half of that is considered not likely to be hybridized (Aquatic Assessment, p.16). YCT is an S2 /species of concern in Montana and an RFSS, due to rangewide population declines and loss of habitat, including within the planning area.

Threats to the species within the planning area, including hybridization and competition from non-native fish, climate change, and from past land use practices and water withdrawals, clearly remain. (We note that the SCC Rationale drops the climate change threats that are documented in the Aquatic Assessment using BASI provided by Halofsky et al. 2016.) Based on this information it is not plausible to come to a finding that the species is secure and its long-term persistence in the plan area is not at risk, especially given knowledge about its abundance, distribution and threats to persistence, and response to management, including management proposed in the revised plan, as directed by agency SCC policy.

The SCC Rationale documents the fact that while some [ldquo]populations are stable within plan area[rdquo], [ldquo]several populations have declined[rdquo] and [ldquo]have been lost or greatly reduced[rdquo]. Yet the Forest Service justifies ignoring all of this information and knowledge concerning the condition of YCT in the planning area by arguing that the Planning Rule compels the Forest Service to treat [ldquo]all members of a species within the area as one population.[rdquo] This, as we have pointed out previously, is an incorrect interpretation of the rule as it only applies to SCCs for the purpose of making viability determinations as directed by 219.9(b)(1) ([ldquo]The responsible official shall determine whether or not the plan components required by paragraph (a) of this section provide the ecological conditions necessary to[hellip]maintain a viable population of each species of conservation concern within the plan area. Emphasis added).

The Forest Service cites the directives at 23.13(c) to justify this determination, yet that policy only applies to the

management of SCC, not to the determination of SCC. 77 FR 21217, April 9, 2012 is crystal clear: [ldquo][hellip]for the purposes of this subpart, the individuals of a species of conservation concern that exist in the plan area will be considered to be members of one population of that species.[rdquo] This is reflected in the rule requirement to [ldquo]maintain a viable population of each[rdquo] SCC (singular, emphasis added).

If the Forest Service was being honest, they would note that section 23.13 goes on to say that [ldquo]In some situations, individuals or groups of individuals in the plan area may be known to be or highly suspected to be reproductively isolated and separate from the rest of the individuals. These individuals or groups may need to be considered when considering [lsquo]sufficient distribution[rsquo][hellip][rdquo] for the purposes of making a viability determination under the SCC rules. This makes it even more clear that there was never an intention to discount isolated and diminished distribution of populations when making SCC determinations and when managing for SCC viability, as the Forest Service is attempting to do in this case.

The Forest Service must follow the directives at 12.52, which clearly define the SCC identification process. The argument that 23.13(c) applies to the identification process is completely undercut by 12.52(d) which states that species facing significant threats, including climate change, to [ldquo]populations[rdquo] and with [ldquo]declining trends in populations or habitat in the plan area[rdquo] should be considered as SCC. Populations, plural. If we are to believe the Forest Service[rsquo]s argument that for SCC identification purposes all individuals form one population, why do the directives ask managers to look at the condition of multiple populations? Section 12.53 further undermines the Forest Service[rsquo]s argument. It directs managers to look at [ldquo]Distribution[hellip]especially species known from only a relatively few, discrete locations, and the status of those locations.[rdquo] The agency must look at the complete planning area distribution of at-risk species, not simply cherry pick the locations where the species may be relatively secure. Pursuing this argument is dangerous because it encourages the Forest Service to determine that if any given forest includes one [ldquo]secure[rdquo] population or location, then SCC status is not justified, which is ridiculous.

The agency needs to reverse this determination. In reexamining this issue, the Forest Service should consider the BASI provided in the SCC Rationale for WCT that is equally applicable to the SCC determination for YCT, given similar habitat requirements and threats. Specifically, this BASI from the SCC Rationale as applied to the WCT SCC determination should be applied to the YCT determination as it raises concern about the viability of local cutthroat trout populations (emphases added):

In addition to potential genetic value, local populations on the HLC and CG may not be as protected from stochastic events as thought prior to 2018. Numerous researchers have published findings that indicate climate will continue to warm in the Northern Rocky Mountains and stream conditions are expected to have lower flows and warmer temperatures in late summer (Luce, 2018). Changing climate in the northern Rockies will reduce soil moisture content and that will lead to shifts in tree and plant species representation and density, especially at the edge of ecotones (Keane et al., 2018). Changes will likely result from increasing wildfire and insect outbreaks, which can reduce vegetative cover that keeps streams cooler. Other researchers have already documented changing relationships between increased fire activity and climate, likely influenced in recent decades by land use patterns and fire suppression (Higuera et al. 2015). In the Northern Rockies, climate is expected to continue to warm as much as 2 to 3 C by the 2050[rsquo]s depending on greenhouse gas emissions (Joyce et al. 2018). Holden et al. (2018) have shown precipitation declines and fewer wetting days during summer fire season in recent years are likely a primary driver increasing area burned each year.

When considering expected climate and vegetation changes with existing road infrastructure, Luce (2018) found increasing disturbance events interacting with existing road networks and burned areas can cause increased erosion and road failure and less water delivered off forest. Potential for stream degradation that could affect remaining local WCT conservation populations will increase and can affect many local populations in a shorter time frame than previously anticipated. Hessburg et al. (2019) summarize challenges for landscapes in the Northern Rockies and outline the need for intervention to help move the most important landscapes towards

sustainable conditions. Actions include strategic thinning and accelerating the return of more natural fire to the landscape. These actions will help restore resistance to unnatural fire and resilience to climate change on the landscape.

Part 2: The Planning Rule requires that forest plans provide for ecosystems with ecological integrity, yet the draft forest plan fails to do so for lodgepole pine ecosystems.

The plan exempts old growth lodgepole pine (LPP) from FW-VEGF-GDL-01 based on an argument that is not consistent with Planning Rule requirements for ecological integrity (219.9(a)). The Forest has not demonstrated that LPP forests are deficient in ecological integrity or that clearcutting old growth LPP would maintain or restore their integrity. The Forest incorrectly argues that because LPP is subject to natural disturbance associated with mountain pine beetle, they must be exempt from protections put in place for old growth and targeted for clearcut logging.

The plan has several desired conditions for LPP which indicate that LPP characteristics are within the natural range of variation (NRV) for several characteristics: FW-DC-VEGF-01 and 02. We also know from the plan that LPP stands are deficient in snags per acre and distribution across size classes (Tables 9 and 10), indicating a lack of integrity for these measures and a need for restoration of processes that contribute to snag creation; the FEIS notes that natural disturbance processes are driving mortality that contributes to these conditions. FW-DC-VEGF-09 establishes a desired condition for cool moist and cold potential vegetation types (the two Potential Vegetation Types where LPP is common), but there is no specific desired condition for old growth LPP. According to Table 13 in the plan old growth within the cool moist PVT is within NRV, but the lumping of forest types within the desired condition for the PVT does not directly address management for old growth LPP. Table 13 does acknowledge and desires that old growth will vary within this PVT due to severe fires within LPP. The FEIS predicts 250,000 acres of wildfire per decade in forested areas, which will contribute to achieving desired conditions for seral stage diversity in LPP and other forest types (Table 13, p. 61).

The FEIS documents that there are 477,000 acres of LPP cover type on the Forest, and approximately 30% is currently old growth (p. 261). Figure 14 in the FEIS illustrates current size class distribution within LPP, but there is no indication of reference conditions for old growth LPP, and the reader does not know if 30% is outside or within the NRV. We do know from the FEIS that LPP on the Forest is [ldquo]transitioning to younger stands[rdquo] and [ldquo]experiencing high rates of mortality[rdquo] as part of natural succession processes (FEIS at p. 261, 262), and therefore diversifying and establishing heterogeneity within and amongst LPP patches.

The FEIS documents that [ldquo]lodgepole pine stands of this size (10 inches DBH) are highly vulnerable to standreplacing mortality from mountain pine beetle[rdquo] (p. 262). There is no indication that natural disturbance and forest dynamics and succession associated with mountain pine beetle (MPB) is outside of NRV. Despite information documented in the plan and EIS that LPP is subject to severe fires that will regenerate LPP stands and that LPP is [ldquo]transitioning to younger stands[rdquo], the FEIS contradicts this information and concludes that LPP stands [ldquo]will likely be growing into larger size classes in the coming decades[rdquo] (p. 262). The FEIS appears to ignore natural disturbance processes in LPP that will impact the distribution of size classes for LPP, and thus contribute to desired conditions.

Instead, the FEIS argues that MPB pose a [ldquo]significant threat[rdquo] to old growth LPP, despite the fact that MPB disturbance is a driver of integrity in these systems. In fact, the plan encourages native forest insects to play their [ldquo]natural role[rdquo] in shaping the integrity of these forests (yet is silent on what that [ldquo]natural role[rdquo] may be) (FW-DC-VEGF-08). The [ldquo]high severity outbreak[rdquo] that [ldquo]is likely in old growth lodgepole[rdquo] that the FEIS warns us about is, as a matter of ecology, not undesirable (p. 262). The use of the term [ldquo]threat[rdquo] is revealing because the Forest appears to be arguing that the Custer

Gallatin is suffering from an abundance of LPP old growth outside of NRV, in which case MPB disturbance and mortality would be contributing to integrity. We believe however that the Forest may be expressing an interest in the threat to the commercial value of these forests, rather than their integrity.

The solution, according to the FEIS, is to clearcut old growth LPP in order to [ldquo]recreate compositionally pure, even-aged, structurally homogenous stands[rdquo] (p. 263). This appears to be, at least according to the FEIS, the desired condition for LPP. The FEIS does include one reference to a lack of integrity in LPP systems, but it is highly problematic and in fact undermines the Forest[rsquo]s position that old growth LPP must be clearcut to replicate NRV conditions: [ldquo]However, fire exclusion in lodgepole pine forests has created landscapes that are more uniform and less diverse spatially and compositionally, and resulted in increased susceptibility to pine beetles and shifted stands from mixed severity to stand-replacing fore (sic) regime[rdquo] (p. 262, emphasis added). So here it is disclosed that LPP stands on the forest are in fact mixed severity systems and not historically subject to [ldquo]high severity low frequency disturbance regimes[rdquo] as documented in the plan at Table 13 as the desired condition for the cool moist ecosystems that include LPP.1 If that is the case, the plan direction for LPP needs to be completely reconsidered, starting with desired conditions for mixed severity integrity characteristics for LPP systems. Either way, the FEIS statement does not support the conclusion that LPP systems must be clearcut to restore ecological integrity. It is also worth noting that the plan predicts 250,000 acres of fire per decade, undercutting the argument that LPP needs to be clearcut due to suppression.

The FEIS concludes that [ldquo]silvicultural treatments in mature lodgepole pine are the most useful tool managers have to promote landscape heterogeneity and sustain lodgepole pine ecosystems[rdquo] and that [ldquo]excluding lodgepole forests from FW-VEGF-GDL-01 is expected to help maintain mature lodgepole on the landscape and not detract from ecological integrity[rdquo] (p. 263-264). Clearcutting mature LPP as a strategy to maintain old LPP forests is inherently illogical and the Forest has failed to make a compelling case that exempting LPP from the old growth protection guideline will in fact maintain or restore the integrity of the LPP ecosystem as required by the Planning Rule. We understand that the Forest wants to conduct production-based forestry in LPP systems but we do not agree that the rationale for doing so should be characterized as matter of ecological integrity; doing so undermines the integrity of the Planning Rule and the practice of ecologically based restoration forestry.

We object to the exemption and look forward to working with the Forest to remedy this situation.

Part 3: Grizzly Bears

New information

The Forest has taken the position that the 2016 Grizzly Bear Conservation Strategy (GYE CS) to its forest plan is sufficient management direction for grizzly bears. However, the July 7, 2020 9th Circuit Court of Appeals decision, upholding the 2018 federal court order setting aside the U.S. Fish and Wildlife Service[rsquo]s delisting decision for the Greater Yellowstone Ecosystem (GYE) population of grizzly bears, is new information that needs to be considered in this planning process. As the court in Crow Indian Tribe v. State of Wyoming states:

The FWS may be correct that it need not adopt the identical regulatory mechanisms that it adopted in the 2007 Rule, but because a lack of genetic diversity continues to threaten the Yellowstone grizzly, it must adopt regulatory mechanisms that ensure long-term genetic health.2

While this statement is directed at the U.S. Fish and Wildlife Service, the Forest has a significant role to play to contribute to adequate regulatory mechanisms to ensure long term genetic health of Yellowstone grizzly bears.

The Forest Service fails to acknowledge this development and continues to ignore the probability that baseline conditions (particularly outside the PCA and within connectivity areas) and the current population size may not be sufficient as an indicator of this population[rsquo]s ability to continue to grow and expand into other ecosystems to achieve long-term genetic health. In addition, future erosion of secure habitat and loss of connectivity means that dispersal will be less likely under current management in the future.

The National Forest Management Act and Recovery

We ask the Forest to revise the grizzly bear analysis to incorporate this new information. The Forest Service continues to assume that it may base plan components on the GYE CS. However, the GYE population remains isolated and its continued viability and growth is contingent on maintaining and restoring long-term connectivity with other populations. In order to contribute to the recovery of the metapopulation, as required by the diversity provisions of the Planning Rule, this planning process should be premised on the GYE population serving as a source population for natural recovery of grizzly bears in the Bitterroot ecosystem. We had requested that the cumulative effects analysis area for grizzly bears include the Bitterroot and Northern Continental Divide ecosystems. This was not addressed in the Response to Comments and we are thus compelled to object to this omission and ask the Forest to evaluate the plan[rsquo]s contribution to the recovery of a grizzly bear metapopulation.

In the sections below we highlight key points of objection based on the Forest[rsquo]s lack of response to our previous comments. We do not reiterate all of our previous comments and incorporate them by reference.

Species of Conservation Concern

The planning process should recognize that if ESA protections are removed for the grizzly bear that it will then have to meet the requirements of NFMA and the Planning Rule for non-listed species. For the Custer Gallatin revised plan, that will require that grizzly bears be identified as a species of conservation concern (SCC), for which the forest plan must include plan components that provide ecological conditions needed to maintain a viable population on the national forest. For viability, grizzly bears must be distributed within the planning area so that they are resilient and adaptable to present and future stressors (36 CFR 219.19) based upon best available science and considering historical distributions, recolonization, among other factors. We were alarmed when the Proposed Action did not designate grizzly bears as an SCC. Since that time, listing status has been restored and the court decision is in appeal. The planning process should acknowledge that grizzly bears will be designated as an SCC on the Forest and managed in accordance with requirements associated with that designation if and when grizzly bears in the GYE are once again delisted. Because listed species must also meet requirements for viability under the Planning Rule, the EIS must demonstrate that grizzly bears in the planning area will meet viability requirements.

Connectivity

Alternative F largely adopts the measures in the GYE CS specific to the PCA. We demonstrated in our previous comments that this approach is likely insufficient to promote recovery of the species as a whole. There is an independent requirement under both ESA and NFMA (36 C.F.R. [sect] 219.9(b)(1)) to contribute to recovery of the grizzly bear species, and a narrow focus on the GYE population has significantly undermined the requirement to plan for the recovery of the species as a whole on national forest lands. Therefore, we object to the plan based on the fact that the Forest has not demonstrated compliance with regulatory requirements to contribute to recovery of the grizzly bear species. To remedy this failure the plan must extend protections into, at a minimum, the DMA and linkage areas.

We recognize and appreciate that the plan incorporates several plan components intended to provide for

connectivity; carries food storage orders into connectivity areas and; prohibits authorizing nighttime recreation events in linkage areas. These are important additions to the plan. However, the plan continues to state that there are no plan components specific to grizzly bears (FEIS, p. 421). As stated above, this is problematic. Identifying and providing grizzly bear specific plan components that encourage occupancy of males and females, and movement of grizzly bears, is important to reconnect the GYE to other populations and to allow the GYE to be a source population for natural recovery of the Bitterroot ecosystem. This issue is largely dismissed in the Response to Comments as a request to extend the PCA line (CGNF Response to Comments, p. 185). Yet we are not asking the Forest to extend the PCA line. What we are asking is for some of the protections afforded to the PCA be carried into other areas in order to meet Planning Rule requirements. This is fully within the authority of the Forest Service, as documented in the response: [ldquo]While the Forest Service has the authority to apply direction adopted from the Grizzly Bear Conservation Strategy to areas outside the grizzly bear recovery zone or primary conservation area, none of the alternatives incorporated this option[rdquo] (CGNF Response to Comments, p. 185).

The Response to Comments further argues that grizzly bear specific components are not needed because:

Habitat considerations for grizzly bears are addressed in an integrated fashion in the revised plan, with complementary coarse-filter and fine-filter components, for vegetation management, wildlife habitat in general, permitted livestock grazing, land management plan allocations, and other resource areas that provide management restrictions both within and outside of the grizzly bear recovery zone that would benefit grizzly bears (CGNF Response to Comments, p. 185).

While we recognize that there are plan components and land designations (e.g. WA, RWA, and BA) included in the plan that will likely benefit grizzly bears, those components do not go far enough in areas outside the PCA to meet Planning Rule requirements.

The Custer Gallatin should look to the Northern Continental Divide Ecosystem (NCDE) planning process to meet Planning Rule requirements for grizzly bears. In the NCDE consideration was given to areas outside the PCA that can contribute to recovery and connectivity. These include identification of a Zone 1, Zone 2, Zone 3 and two Demographic Connectivity Areas (DCAs). The DCAs are intended to allow female grizzly bear occupancy and dispersal and do carry some PCA-like protections into them. These designations include plan components specific to grizzly bears. It is unclear why this approach was not used for the GYE Conservation Strategy, but the obligation nevertheless remains under NFMA and the Planning Rule, and the Forest has the authority to adopt similar grizzly bear specific measures.

In the Response to Comments the Forest states: [ldquo]This expansion indicates that habitat quality and connectivity are suitable to support movement and occupancy by male and female bears in the larger, contiguous geographic areas of the national forest[rdquo] (Response to Comments, p. 181). We disagree and object to this finding. We do not believe that the plan as it stands is sufficient to ensure future occupancy and connectivity, nor does the FEIS consider the alarming increase in use of the Forest and other future changes that may occur.

In addition, we object to the inclusion of the term [ldquo]socially acceptable[rdquo] in FW-DC-WLGB-02. The term is subjective and undefined and thus not consistent with the Planning Rule. The plan should instead include a goal for building social acceptance for grizzly bears across the Forest. We also ask that this desired condition contribute to both movement and occupancy of female bears. As we have repeated, it is important that reproductive females are successful on the Forest, outside the PCA for long-term demographic and genetic connectivity to be successful.

Developed Sites

FW-STD-WLGB-04 and 05

In order to meet Planning Rule requirements these standards should be carried into the DMA and be included in identified linkage areas/connectivity areas.

Relocation Sites

In page 71 of our comments on the draft plan and DEIS we supported alternative D, FW-OBJ-WLGB to identify seven relocation sites. In the Forest[rsquo]s Response to Comments (p. 190) it is noted that the objective to identify relocation sites was changed to a goal. We object to this change. A goal is a broad statement of intent while an objective is concise and measurable and time specific (Plan, p. 9). Identifying new relocation sites was supported by Montana Fish, Wildlife and Parks and there is a sense of urgency to this time sensitive issue. As bears move outside the recovery zone lines in both the GYE and NCDE there is a need to identify sites, including sites outside the recovery zone boundary, where bears captured can be relocated without being taken all the way back to the recovery zone. This would help to facilitate connectivity and meet Planning Rule requirements. Not committing to this being done in a timely manner can delay identification of these sites[rsquo] and impede connectivity. FW-GO-WLGB-02 should be an objective rather than a goal.

Grazing

We request that FW-STD-WLGB-06 [ndash] not allowing an increase in the number or acreage of active livestock allotments [ndash] be carried into the DMA and connectivity areas in order to meet Planning Rule requirements.

We support FW-STD-WLGB-07 as an effective means of meeting Planning Rule requirements for grizzly bear conservation (Plan, p. 65.). In order to meet rule requirements, Defenders recommends that similar protections be applied to the DMA and connectivity areas.

There are a number of bighorn sheep plan components related to grazing that should be replicated to avoid conflicts with native predators, including grizzly bears and wolves, that would satisfy Planning Rule requirements.

FW-STD-GRAZ-02 states that stocking of domestic sheep or goats would be subject to a disease transmission risk assessment. A similar standard requiring a grizzly bear-livestock conflict risk assessment could allow for identification of areas more prone to conflicts and could be coupled with standards or guidelines around implementation of coexistence management approaches.

We suggest adding a standard similar to FW-STD-GRAZ-04 on terms and conditions for livestock allotments using the potential management approaches included on page 40 of Appendix A. Doing so would go far in proactively preventing conflicts between grizzly bears and livestock on the Forest and fulfill Planning Rule requirements for grizzly bear conservation. These are the management approaches:

* If domestic sheep or goats are used for targeted weed treatment, potential conflicts with grizzly bears can be reduced with mitigation measures included in contracts, permits or other agreements. Such measures might include instructions that specify timing, location, numbers of livestock, level of oversight, use of electric fencing at night, require retrieval of strays and proper disposition of carcasses, or other measures as determined on a site-specific basis. (FEIS Appendix, p. 40)
* If chronic grizzly bear conflicts occur on livestock allotments, possible options for resolving conflicts can include authorization of a non-use permit for livestock, moving livestock to a vacant allotment where there is less likelihood of conflict, or if the opportunity exists with a willing permittee, livestock grazing can be phased out of that allotment. (FEIS Appendix, p. 40)

Motorized Use, Recreational Impacts and Monitoring

Defenders requests FW-STD-WLGB-01, 02 and 03 be carried into the DMA and connectivity areas to meet Planning Rule requirements for grizzly bears. We also request inclusion of a Monitoring Question for monitoring high use non-motorized trails in occupied grizzly bear habitat and connectivity areas that outlines potential mitigation steps the Forests could take to resolve grizzly bear conflicts. From the Response to Comments:

Finally, the revised plan would retain monitoring items for road and trail densities (Revised Plan, Chapter 4. Monitoring Program, Grizzly Bear) as a useful index for evaluating habitat conditions within the grizzly bear recovery zone or primary conservation area (Biological Assessment, Grizzly Bears, Effects of the Revised Plan, Secure habitat)[rdquo] (Response, p. 187).

This monitoring is limited to the PCA and there is nothing specific to monitoring increasing recreational use of trails. This will be important outside the PCA in the DMA and connectivity areas like the Bridger Mountains which were identified for connectivity and also increasing recreational use. The Forest also does not outline how it will mitigate conflicts related to recreation outside of food storage orders. This shortcoming must be addressed in the final plan.

Grizzly Bear Specific Monitoring

The Response to Comments states that there are monitoring items specific to grizzly bears that include tracking and monitoring conflicts related to food-storage issues and educational contacts (Response to Comments, p. 188). It also lists monitoring that occurs only within the PCA. It concludes by stating [ldquo]These items will help Custer Gallatin managers track where and how often grizzly bear-human conflicts are occurring, examine possible causes for conflicts, and evaluate how management trends may have contributed to increasing or decreasing trends in conflicts[rdquo] (Response, p. 188). We disagree with this response because the monitoring the Forest proposes will yield an incomplete picture of the changes that could occur on the Forest that may negatively impact grizzly bears.

MON-WL-10 asks: [ldquo]To what extent are management actions changing grizzly bear habitat inside the recovery zone, relative to the 1998 baseline or 2006 baseline where applicable[rdquo] (LMP, p. 196). This monitoring question comes with a series of implementation indicators while MON-WL-11 regarding changes to secure habitat and connectivity only comes with one: [ldquo]Proportion and location of secure habitat by bear analysis unit outside the recovery zone within the DMA compared to 2008 baseline[rdquo] (LMP, p. 196). This is an uncomplete picture that could miss the affects from the parameters listed in MON-WL-10 such as new developed sites, livestock allotment impacts, and motorized route density. It is possible the Forest will be using the same parameters but from the way the LMP reads it is unclear. We ask the Forest to clarify this matter, and if those parameters are not being monitored outside the PCA they should be carried into the DMA and the connectivity areas. If the Forest is not monitoring those impacts over time in areas with the greatest leeway for change, then how does it expect to understand how those areas are functioning for grizzly bear recovery and connectivity? Failing to answer this critical question undermines effective implementation of the plan.

There is a monitoring question, MON-WL-03, that includes monitoring the number, location and cause and resolution of wildlife/human conflicts. It is unclear what types of conflicts will be monitored and what plan direction this is tiered to. Defenders acknowledges the new forest-wide goal that the Forest will assist in efforts to track and report grizzly bear-human and grizzly bear-livestock conflicts according to FW-GO- WLGB-03 (LMP, p. 63). Defenders would like to see a related specific monitoring question on the number and location of conflicts between native predators and livestock and what steps were taken to resolve the conflict. This seems achievable and we recommend that this be a specific goal within the forest plan. This information would inform allotment management plans for areas with conflict.

Part 4: Bison

Defenders of Wildlife submitted extensive comments on bison for the Custer Gallatin National Forest (CGNF) Plan Revision, which we incorporate by reference. Our scoping letter provided a strong scientific argument for a determination of bison as a Species of Conservation Concern (SCC). Bison as a SCC would afford the proper protections needed for long term viability of the species as well as toward overall restoration of Plains bison across the West, with Yellowstone bison as a vital resource. We explained the numbers and historic bison range, to illustrate the species[rsquo] occurrence in the planning area, and provided scientific evidence as to why there is substantial concern about its capability to persist over the long term; both requirements for an SCC decision.

While we feel strongly that designating bison as a SCC would be the appropriate move by the Forest Service to ensure bison on the Forest receive the full range of protections needed for long term viability, in discussions with Supervisor Mary Erickson and planning staff, we were assured that the plan components would align with SCC species management. Unfortunately, the plan does not afford bison with the same management prescriptions that a full SCC determination would offer. To address this concern we present the science-based arguments below and ask that the Forest Service redraft the actions within the plan components for Alternative F, the preferred alternative, to delineate the Forest[rsquo]s role and responsibilities toward ensuring the long term persistence of bison on the Custer-Gallatin.

Statement of Issue

Defenders believes that the plan (Alternative F) does not go far enough in properly identifying the Forest[rsquo]s role in bison management on the Custer Gallatin and specifically, fails to include plan component language that detail necessary [ldquo]proactive actions[rdquo] for effectively managing bison on the Custer Gallatin.

The FEIS noted (p. 547) that [ldquo]Alternatives D and F go a step further than the other alternatives by including a desired condition for bison presence on the Custer Gallatin National Forest year-round with sufficient numbers and distribution to provide a self-sustaining bison population (FW-DC-WLBI 04).[rdquo] Merely stating a [ldquo]desired condition[rdquo] of bison on the Forest does not reflect the Forest Service[rsquo]s affirmative role in the expansion of bison into unoccupied, suitable habitat. Unfortunately, the FEIS merely discusses the agency as a cooperating partner of the Interagency Bison Management Plan (IBMP).

The IBMP includes objectives related to the partner role of the CGNF, particularly in respect to the delineation of management zones where bison presence is tolerated and management is emphasized. Unfortunately the IBMP and CGNF are not meeting the IBMP goal of a wild free-ranging bison population because of the constrained distribution of animals within the CGNF planning area. This is where the forest plan revision can be better utilized to define the Forest Service[rsquo]s role and compel necessary conservation actions. Instead, the plan lacks specific land management activities for managing and contributing to bison conservation, as a wildlife species, in the planning area.

Approximately 88% of lands in the designated tolerance zone outside of YNP (~380,000 acres in total, including Zone 2 under the IBMP) are on the Custer Gallatin (Montana, 2013). However, Yellowstone bison have not been able to access this area, due to past management actions and hunting. Defenders believes there is much more the Forest can do, from a habitat perspective, to help facilitate dispersal and use throughout the current bison tolerance areas, and that the Planning Rule compels these conservation actions. We agree with this statement from the Assessment and believe that the plan must accomplish it: [ldquo]The key role of Custer Gallatin National Forest relative to bison is to provide and improve suitable habitat[rdquo] (Forest Plan Revision Assessment, page 134, emphasis added).

Providing and maintaining habitat for bison will ensure a viable population can inhabit the tolerance zones outside of Yellowstone National Park (YNP). The Forest has conveyed that their intention is to manage wild bison

as if they are an SCC, and to do so they should adopt management that is consistent with the Planning Rule[rsquo]s species viability objective. To do that the CGNF needs to maintain or restore ecological conditions on the forest that contribute to maintaining a viable population of bison within their range (36 CFR 219.9(b)(2)(ii)). As the federal land manager, CGNF is responsible for facilitating bison dispersal throughout the tolerance area (on the west and north side of YNP) as a necessary ecological condition to contribute to bison viability.

The FEIS explicitly states that [ldquo]Alternative F then establishes a proactive management approach to facilitate bison expansion on the Custer Gallatin while continuing to support a cooperative interagency management strategy[rdquo] (p. 559). However, the plan components do not explain what proactive measures the Forest Service will take other than one objective (FW-OBJ-WLBI-01) calling for three projects every three years, of which only one would be for habitat improvement (Alternative F).

It is important to note that Alternative F was not included in the March 2019 DEIS so we could not address the issue of a lack of explicit management actions by CGNF in our previous comments.

How the proposed plan should be improved

Yellowstone bison expansion, tolerance and the establishment of a year-round herd will require specific actions by the CGNF, the lead agency charged with [ldquo]maintaining or restoring ecological conditions[rdquo] for a viable population of bison, as required under the Planning Rule. We are concerned that plan language for bison management was weakened between the draft and final EIS, including diminishing the Forest[rsquo]s responsibility and accountability for bison conservation. It appears that in an attempt to [ldquo]strike a balance[rdquo] between alternatives, some language was changed in the plan components from how it was originally written and evaluated in the DEIS (language that we originally supported in our DEIS comments). As modified, the plan components are unclear or arbitrary. The changes are also concerning because members of the public who are not eligible to file an objection are deprived of the opportunity to comment on the changes, suggesting the need for supplemental NEPA. Specifically, the changes to the plan components undermine the primary objective of promoting bison expansion on the Forest.

In addition, many of the clarifications and recommendations for plan components that we provided in response to the DEIS were ignored. Of primary concern is an inability to ensure that the plan objectives are enforceable and that the CGNF will be responsible for three [ldquo]bison[rdquo] habitat improvement projects every three years (which we assume to mean one per year), and that other plan components will not in some way constrain or restrict bison expansion onto forest lands in the future, including outside of the current tolerance areas.

We object to the plan components for bison because they fail to provide the ecological conditions necessary to sustain and conserve bison as directed by the Planning Rule. The Forest must address the lack of contiguous suitable habitat providing effective corridor areas for bison to migrate and disperse farther out on the landscape and in to suitable habitat areas in the Taylor Fork and Upper Gallatin in the new West side tolerance area (Figure 18, the Terrestrial Wildlife Report). Plan components must ensure that necessary steps are taken to identify, create, and manage for suitable bison habitat and corridor/migration route areas for bison migrating from YNP to facilitate dispersal into areas such as the Taylor Fork and throughout existing tolerance areas. Facilitating dispersal and restoring connectivity throughout tolerance areas is the necessary ecological condition that the CGNF must provide to contribute to bison viability, as directed by the Planning Rule.

The specific plan component objections below are consistent with our prior comments for managing bison on the CGNF. In response to the FEIS, we offer solutions to strengthen and clarify the language of specific plan components for Alternative F, with the intent to ensure that the plan direction is enforceable and consistent with the diversity requirements of the Planning Rule. It is essential that the Forest strengthen the language and

include actionable items, with the CGNF as the responsible agency, that provide wild bison with access to suitable habitat and adequate connecting corridors between suitable habitats to support bison expansion, and provide sufficient distribution throughout existing tolerance areas to support both migrating bison and a self-sustaining year-round bison population on the Forest.

Proposed Solution

Our proposed solution is to add language to Alternative F[rsquo]s plan components that specifically identify the Forest Service[rsquo]s role in bison management and toward the IBMP goal of a wild free-ranging bison population that is broadly distributed both seasonally and year-round throughout existing tolerance areas, outside YNP, on the CGNF lands.

Specific Proposed Solutions Per Plan Component

Language in the Desired Condition FW-DC-WLBI-02 in the revised plan has been weakened and is not sufficient to support a species that warrants SCC status, as we previously demonstrated in our scoping comments for the Proposed Action (PA).

1. FW-DC-WLBI-02 currently reads:

Suitable habitat supports a year-round bison presence on the Custer Gallatin National Forest. Habitat accommodates bison migrating out of Yellowstone National Park in winter, as well. Adequate connecting corridors exist between suitable habitats to facilitate bison movement and distribution to increase resilience to stressors, adaptability to changing conditions, and contributing to stable and increasing genetic diversity.

This desired condition should be changed as follows (underlined) to be consistent with Planning Rule requirements for diversity:

Suitable habitat supports a year-round bison presence on the Custer Gallatin National Forest. Habitat accommodates bison migrating out of Yellowstone National Park in winter, as well. Adequate connecting corridors exist between suitable habitats to facilitate bison movement and sufficient distribution to be resilient to stressors, adaptable to changing conditions, and contributing to stable or increasing genetic diversity.

2. Language has been added to the Desired Condition FW-DC-WLBI-04 in the revised plan that weakens plan direction.

Bison are present year-round with enough numbers and adequate distribution to support a selfsustaining population on the Custer Gallatin National Forest in conjunction with bison herds in Yellowstone National Park.

The last part of this sentence (underlined) is new language that weakens this desired condition. The goal of the IBMP is for a herd to be self-sustaining outside YNP, not in conjunction with the YNP herds; as it stands the phrasing is ambiguous and could detract from the desire to establish a stand-alone year-round bison population with enough numbers and adequate distribution to be self-sustaining on the Forest.

The forest should strive to support one or more year-round self-sustaining bison herds on the forest and therefore we recommend removing the above added language and restoring it to the original version to read:

Bison are present year-round with enough numbers and adequate distribution to support a selfsustaining population on the Custer Gallatin National Forest.

3. The single bison objective (FW-OBJ-WLBI-01) is vague, unclear, and lacks explicit direction facilitating bison

expansion into/throughout suitable habitat areas within existing tolerance zones. Here is the objective:

Complete three projects within, or for the purpose of creating or connecting, suitable bison habitat every three years, one of which is a habitat improvement project.

Objectives must be concise, measurable, and time specific (FSH 1909.12, section 22.13). Completing [ldquo]three projects within suitable bison habitat every three years,[rdquo] of which only one is for the purpose of improving habitat is unacceptable. It is unclear if the habitat project will even benefit bison, and these projects lack accountability. What are the other two projects, if they are not habitat improvement projects? The intent of these other two projects needs to be clarified, and the language should be specific that the habitat improvement project will benefit bison. We recommend that the language be changed to read as follows:

Complete three projects within, or for the purpose of creating or connecting, suitable bison habitat every three years (one per year), one of which is a habitat improvement project for the purpose of creating, improving and connecting habitat for bison.

The CGNF should also include a guideline to identify and manage for corridor/migration route areas for bison migrating from YNP to the Forest, in order to facilitate dispersal throughout the new and existing tolerance areas. Specifically, routes to the Taylor Fork and Upper Gallatin tolerance area should be identified in the forest plan, and habitat improvement projects implemented to provide a contiguous pathway of

suitable habitat to facilitate the restoration of native bison to this area. The CGNF should add the following guideline:

FW-GDL-WLBI-04 The Forest Service will work with state, federal, tribal, and NGO partners to identify and manage for suitable habitat and potential corridor areas linking suitable habitat to facilitate bison dispersal into and throughout tolerance areas and to help guide habitat improvement projects under FW-OBJ-WLBI-01.

4. New and existing language in Guideline FW-GDL-WLBI-03 is confusing and inappropriate.

FW-GDL-WLBI-03 reads:

To facilitate bison expansion into unoccupied, suitable habitat in the area that coincides with the grizzly bear primary conservation area, management actions should not create a barrier to bison movement unless needed to achieve interagency targets for bison population size and distribution.

The above (underlined) language pertaining to grizzly bear and the PCA is new and of concern for bison management goals. We are unclear what CGNF[rsquo]s intention is with including bison expansion in the PCA and it appears that it would be restricted to this area. We do not believe the Forest should in any way make a connection with bison expansion with grizzly bear recovery/policy. It is also of concern that in places where many advocates would like to eventually see bison restored, including the Dome Mt. Ranch/WMA area, and other state sections, fall outside of the PCA. Furthermore, as mentioned in our DEIS comments, the last portion of this guideline is also problematic. Because IBMP population objectives and tolerance zones are subject to change over time and are currently based on an outdated and unacceptable plan, we believe it is inappropriate for the CGNF to include plan direction that could in any way restrict bison use of the landscape, impede connectivity, or affect population abundance. The CGNF has an obligation outside of the IBMP context to support a viable population of wild bison on forest system lands and to contribute to the broader restoration of this species as a whole.

Proposed Solution: As previously suggested, a more straightforward and appropriate guideline would be:

To facilitate bison expansion into unoccupied, suitable habitat within current tolerance areas, management actions should not impede bison movement.

The CGNF also ignored our previous comments to include a guideline to allow for the phase-out of grazing allotments, if there is a willing permittee both within and adjacent to current tolerance areas, acquisition of private lands/conservation easement opportunities as those opportunities arise, and collaboration with other jurisdictions and agencies to facilitate safe highway crossings for bison (and other wildlife). Specifically, the voluntary phase-out of grazing allotments to the northwest and west of the park, both within and outside tolerance areas, could have significant benefits to bison restoration on forest lands, including the potential to adjust current tolerance zones to allow for bison dispersal into new areas of the forest, including areas where they are currently allowed but have no way to access given current tolerance boundaries and existing conflicts with cattle.

Proposed Solution: We ask that the CGNF reconsider including the below recommended guideline as a critical part of facilitating bison dispersal into currently unoccupied suitable habitat on the CGNF.

Allow for the phase-out of grazing allotments, if there is a willing permittee both within and adjacent to current tolerance areas, acquisition of private lands/conservation easement opportunities as those opportunities arise, and collaboration with other jurisdictions and agencies to facilitate safe highway crossings for bison (and other wildlife).

5. The Monitoring question and implementation indicators are too vague and wholly inadequate to effectively measure progress toward achieving desired conditions and goals and in serving as a trigger driving review and adaptation of management policies.

The FEIS monitoring question (MON-WL-07) is: What management actions have occurred to improve / facilitate bison movements and avoidance of human/bison conflicts?

The new forest plan should include direction that specifically promotes bison dispersal and broad distribution throughout suitable habitat areas within tolerance zones. The monitoring plan should reflect this as well. By simply asking what management actions have occurred [ldquo]to facilitate bison movements[rdquo] is too vague. Movements to where and for what purpose? The monitoring language should be more explicit to reflect these goals and desired conditions. Also, bison movements could mean movements intended to restrict distribution and reduce potential for conflicts (i.e. movements back into YNP, etc.). The monitoring question should be amended to read:

What management actions have occurred to improve/facilitate bison use of and broad distribution throughout new and existing tolerance areas?

Also, under the Implementation indicators, we request again that the first Bison management action be amended to read [ldquo]# and types, locations of actions that improve or facilitate opening corridors for bison movement and use of unoccupied suitable habitat.[rdquo]