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First name: Michael
Last name: Garrity
Organization: Alliance For The Wild Rockies
Title: Executive Director
Comments: Dear Supervisor Erickson,

Thank you for the opportunity to comment on the East Crazy

Inspiration Divide land exchange proposal.

Please accept these attached comments in pdf format from me on

behalf of the Alliance for the Wild Rockies, Center for Biological Diversity,

Council on Wildlife and Fish, Yellowstone to Uintas Connection,

and Native Ecosystems Council on the proposed East Crazy Inspiration Divide land

exchange proposal.

December 21, 2022

Mary Erickson, Forest Supervisor PO Box 130

Bozeman, MT 59771 Dear Supervisor Erickson,

Thank you for the opportunity to comment on the East Crazy In- spiration Divide land exchange proposal, Please accept these comments from me on behalf of the Alliance for the Wild Rock ies, Center for Biological Diversity, Council on Wildlife and Fish, Yellowstone to Uintas Connection, and Native Ecosystems Council on the proposed East Crazy Inspiration Divide land ex change proposal.

We believe because of the size of the proposed land swap and the cumulative effects of past current and future logging, grazing and roadbuilding by the Forest Service and past current and fu- ture private logging, grazing and development in the area, the Forest Service must complete a full environmental impact statement (EIS) for this Project.

The preliminary EA is inadequate in analyzing the cumulative effects of past, current and future development logging. For ex- ample, the project the public (via the USFS) gives up any claim of the historic access up Sweet Grass Trail and lower drainage, one of very few important access points from the east into the Crazies. This will result in an ever-growing number of users all funneled through a single trailhead in the southeastern portion of the Crazies. The public will be quickly pushed off the rolling hills and productive habitat of the low country and relegated to the steep, high terrain largely consisting of rock and ice.

Many of the touted benefits, including the non-federal parties paying for building the new trail and parking lot improvements to address congestion, are not available for the public to review. How will other claimed benefits within the environmental assessment, like access to Crazy Peak for the Crow Tribe, access across private land and consideration of conservation easements be enforced or guaranteed?

The proposal asks the public to give up 100% of mineral rights on land going to the landowners. In return, however, the public receives only mineral rights on two of the 11 sections it is re- ceiving. In Montana, mineral rights supersede surface rights, so it is not unreasonable to assume that the owners of these claims may decide to assert these valuable rights in the future. At that time, under Montana law, those owners would have the ability to disrupt the surface by building roads, cutting down trees, divert- ing water, and using any and all legal means they choose to de- velop their mineral rights on the newly consolidated public lands. This was not analyzed in the preliminary EA and needs to be analyzed.

The scope of the Project will likely have a significant individual and cumulative impact on the environment. Alliance has re- viewed the statutory and regulatory requirements governing Na- tional Forest Management projects, as well as the relevant case law, and compiled a checklist of issues that must be included in the EIS for he Project in order for the Forest Service[rsquo]s analysis to comply with the law. Following the list of necessary elements, Alliance has also included a general narrative discussion on pos- sible impacts of the Project, with accompanying citations to the relevant scientific literature. These references should be dis- closed and discussed in the EIS for the Project. Even if you de- cline to write an EIS, we ask the you still disclose the following in the final EA.

NECESSARY ELEMENTS FOR

PROJECT EIS:

Disclose all Custer Gallatin National Forest Plan requirements for logging/burning projects and explain how the Project complies with them since exchanged land could be logged;

Will this land exchange comply with forest plan big game hiding cover standards and the eastside assessment, and will the land acquired comply with forest plan big game hiding cover standards and the eastside assessment?

Disclose the acreages of past, current, and reasonably fore- seeable logging, grazing, mining, and road building activities within the land exchange area;

Solicit and disclose comments from the Montana Department of Fish, Wildlife, and Parks regarding the impact of the land ex- change on wildlife habitat;

Solicit and disclose comments from the Montana Department of Environmental Quality regarding the impact of the land ex- change on water quality; Disclose the biological assessment for the candidate, threat- ened, or endangered species with potential and/or actual habitat in the Proposed land exchange area;

Disclose the biological evaluation for the sensitive and man- agement indicator species with potential and/or actual habitat in the Proposed land exchange area;

Disclose the snag densities in the Proposed land exchange area, and the method used to determine those densities;

Disclose the current, and post-land exchange road densities in the Project area;

Disclose the Custer Gallatin National Forest[rsquo]s record of com- pliance with state best management practices regarding stream sedimentation from ground-disturbing management activities;

Disclose the Custer Gallatin National Forest[rsquo]s record of com- pliance with its monitoring requirements as set forth in its Forest Plan;

Disclose the Custer Gallatin National Forest[rsquo]s record of com- pliance with the additional monitoring requirements set forth in previous DN/FONSIs and RODs on the Custer Gallatin National Forest;

Disclose the results of the field surveys for threatened, en- dangered, sensitive, and rare plants in each of the proposed land exchange area.

Please formally consult with the US FWS on the impacts of this proposed land exchange on candidate, threatened, or endan- gered species and plants;

Please consult with the US FWS on the impacts of this pro- posed land exchange on lynx critical habitat and potential lynx critical habitat;

Will this Proposed land exchange exacerbate existing noxious weed infestations and start new infestations?

Do unlogged old growth forest store more carbon than the wood products that would be removed from the same forest in a logging operation that could occur on land traded away?

How much logging does the Forest Service assume will occur in the acquired lands and in the lands that ar exchanged away?

Is this Project consistent with [ldquo]research recommendations (Krankina and Harmon 2006) for protecting carbon gains against the potential impacts of future climate change? That study rec- ommends [ldquo][i]ncreasing or maintaining the forest area by avoid- ing deforestation,[rdquo] and states that [ldquo]protecting forest from log- ging or clearing offer immediate benefits via prevented emis- sions.[rdquo] That study also states that [ldquo][w]hen the initial condition of land is a productive old-growth forest, the conversion to for- est plantations with a short harvest rotation can have the oppo- site effect lasting for many decades . . . .[rdquo] The study does state that thinning may have a beneficial effect to stabilize the forest and avoid stand-replacing wildfire, but the study never defines

thinning. In this Project, where much of the logging is clear-cut- ting and includes removing large trees without any diameter lim- it, and where the removal of small diameter surface and ladder fuels is an unfunded mandate to the tune of over $3 million dol- lars, it is dubious whether the prescriptions are the same type of [ldquo]thinning[rdquo] envisioned in Krankina and Harmon (2006).

Please disclose whether you have conducted surveys in the Proposed land exchange area for wolverines, pine martins, northern goshawk, grizzly bears, whitebark pine, and lynx as re- quired by the Forest Plan.

Please disclose how often the Proposed land exchange area has been surveyed for wolverines, pine martins, northern goshawks, monarch butterflies, grizzly bears, whitebark pine and lynx.

Is it impossible for a wolverines, pine martins, monarch but- terflies, northern goshawks, grizzly bears, whitebark pine and lynx to inhabit the Proposed land exchange area?

Would the habitat be better for wolverines, monarch butter- flies, pine martins, northern goshawks, grizzly bears, whitebark pine and lynx if roads were removed in the Proposed land ex- change area?

What is the U.S. FWS position on the impacts of this Pro- posed land exchange on wolverines, pine martins, monarch but- terflies, northern goshawks, grizzly bears, whitebark pine and lynx? Have you conducted ESA consultation?

Please provide us with the full BA for the wolverines, monarch butterflies, pine martins, northern goshawks, grizzly bears, whitebark pine and lynx.

Please disclose what is the best available science for restoration of whitebark pine.

Disclose the level of current noxious weed infestations in the Proposed land exchange area and the cause of those infesta- tions;

Disclose the impact of the Proposed land exchange on nox- ious weed infestations and native plant communities;

Disclose the amount of detrimental soil disturbance that cur- rently exists in each land exchange area from previous logging, road building and grazing activities;

Disclose the expected amount of detrimental soil distur- bance in both future acquirred and traded away lands;

Disclose the current level of old growth forest in each third order drainage in the Proposed land exchange area;

Disclose the method used to quantify old growth forest acreages and its rate of error based upon field review of its pre- dictions;

Disclose the historic levels of mature and old growth forest in the Proposed land exchange area;

Disclose the level of mature and old growth forest neces- sary to sustain viable populations of dependent wildlife species in the area;

Disclose the amount of mature and old growth forest that will remain after implementation;

Disclose the amount of current habitat for old growth and mature forest dependent species in the Proposed land exchange area;

Disclose the amount of habitat for old growth and mature forest dependent species that will remain after Proposed land exchange implementation;

Disclose the method used to model old growth and mature forest dependent wildlife habitat acreages and its rate of error based upon field review of its predictions;

Disclose the amount of big game (moose and elk) hiding cover, winter range, and security currently available in the area that will be traded and the land that will be acquired;

Disclose the amount of big game (moose and elk) hiding cover, winter range, and security in the area that will be traded and the land that will be acquired after implementation of the proposed land exchange;

Disclose the method used to determine big game hiding cover, winter range, and security, and its rate of error as deter- mined by field review;

Disclose and address the concerns expressed by the ID Team in the draft Five-Year Review of the Forest Plan regarding the failure to monitor population trends of MIS, the inadequacy

of the Forest Plan old growth standard, and the failure to com- pile data to establish a reliable inventory of sensitive species on the Forest;

Disclose how Project complies with the Roadless Rule;

Disclose the impact of climate change on the efficacy of the proposed treatments;

VV. Disclose the impact of the proposed project on the carbon storage potential of the area;

WW. Disclose the baseline condition, and expected sedimenta- tion during and the proposed land exchange, for all streams in the area;

Disclose maps of the area that show the following elements:

Past, current, and reasonably foreseeable logging units in the the land that will be acquired after implementation of the pro- posed land exchange and the land that will be traded away after implementation of the proposed land exchange;

Past, current, and reasonably foreseeable grazing allotments in the Project area;

Hiding cover in the Project area according to the Forest Plan definition;

Old growth forest in the Project area;

Big game security areas;

Moose winter range;

The best available science, Christensen et al (1993), recom- mends elk habitat effectiveness of 70% in summer range and at least 50% in all other areas where elk are one of the prima- ry resource considerations. According to Figure 1 in Christensen et al (1993), this equates to a maximum road density of approxi- mately 0.7 mi/sq mi. in summer range and approximately 1.7 mi/sq mi. in all other areas.

Do any of the 6th Code watersheds in the land exchange area meet either of these road density thresholds? Please disclose this type of Project level or watershed analysis on road density.

Christensen et al (1993) state that if an area is not meeting the 50% effectiveness threshold of 1.7 mi/sq mi, the agency should admit that the area is not being man- aged for elk: [ldquo]Areas where habitat effectiveness is retained at lower than 50 percent must be recognized as making only minor contributions to elk manage- ment goals. If habitat effectiveness is not important, don't fake it. Just admit up front that elk are not a consideration.[rdquo] The Project EA does not make this admission.

The Forest Service should provide an analysis of how much of the land exchange area, land exchange area watersheds, affected land-scape areas, or affected Hunting Districts provide [ldquo]elk se- curity area[s][rdquo] as defined by the best available science, Chris- tensen et al (1993) and Hillis et al (1991), to be comprised of contiguous 250 acre blocks of forested habitat 0.5 miles or more

from open roads with these blocks encompassing 30% or more of the area.

Please provide a rational justification for the deviation from the Hillis security definition and numeric threshold that represent the best available science on elk security areas.

The land exchange (Project) will violate the NEPA if there are no valid snag surveys done for the project area both within and outside proposed harvest units.

The project will violate the NEPA if there are no valid surveys for old growth habitat within each project area, as identified by Green et al. 1992; old growth types need to be defined and quan- tified by timber types, such as lodgepole pine,

Douglas-fir, mixed conifer, spruce, subalpine fir, and limber pine.

The project will likely violate the NEPA if the mitigation mea- sures for MIS, sensitive species, and Montana Species of Con-

cern (birds, mammals including bats) are not clearly de- fined, and demonstrated to be effective as per the current best science.

We request a careful analysis of the impacts to fisheries and wa- ter quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain on snow events, and increases in stream water temperature. Please disclose the loca- tions of seeps, springs, bogs and other sensitive wet areas, and the effects on these areas the proposed land exchange. The pro- posal asks the public to give up 52 acres of wetlands and re- ceives only 7.8 acres in return, meaning the public stands to lose

44.6 acres of wetlands. How will this affect wildlife and fish?

Where livestock are permitted to graze, we ask that you assess the present condition and continue to monitor the impacts of grazing activities upon vegetation diversity, soil compaction, stream bank stability and subsequent sedimentation. Livestock grazing occurs in the Project area and causes sediment impacts, trampled or destabilized banks, increased nutrient loads in

streams, and decreased density, diversity, and function of ripari- an vegetation that may lead to increased stream temperatures and further detrimental impacts to water quality.

The proposal asks the public give up all water rights on land it is giving to the landowners, while it does not receive the water rights on all the land it receives. How does this benefit the pub- lic? How will this affect fish, wildlife and recreation?

The Project will violate the NEPA if there are no valid snag sur- veys done for the project area within proposed exchanged lands.

The project will violate the NEPA if there are no valid surveys for old growth habitat within each project area. Old growth types need to be defined and quantified by timber types, such as lodgepole pine, Douglas-fir, mixed conifer, spruce, subalpine fir, and limber pine.

Please provide land and timber value analysis prior to conclusion of the public comment period.

The Forest Plan has no old growth standards or definition for lodgepole pine. This is allowing the Forest Service to log old growth in violation of NEPA, NFMA and the APA.

The project will likely violate the NEPA if the mitigation mea- sures for MIS, sensitive species, and Montana Species of Con- cern (birds, mammals including bats) are not clearly de- fined, and demonstrated to be effective as per the current best science.

FAILURE TO REVIEW AND PROTECT CULTURAL AND HISTORICAL RESOURCES

Consultation with the State Historic Preservation Office (SHPO) must be completed prior to a decision being signed. Since the EA states that no surveys will occur prior to the decision being signed. Please explain how the project is complying with the Historic Preservation Act.

Crucial to the preservation of the historical and cultural founda- tions of the nation, Section 106 of the National Historic Preser- vation Act (NHPA) and its implementing regulations, 36 C.F.R. Part 800 (PDF) (revised August 5, 2004) require Federal agen- cies to consider the effects of projects they carry out, approve, or fund on historic properties. Additionally, Federal agencies must provide the Advisory Council on Historic Preservation (ACHP) opportunity to comment on such projects prior to the agency[rsquo]s final decision.

A Federal project that requires review under Section 106 is de- fined as an "undertaking." An undertaking means a project, ac- tivity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial

assistance; and those requiring a Federal per- mit, license, or approval.

Section 110 of the NHPA

Added to the NHPA in 1992, Section 110 requires Federal agen- cies to emphasize the preservation and enhancement of cultural resources. Section 110 directs agencies to initiate measures nec- essary to direct their policies, plans, and pro- grams in such a way that federally-owned sites, structures, and objects of histori- cal architectural or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the public. The agencies are also encouraged to institute (in consul- tation with the ACHP) procedures to assure Federal plans and programs contribute to the preservation and enhancement of

non-Federally owned sites, structures, and objects of historical, architectural, and archaeological significance. Has the MT SHPO received this survey? The cultural surveys need to be done before the NEPA and NHPA process can be completed, which has not occurred. The project must be approved by the SHPO and the public needs to given a chance to comment on this.

The Forest Service did not include binding legal standards for noxious weeds in its revision of the Custer Gallatin Forest Plan in violation of NFMA so the project will also violate NFMA, NEPA and the APA.

How effective have BMPs been at stopping (i.e. preventing) new weed infestations from starting during logging and related road operations?

Is it true that new roads are the number one cause of new nox- ious weed infestations?

Why isn[rsquo]t the Forest Service considering a Forest Plan amend- ment in this Project to amend the Forest Plan to include binding legal standards that address noxious weeds?

Is it true that noxious weeds are one of the top threats to biodi- versity on our National Forests?

How can the Forest Service be complying with NFMA[rsquo]s re- quirement to maintain biodiversity if it has no legal standards that address noxious weeds?

Will this Project address all Project area BMP needs, i.e. will the BMP road maintenance backlog and needs from this Project all be met by this Project?

How will the decreased elk security and thermal cover affect wolverines? Please formally consult with the US FWS on the impact of this project on wolverines.

Will all WQLS streams in the project area have completed TMDLs before a decision is signed?

Will this project leave enough snags to follow the Forest Plan requirements and the requirements of sensitive old growth species such as flammulated owls and goshawks?

Will this Project exacerbate existing noxious weed infestations and start new infestations?

Do unlogged old growth forests store more carbon than the wood products that would be removed from the same forest in a logging operation?

What is the cumulative effect of National Forest logging on U.S. carbon stores? How many acres of National Forest lands are logged every year? How much carbon is lost by that logging?

Is this Project consistent with [ldquo]research recommendations (Krankina and Harmon 2006) for protecting carbon gains against the potential impacts of future climate change? That study rec- ommends [ldquo][i]ncreasing or maintaining the forest area by avoid- ing deforestation,[rdquo] and states that [ldquo]protecting forest from log- ging or clearing offer immediate benefits via prevented emis- sions.[rdquo]

Please list each visual quality standard that applies to each unit and disclose whether each unit meets its respective visual quali- ty standard.

Please disclose whether you have conducted surveys in the Project area for this Project for whitebark pine, grizzly bears, wolverines, pine martins, monarch butterflies, whitebark pine, northern goshawk and lynx.

Please disclose the last time the Project area was surveyed for whitebark pine, grizzly bears, wolverines, monarch butterflies, whitebark pine, pine martins, northern goshawk, and lynx.

Please disclose how often the Project area has been surveyed for whitebark pine, grizzly bears, wolverines, monarch butterflies, whitebark pine, pine martins, northern goshawks, and lynx.

Would the habitat be better for whitebark pine, grizzly bears, monarch butterflies, whitebark pine, wolverines, pine martins, northern goshawks, and lynx if roads were removed in the Project area?

Please provide us with the full BA for the whitebark pine, wolverines, monarch butterflies, whitebark pine, grizzly bears, pine martins, northern goshawks, and lynx.

Weeds

Native plants are the foundation upon which the ecosystems of the Forest are built, providing forage and shelter for all native wildlife, bird and insect species, supporting the natural processes of the landscape, and providing the context within which the public find recreational and spiritual opportunities. All these uses or values of land are hindered or lost by conversion of na- tive vegetation to invasive and noxious plants. The ecological threats posed by noxious weed infestations are so great that a former chief of the Forest Service called the invasion of noxious weeds [ldquo]devastating[rdquo] and a [ldquo]biological disaster.[rdquo] Despite imple- mentation of Forest Service [ldquo]best management practices[rdquo] (BMPs), noxious weed infestation on the Forest is getting worse and noxious weeds will likely overtake native plant populations

if introduced into areas that are not yet infested. The Forest Ser- vice has recognized that the effects of noxious weed invasions may be irreversible. Even if weeds are eliminated with herbicide treatment, they may be replaced by other weeds, not by native plant species.

Invasive plant species, also called noxious weeds, are one of the greatest modern threats to biodiversity on earth. Noxious weeds cause harm because they displace native plants, resulting in a loss of diversity and a change in the structure of a plant commu- nity. By removing native vegetative cover, invasive plants like knapweed may increase sediment yield and surface runoff in an ecosystem. As well knapweed may alter organic matter distribu- tion and nutrient through a greater ability to uptake phosphorus over some native species in

grasslands. Weed colonization can alter fire behavior by increasing flammability: for example, cheatgrass, a widespread noxious weed on the Forest, cures ear- ly and leads to more frequent burning. Weed colonization can

also deplete soil nutrients and change the physical structure of soils.

The Forest Service[rsquo]s own management activities are largely re- sponsible for noxious weed infestations; in particular, logging, prescribed burns, and road construction and use create a risk of weed infestations. The introduction of logging equipment into the Forest creates and exacerbates noxious weed infestations.

The removal of trees through logging can also facilitate the es- tablishment of noxious weed infestations because of soil distur- bance and the reduction of canopy closure In general, noxious weeds occur in old clearcuts and forest openings, but are rare in mature and old growth forests. Roads are often the first place new invader weeds are introduced. Vehicle traffic and soil dis- turbances from road construction and maintenance create ideal establishment conditions for weeds. Roads also provide obvious dispersal corridors. Roadsides throughout the project area are in- fested with noxious weeds. Once established along roadsides,

invasive plants will likely spread into adjacent grass- lands and forest openings.

Prescribed burning activities within the analysis area would like- ly cumulatively contribute to increases to noxious weed distribu- tion and populations. As a disturbance process, fire has the po- tential to greatly exacerbate infestations of certain noxious weed species, depending on burn severity and habitat type (Fire Ef- fects Information System 2004). Soil disturbance, such as that resulting from low and moderate burn severities from prescribed fire and fire suppression related disturbances (dozer lines, drop spots, etc.), provide optimum conditions for noxious weed inva- sion. Dry site vegetation types and road corridors are extremely vulnerable, especially where recent ground disturbance (timber management, road construction) has occurred. Units proposed for burning within project area may have closed forest service access roads (jammers) located within units. These units have the highest potential for noxious weed infestation and exacerba-

tion through fire activities. Please provide an alternative that eliminates units that have noxious weeds present on roads within units from fire management proposals.

Please address the ecological, social and ascetic impact of cur- rent noxious weed infestations within the project area. Include an analysis of the impact of the actions proposed by this project on the long and short term spread of current and new noxious weed infestations. What treatment methods will be used to ad- dress growing noxious weed problems? What noxious weeds are currently and historically found within the project area? Please include a map of current noxious weed infestations which in- cludes knapweed, Saint Johnswort, cheat grass, bull thistle, Canada thistle, hawkweed, hound[rsquo]s-tongue, oxeye daisy and all other Category 1, Category 2 and Category 3 weeds classified as noxious in the MONTANA COUNTY NOXIOUS

WEED LIST. State-listed Category 2 noxious weed species yel- low and orange hawkweeds are recently established (within the last 5 to 10 years) in Montana and are rapidly expanding in es- tablished areas. They can invade undisturbed areas where native plant communities are intact. These species can persist in shaded conditions and often grow underneath shrubs making eradication very difficult. Their stoloniferous (growing at the surface or be- low ground) habit can create dense mats that can persist and spread to densities of 3500 plants per square mile (Thomas and Dale 1975). Are yellow and orange hawkweeds present within the project area?

Please address the cumulative, direct and indirect effects of the proposed project on weed introduction, spread and persistence that includes how weed infestations have been and will be influ- enced by the following management actions: road construction including new permanent and temporary roads and skid trails proposed within this project; opening and decommissioning of roads represented on forest service maps; ground

disturbance and traffic on forest service template roads, mining access

routes, and private roads; removal of trees through commercial and pre-commercial logging and understory thinning; and pre- scribed burns. What open, gated, and decommissioned Forest Service roads within the project area proposed as haul routes have existent noxious weed populations and what methods will be used to assure that noxious weeds are not spread into the pro- posed action units?

Noxious weeds are not eradicated with single herbicide treat- ments. A onetime application may kill an individual plant but dormant seeds in the ground can still sprout after herbicide treatment. Thus, herbicides must be used on consistent, repeti- tive schedules to be effective.

What commitment to a long-term, consistent strategy of applica- tion is being proposed for each weed infested area within the proposed land trade area? What long term monitoring of weed populations is proposed?

When areas treated with herbicides are reseeded on national for- est land, they are usually reseeded with exotic grasses, not native plant species. What native plant restoration activities will be im- plemented in areas disturbed by the actions proposed in this project? Will disturbed areas including road corridors, skid trails, and burn units be planted or reseeded with native plant species?

The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Ser- vice concedes that preventing the introduction of weeds into un- infested areas is [ldquo]the most critical component of a weed man- agement program.[rdquo] The Forest Service[rsquo]s national management strategy for noxious weeds also recommends [ldquo]develop[ing] and implement[ing] forest plan standards . . . .[rdquo] and recognizes that the cheapest and most effective solution is prevention. Which units within the project area currently have no noxious weed populations within their boundaries? What minimum standards

are in the Custer Gallatin National Forest Plan to address nox- ious weed infestations? Please include an alternative in the DEIS or final EA that includes land management standards that will prevent new weed infestations by addressing the causes of weed infestation. The failure to include preventive standards violates NFMA because the Forest Service is not ensuring the protection of soils and native plant communities. Additionally, the omission of an EIS alternative that includes preventive measures would violate NEPA because the Forest Service would fail to consider a reasonable alternative.

Rare Plants

The ESA requires that the Forest Service conserve endangered and threatened species of plants as well as animals. In addition to plants protected under the ESA, the Forest Service identifies species for which population viability is a concern as [ldquo]sensitive species[rdquo] designated by the Regional Forester (FSM 2670.44).

The response of each of the sensitive plant species to manage-

ment activity varies by species, and in some cases, is not fully known. Local native vegetation has evolved with and is adapted to the climate, soils, and natural processes such as fire, insect and disease infestations, and windthrow. Any management or lack of management that causes these natural processes to be al- tered may have impacts on native vegetation, including threat- ened and sensitive plants. Herbicide application [ndash] intended to eradicate invasive plants [ndash] also results in a loss of native plant diversity because herbicides kill native plants as well as invasive plants.

Whitebark Pine

Not all ecosystems or all Rocky Mountain landscapes have ex- perienced the impacts of fire exclusion. In some wilderness ar- eas, where in recent decades natural fires have been allowed to

burn, there have not been major shifts in vegetation composition and structure (Keane et al. 2002). In some alpine ecosystems, fire was never an important ecological factor. In some upper subalpine ecosystems, fires were important, but their rate of oc- currence was too low to have been significantly altered by the relatively short period of fire suppression (Keane et al. 2002).

For example, the last 70 to 80 years of fire suppression have not had much influence on subalpine landscapes with fire intervals of 200 to several hundred years (Romme and Despain).

Consequently, it is unlikely that fire exclusion has yet to signifi- cantly alter stand conditions or forest health within Rocky Mountain subalpine ecosystems.

Whitebark pine seedlings, saplings and mature trees, present in subalpine forests proposed for burning, would experience mor- tality from project activity. Whitebark pine is fire intolerant (thin bark). Fire favors whitebark pine regeneration (through canopy

opening and reducing competing vegetation) only in the pres- ence of adequate seed source and dispersal mechanisms (Clarks Nutcracker or humans planting whitebark pine seedlings).

White pine blister rust, an introduced disease, has caused rapid mortality of whitebark pine over the last 30 to 60 years. Keane and Arno (1993) reported that 42 percent of whitebark pine in western Montana had died in the previous 20 years with 89 per- cent of remaining trees being infected with blister rust. The abil- ity of whitebark pine to reproduce naturally is strongly affected by blister rust infection; the rust kills branches in the upper cone bearing crown, effectively ending seed production.

Montana is currently experiencing a mountain pine beetle epi- demic. Mountain pine beetle prefer large, older whitebark pine, which are the major cone producers. In some areas the few re- maining whitebark that show the potential for blister rust resis- tance are being attacked and killed by mountain pine beetles, thus accelerating the loss of key mature cone- bearing trees.

Whitebark pine seedlings and saplings are very likely present in the subalpine forests in the proposed land trade area. In the ab- sence of fire, this naturally occurring white- bark pine regenera- tion would continue to function as an important part of the sub- alpine ecosystem. Since 2005, rust resistant seed sources have been identified in the Northern Rockies (Mahalovich et al 2006). Due to the severity of blister rust infection within the region, natural whitebark pine regeneration in the project area is prospective rust resistant stock.

What surveys have been conducted to determine presence and abundance of whitebark pine re-generation?

Does the Custer Gallatin N.F. have any forest plan biological assessment, biolog- ical opinion, incidental take statement, and management direc- tion amendment for whitebark pine?

Please see the attached paper by Six et al 2021 Whitebark Ge- netics 2021. Six et at found:

Anthropogenic change is creating or enhancing a number of stressors on forests. To aid forests in adapting to these stres- sors, we need to move beyond traditional spacing and age- class prescriptions and take into account the genetic variability within and among populations and the impact our actions may have on adaptive potential and forest trajectories. Because so little is known about the genetic diversity in most forest trees, and because it is key to effective conservation, studies of genet- ic diversity and structuring in forest trees should be a top pri- ority in forest adaptation and conservation efforts.

The project is not following the best available science and is not meeting the purpose and need. Since Whitebark pine are now listed under the ESA, you must formally reconsult with the FWS on the impact of the project on whitebark pine. To do this the Forest Service will need to have a complete and recent survey of the entire project area for whitebark pine and consider planting whitebark pine as the best available science by Keene et al. states is the only way to get new whitebark pine to grow. The Forest Service is incorrect when it states that the project will have [ldquo]No significant effects would result from this project or

cumulatively with other activities on National Forest or adja- cent lands that would affect at-risk plant species[rsquo] ability to per- sist on the landscape.[rdquo]

Please formally consult with the FWS on the impact of the project on Whitebark pine.

Since whitebark pine are very slow growing trees and take years to mature, what scientific evidence to you have to back up the following statement on page 29? [ldquo]Some immature trees may be lost, but this would not result in a trend toward federal listing.[rdquo]

The agency will violate the NFMA by failing to ensure that old growth forests are well-distributed across the landscape. The Revised Forest Plan has not standards for old growth lodgepole forests in violation of NEPA and NFMA. The project is in viola- tion of NEPA for not informing the public of this. The Revised Forest and the project are in violation of NFMA and the ESA for

not insuring viable populations of natives species including griz- zly bears, lynx, and wolverines.

THE AGENCIES MUST REINITIATE

CONSULTATION ON THE NORTHERN ROCKIES LYNX MANAGEMENT DIRECTION.

The Northern Rockies Lynx Management Direction is inade- quate to ensure conservation and recovery of lynx. The amend- ments fail to use the best available science on necessary lynx habitat elements, including but not

limited to, failing to include standards that protect key winter habitat.

The Endangered Species Act requires the FS to insure that the proposed land trade is not likely to result in the destruction or adverse modification of lynx habitat. 16 U.S.C. [sect]1536(a) (2). Activities that may destroy or adversely modify lynx habitat are those that alter the physical and biological features to an extent that appreciably reduces the conservation value of critical habitat for lynx. 74 Fed. Reg. 8644. The Northern Rockies Lynx Management Direction (NRLMD) as applied in the project vio- lates the ESA by failing to use the best available science to in- sure no adverse modification of critical habitat. The NRLMD carves out exemptions from Veg Standards

S1, S2, S5, and S6. In particular, fuel treatment projects may oc- cur in the WUI even though they will not meet standards Veg S1, S2, S5, or S6, provided they do not occur on more than 6% of lynx habitat on each Nation- al Forest. Allowing the agency to destroy or adversely modify any lynx critical habitat has the po- tential to appreciably reduce the conservation value of such habitat. The agency cannot simply set a cap at 6% forest-wide without looking at the individual characteristics of each LAU to determine whether the project has the potential to appreciably reduce the conservation value. The ESA requires the use of the best available science at the site-specific level. It does not allow

the agencies to make a gross determination that al- lowing lynx critical habitat to be destroyed

forest-wide while not appreciably reduce the conservation value.

The FS violated NEPA by applying the above-mentioned excep- tion without analyzing the impacts to lynx in the individual LAUs. The Project violates the NFMA by failing to insure the viability of lynx. According to the 1982 NFMA regulations, fish and wildlife must be managed to maintain vi- able populations of Canada lynx in the planning area. 36 C.F.R. 219.19. The FS has not shown that lynx will be well distributed in the planning area. The FS has not addressed how the project[rsquo]s adverse modi- fication of denning and foraging habitat will impact distribution. This is important because the agency readily admits that the LAUs already contain a [ldquo]relatively large percentage of unsuit- able habitat.[rdquo]

The national forests subject to this new direction will provide habitat to maintain a viable population of lynx in the northern Rockies by maintaining the current distribution of occupied lynx habitat, and maintaining or enhancing the quality of that habitat.

The FS cannot insure species viability here without addressing the impacts to the already low amount of suitable habitat. By cutting in denning and foraging habitat, the agency will not be [ldquo]maintaining or enhancing the quality of the habitat.[rdquo]

This project is in Canada lynx habitat. In order to meet the re- quirements of the FS/USFWS Conservation Agreement, the FS agreed to insure that all project activities are consistent with the Lynx Conservation Assessment and Strategy (LCAS) and the re- quirements of protecting lynx critical habitat. The FS did not do so with its project analysis. This project will adversely affect lynx critical habitat in violation of the Endangered Species Act. The BA/BE needs to be rewritten to reflect this information to determine if this project will adversely modi- fy proposed critical habitat for lynx and if so conference with USFWS.

The Custer Gallatin National Forest (HLCNF) is home to the Canada lynx, listed as a Threatened species under the Endan- gered Species Act (ESA). In December 1999, the Forest Service and Bureau of Land Management completed their [ldquo]Biological Assessment Of The Effects Of National Forest Land And Re- source Management Plans And Bureau Of Land Management Land Use Plans On Canada Lynx[rdquo] (Programmatic

Lynx BA).

The Programmatic Lynx BA concluded that the current pro- grammatic land management plans [ldquo]may affect, and are likely to adversely affect, the subject population of Canada lynx.[rdquo]

The Lynx BA team recommended amending or revising Forest Plans to incorporate conservation measures that would reduce or eliminate the identified adverse effects on lynx. The Program- matic Lynx BA[rsquo]s determination means that Forest Plan implementation is a [ldquo]taking[rdquo] of lynx, and makes Section 7 formal consultation on the Custer Gallatin Forest Plan mandatory, be- fore actions such as the proposed project are approved.

Continued implementation of the Forest Plan constitutes a [ldquo]tak- ing[rdquo] of the lynx. Such taking can only be authorized with an in- cidental take statement, issued as part of a Biological Opinion (B.O.) during of Section 7 consultation. The Custer Gallatin Na- tional Forest must incorporate terms and conditions from a pro- grammatic B.O. into a Forest Plan amendment or revision before projects affecting lynx habitat, such as this one, can be autho- rized.

The Programmatic Lynx BA[rsquo]s [ldquo]likely to adversely affect[rdquo] con- clusion was based upon the following rationale. Plans within the Northern Rockies:

Generally direct an aggressive fire suppression strategy within developmental land allocations. ...this strategy may be contributing to a risk of adversely affecting the lynx by limiting the avail- ability of foraging habitat within these areas.

Allow levels of human access via forest roads that may pre- sent a risk of incidental trapping or shooting of lynx or access by other competing carnivores. The risk of road-related adverse ef- fects is primarily a winter season issue.

Are weak in providing guidance for new or existing recreation developments. There- fore, these activities may contribute to a risk of ad- verse effects to lynx.

Allow both mechanized and non-mechanized recreation that may contribute to a risk of adverse effects to lynx. The potential effects occur by allowing compacted snow trails and plowed roads which may facilitate the movements of lynx competitors and predators.

Provide weak direction for maintaining habitat connectivity within naturally or artificially fragmented landscapes. Plans within all geographic areas lack direction for coordinating con- struction of highways and other movement barriers with other responsible agencies. These factors may be contributing to a risk of adverse effects to lynx.

Are weak in providing direction for coordinating management activities with adjacent landowners and other agencies to assure consistent management of lynx habitat across the landscape. This may contribute to a risk of adverse effects to lynx.

Fail to provide direction for monitoring of lynx, snowshoe hares, and their habitats. While failure to monitor does not di- rectly result in adverse effects, it makes the detection and as- sessment of adverse effects from other management activities difficult or impossible to attain.

Forest management has resulted in a reduction of the area in which natural ecological processes were historically allowed to operate, thereby increasing the area potentially affected by

known risk factors to lynx. The Plans have continued this trend. The Plans have also continued the process of

fragmenting habi- tat and

reducing its quality and quantity. Consequently, plans may risk adversely affect- ing lynx by potentially contributing to a reduc- tion in the geographic range of the species.

The BA team recommends amending or revising the Plans to incorporate conservation measures that would reduce or elimi- nate the identified adverse effects to lynx. The programmatic conservation measures listed in the Canada Lynx Con- servation Assessment and Strategy (LCAS) should be considered in this regard, once finalized. (Programmatic Lynx BA, at 4.)

The Programmatic Lynx BA notes that the LCAS identifies the following risk fac-tors to lynx in this geographic area:

Timber harvest and pre-commercial thinning that reduce denning or foraging habitat or converts habitat to less desirable tree species

Fire exclusion that changes the vegetation mosaic maintained by natural disturbance processes

We believe the revised Forest Plan would not be fully in accordance with the laws governing management of the national forests such as Clean Water Act, the ESA, NEPA, NFMA, and the APA, and will result in additional degradation in already de- graded watersheds and mountain slopes, further upsetting the wildlife habitat, ecosystem and human communities.

How many road closure violations have there been in the last 5 years in the Hebgen Ranger district?

It is fair to assume that there are many more violations that regularly occur and are not witnessed and reported. It is also fair to assume that you have made no effort to request this available in- formation from your own law enforcement officers, much less incorporate it into your analysis. Considering your own admis- sions that road density is the primary factor that degrades elk and grizzly habitat, this is a material and significant omission from your analysis[ndash] all of your ORD and HE calculations are wrong without this information.

Moreover, in light of the fact that eliminated hiding cover stan- dards in the revised Forest Plan which were designed to protect and conserve elk habitat, there are no protections left for elk and grizzly habitat. Chronic, illegal road use is reasonably foresee- able and must be addressed in the cumulative effects analysis.

Additionally, your emphasis on elk populations across entire hunting districts is disingenuous and has little relevance to whether you are meeting your Forest Plan obligations to main- tain sufficient elk habitat onNational Forest lands. As you note, the Forest Plan estimated that 70% of elk were taken on Nation- al Forest lands in 1986. What percentage of elk are currently taken on National Forest lands? Have you asked Montana FWP for

this information? Any honest biologist would admit that high elk population numbers do not indicate that you are appropriate- ly managing National Forest elk habitat; to the contrary, high elk numbers indicate that you are so poorly managing elk habitat on National Forest lands that elk are being displaced to private lands where hunting is limited or prohibited. Your own

Forest Service guidance document, Christensen et al 1993 states: [ldquo]Reducing habitat effectiveness should never be considered as a means of controlling elk populations.[rdquo]

The recurring problem of road closure failures undermines the foundation of the Forest Plan[rsquo]s wildlife security standards, which relies on these road closures to achieve certain densities of open and total roads both inside and outside the Recovery Zone. The agencies must address this problem and its impacts in an updated ESA consultation for the Forest Plan and this project.

Roads pose a threat to big game and grizzly bears because roads provide humans with access into big game and grizzly bear habi- tat, which leads to direct bear mortality from accidental shoot- ings and intentional poachings. Big game flee onto private lands during hunting season. Human access also leads to indirect bear mortality by creating circumstances in which bears become ha- bituated to human food and are later killed by wildlife managers. Human access also results in indirect mortality by displacing grizzly bears from good habitat into areas that provide sub- op- timal habitat conditions.

Displacement may have long term effects: [ldquo]Females who have learned to avoid roads may also teach their cubs to avoid roads. In this way, learned avoidance behavior can persist for several generations of bears before they again

utilize habitat associated with closed roads.[rdquo] Both open and closed roads displace grizzly bears: grizzlies avoided roaded ar- eas even where existing roads were officially closed to public use.

Females with cubs remained primarily in high, rocky, marginal habitat far from roads. Avoidance behavior by bears of illegal vehicular traffic, foot traffic, and/or authorized use behind road closures may account for the lack of use of areas near roads by female grizzly bears in this area. This research demonstrated that a significant portion of the habitat in the study area apparently remained unused by female grizzlies for several years. Since adult females are the most important segment of the population, this lack of use of both open-roaded and closed-roaded areas is significant to the population.

In addition to having a significant impact on female grizzly bears, displacement may also negatively impact the survival rates of grizzly cubs: [ldquo]survivorship of the offspring of females that lived in unroaded, high elevation habitat was lower than that recorded in other study areas in the [Northern Continental Di- vide Ecosystem]. The majority of this mortality was due to nat- ural factors related to the dangers of living in steep, rocky habi- tats. This is important in that the effects of road avoidance may result not only in higher mortality along roads and in avoidance of and lack of use of the resources along roads, but in the sur- vival of young when their mothers are forced to live in less fa- vorable areas away from roads.

Please clarify what percent of roads that projects call to be closed will actually be closed. What percentage of roads that are called for to be closed will not be closed because you still wait- ing for funds to close or obliterate those roads? This distinction matters because you cannot honestly claim that you are meeting road density standards promised by the Travel Plans[rsquo] EIS and Decision if you have not yet completed the road closures/ oblit- erations promised by the Travel Plans. Furthermore, as noted above, you have a major problem with recurring, chronic viola- tions of the road closures created by the Travel Plan, which means that your assumptions in the Travel Plan that all closures would be effective has proven false. For this reason, you cannot tier to the analysis in the Travel Plan because it is invalid. You must either complete new NEPA analysis for the Travel Plan on this issue or provide that new analysis in the NEPA analysis for this Project. Either way, you must

update your open road density calculations to include all roads receiving illegal use.

The project is in Violation of the ESA [ndash] failure to address and evaluate effects to grizzly bears in the lower-48 States or grizzly bear recovery. Section 7 of the ESA requires the Forest Service to consult with FWS on how the revised forest plan may affect listed species, including grizzly bears, which are listed as a sin- gle, threatened species in the lower-48 States.

The project and the Forest Plan are not following the best avail- able science for grizzly bears. The project defines secure grizzly bear habitat as being 10 acres or greater is size. Proctor et al 2020 conclude:

Motorized access has been shown to influence grizzly bears at the individual and population levels. People in motorized vehi- cles affect grizzly bear habitat use, home-range selection, movements, population fragmentation, and demography in- cluding survival and reproduction, which ultimately affects bear density, population trends, and conservation status. Inte- grating habitat quality into road management improves the ef- ficiency and effectiveness in reaching management goals, such as managing for few or no roads within 500 m of habitats con- taining late summer and autumn hyperphagia food resources, such as major berry fields, salmon streams where bears can ef- fectively catch fish, and high-quality white- bark pine stands.

Further, in populations with moderate habitat quality and close to human settlements, road densities near 0.6 km/km2 with >60% secure habitat (i.e., >500 m from an open road) are meaningful thresholds that, if not exceeded, may allow female grizzly bears to have sustainable survival rates. In other areas, population- specific thresholds may be appropriate, such as where conservation is a major concern, because poor habitat

quality limits reproductive rates and very little human- caused mortality can be sustained. In areas that are further from hu- man population centers and have large patches of high-quality habitat, the bear population could tolerate higher overall road densities provided large, high-quality patches have no roads.

Our consensus of prioritizing the use of motorized ac- cess management across occupied grizzly bear terrain was that [ldquo]Threatened[rdquo] populations, or populations of conservation concern (documented or suspected popu- lation declines, ex- cessive reported mortality, and areas with high human foot- prints), were a first priority. Next, we conclude that habitat quality is an integral part of understanding grizzly bear re- sponses to roads and, if integrated, will increase the efficiency and effectiveness of road management programs. Therefore, managers should allow for habitat security with zero or low road densities in high-quality foraging habitats where major summer[ndash] autumn hyperphagia energy-rich food sources are used heavily. This could entail maintaining low road densities in currently safe habitats (where habitat quality is high and mortality risk is low) and applying motorized access controls in areas of sink habitats (where habitat quality and road densities are high).

Why is the project not following the best available science. Please find Proctor et al attached.

The Forest Service[rsquo]s and FWS[rsquo]s failure to consider and evalu- ate how the revised forest plan and removal of all wildlife standards may affect grizzly bears in the lower 48 states or grizzly bear connectivity or movement and grizzly bear re- covery in the lower 48 States is arbitrary, capricious, an abuse of discretion, or

otherwise not in accordance with ESA.

In consulting on the revised forest plan under section 7 of the ESA, the Forest Service and FWS failed to evaluate and analyze how its decision to remove all wildlife standards for big game may affect grizzly bears, wolverines, monarch butterflies, lynx, and lynx critical habitat.

The Forest Service[rsquo]s biological assessment does not evaluate and analyze in the environmental baseline, effects of the action, and cumulative effects, how the removal of all wildlife standards may affect grizzly bears, wolverines, monarch butterflies, lynx, or lynx critical habitat.

FWS[rsquo]s biological opinion does not evaluate and ana- lyze in the environmental baseline, effects of the action, and cumulative effects how removal of all wildlife standards may affect grizzly bears, wolver- ines, monarch butterflies, lynx, or lynx critical habi- tat. FWS[rsquo]s [ldquo]no jeopardy[rdquo] finding in the biological opin- ion does not evaluate and analyze how the removal of wildlife standards may affect grizzly bears, wolver- ines, monarch butterflies or lynx. FWS[rsquo]s [ldquo]no adverse

modification[rdquo] finding in the biological opinion does not evaluate and analyze how the removal of wildlife standards may affect lynx critical habitat.

The removal of all wildlife standards in the revised forest plan is likely to adversely affect grizzly bears, wolverines, monarch butterflies, lynx, lynx critical habitat, and connectivity on the forest and is an im- portant and relevant factor that must be (but was not) considered during the consultation process.

The Forest Service[rsquo]s and FWS[rsquo]s failure to consider and evaluate how the removal of all ten wildlife stan- dards may affect grizzly bears, wolverines, monarch butterflies, lynx, and lynx critical habitat is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with ESA. 5 U.S.C. [sect] 706 (2)(A).

In consulting on the revised forest plan under section 7 of the ESA, the Forest Service and FWS relied on compliance with the [ldquo]1998 baseline[rdquo] from the 2018 grizzly bear standards. The Forest Service relied on the 1998 baseline and two different Travel Plans when evaluating the environmental baseline, effects of the action, and cumulative effects in the biological assessment and is relying on this for the South Plateau project.

FWS relied on the 1998 baseline when defining the proposed action and evaluating the environmental baseline, effects of the action, and cumulative effects

in the biological opinion. FWS[rsquo]s [ldquo]no jeopardy[rdquo] finding relied on compliance with the 1998 baseline.

The 1998 baseline was never subject to NEPA review. The Forest Service and FWS never consulted on the 2011 baseline. Please do a NEPA review of the 1998 baseline or the project will be in violation of NEPA, NFMA and the ESA.

The 1998 baseline is outdated and not premised on the best available science. The 1998 baseline fails to account for the most serious threats to grizzly bears, including the threat from human-caused mortality.

The 1998 baseline does not address the loss of hiding cover. The 1998 baseline does not address private land development. The 1998 baseline does not ad- dress cumulative effects. The 1998 baseline does not address temporary increases in road densities. The 1998 baseline allows up to six years of exceeding of road densities and secure core.

The 1998 baseline does not address the administra- tive use of roads, which is broadly defined and in- cludes

motorized uses for projects. Significant changes to grizzly bear habitat, distribution, and food sources have occurred in the Custer Gallatin National Forest since 2011. The 1998 baseline does not address changes to grizzly bear food sources. Threats to griz- zly bears in the Custer Gallatin National Forest have changed since 2011.

The Forest Service and FWS never explained why the 1998 baseline is and remains the proper metric by which to evaluate and measure impacts to grizzly bears and grizzly bear recovery in the action area, in- cluding in the recovery zone or management zone 1.

The 1998 baseline is not a proxy or surrogate for ana- lyzing the effects of an action (the revised forest plan and removal of ten wildlife standards) on grizzly bears or grizzly bear recovery.

NEPA requires the Forest Service to adequately dis- close, consider, and analyze the direct, indirect, and cumulative effects of its proposed actions. Direct ef- fects are caused by the action and occur at the same time and place. Indirect effects are caused by the ac- tion and occur later in time or farther removed in dis- tance, but are reasonably foreseeable.

Cumulative effects are the impacts on the environ- ment that result from the incremental impact of the action when added to other past, present, and reason- ably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.

The Forest Service[rsquo]s EIS for the revised forest plan fails to adequately analyze the direct and indirect ef- fects of removing all wildlife standards from the Custer Gallatin Forest Plan, including standards de- signed to protect hiding cover and limit open road

densities on big game species and habitat (including security), grizzly bears, grizzly bear habitat, grizzly bear movement and recovery, lynx, lynx habitat, and lynx critical habitat.

The Forest Service[rsquo]s EIS for the revised forest plan fails to adequately analyze the cumulative effects of removing all wildlife standards from the Custer Gal- latin Forest Plan, including standards designed to protect hiding cover and limit open road densities on big game species and habitat (including security), grizzly bears, grizzly bear habitat, grizzly bear movement and recovery, lynx, lynx habitat, and lynx critical habitat. Other activities occurring on the Custer Gallatin National Forest, including livestock grazing, recreational uses, logging, and climate change are having and continue to have a cumulative effect on big game species and habitat, grizzly bears, grizzly bear movement and recovery, lynx, lynx habi- tat, and lynx critical habitat.

The Forest Service[rsquo]s failure to analyze the direct, in- direct, and cumulative effects of removing all wildlife standards is arbitrary, capricious, an abuse of discre- tion, or otherwise not in accordance with NEPA.

NEPA requires the Forest Service to adequately con- sider and analyze a reasonable range of alternatives.

Under NEPA, the alternatives analysis is [ldquo]the heart[rdquo] of the environmental analysis because it presents impacts of the proposal and the alternatives in compara- tive form, thus sharply defining the issues and pro- viding a clear basis for choice among options. The al- ternatives analysis guarantees that agency decision- makers have before them and take into proper ac- count all possible approaches to a particular action (including total abandonment of the action) which would alter the environmental impact and the cost- benefit balance.

The Forest Service[rsquo]s EIS for the revised forest plan fails to consider and analyze a reasonable range of al- ternatives to removing all wildlife standards from the Custer Gallatin Revised Forest Plan. The Forest Ser- vice

only took an all (remove all wildlife standards) or nothing (keep all wildlife standards) approach.

The Forest Service[rsquo]s EIS for the revised Forest Plan- never evaluated keeping some of the wildlife standards. The Forest Service never evaluated amending or modifying some or all of the ten wildlife standards (including the numeric requirements for retaining hiding cover and limiting open road densities). The Forest Service never evaluated an alternative that in- cludes specific Management Area direction with stan- dards in areas deemed critical for big game habitat and security. The Forest Service never evaluated and compared a wide range of new and varying standards with varying numeric limits for managing big game habitat and security on the forest based on the best available science.

The Forest Service[rsquo]s failure to consider and analyze a reasonable range of alternatives is arbitrary, capricious, an abuse of discretion, or otherwise not in ac- cordance with the NEPA. 5 U.S.C. [sect] 706 (2)(A).

The Forest Service[rsquo]s and FWS[rsquo]s reliance on the 1998 baselinewhen consulting on the revised forest plan is arbitrary, capricious, an abuse of discretion, or oth- erwise not in accordance with ESA. 5 U.S.C. [sect] 706 (2) (A).

Page 9 and 5 of the Revised EA states: [ldquo]The exact locations of temporary roads are not yet known, but placement would be consistent with Design Features (Appendix B) and subject to Resource Review (Appendix C).[rdquo]

This is a violation of NEPA, NFMA, the APA and the ESA. If you want to build temporary roads, you need to have a map showing the public where and how much temporary roads will be built. An EIS needs to be written with an analysis of the ef- fects of the new temporary roads and if they roads will be tem- porary or will people keep using them after they closed.

Your economic analysis also needs to be redone and the cost of the temporary roads needs to be shown.

Christensen et al (1993) states: [ldquo]Any motorized vehicle use on roads will reduce habitat effectiveness. Recognize and deal with all forms of motorized vehicles and all uses, including adminis- trative use.[rdquo] Please disclose this to the public and stop represent- ing that roads closed to the public should not be included in habitat effectiveness calculations. The facts that (a) you are con- structing or reconstructing temporary roads for this project, (b) you have problems with recurring illegal use, means that your conclusion that this Project will have no effect on open road density or habitat effectiveness is implausible to the point of be- ing disingenuous. You cannot exclude these roads simply be- cause you say they are closed to the public. Every road receiving motorized use must be included in the HE calculation. You must consider all of this road use in order to take a hard look that is fully and fairly informed regarding habitat effectiveness. In the very least you must add in all [ldquo]non-system[rdquo] roads, i.e. illegal roads, as well as recurring illegal road use (violations) in your ORD calculations.

Are all of the roads that the Travel Plans call for being closed, actually closed on the ground? Are the road closure barriers ef- fective? If not all of your analysis based on the Travel Plan is not accurate.

Roadless areas

Please analyze the wilderness characteristic of the project area both the inventoried and uninventoried roadless areas. The road- less areas are proposed as wilderness in the Northern Rockies Ecosystem Protection Act, H.R. 1755 and S. 1276. Have you consulted with the members of Congress who are sponsoring this bill?

The Forest Service recognizes the value of forestland unencum- bered by roads, timber harvest, and other development. Some- times these areas are known as [ldquo]inventoried roadless areas[rdquo] if they have been inventoried through the agency[rsquo]s various Road- less Area Review Evaluation processes, or [ldquo]unroaded areas[rdquo] if they have not been inventoried but are still of significant size and ecological significance such that they are eligible for con- gressional designation as a Wilderness Area.

Roadless areas provide clean drinking water and function as bio- logical strongholds for populations of threatened and endangered species. Special Areas; Roadless Area Conservation; Final Rule, 66 Fed. Reg. 3,244, 3,245 (Jan. 12, 2001) (codified at 36 C.F.R. Part 294). They provide large, relatively undisturbed landscapes that are important to biological diversity and the long- term survival of many at-risk species. Id. Roadless areas provide opportunities for dispersed outdoor recreation, opportu- nities that diminish as open space and natural settings are devel- oped elsewhere. Id. They also serve as bulwarks against the spread of non-native invasive plant species and provide refer- ence areas for study and research. Id.

Other values associated with roadless areas include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; refer-

ence landscapes; natural appearing cultural properties and sacred

sites; and other locally identified unique characteristics.

The agency will violate the NFMA by failing to ensure that old growth forests are well-distributed across the landscape with a Forest Plan amendment; although not provided in the scoping document for public comment, the agency is amending the For- est Plan to allow logging of old growth rather than preserving it.

The project is in violation of NEPA, NFMA and the APA for not adequately demonstrating the project will comply with the road- less rule, NEPA, NFMA, and the APA.

The Northern Rockies Ecosystem Protection Act has been rein- troduced in the current Congress as S. 1276 in the Senate and

H.R. 1755 in the House and would designate inventoried road- less areas in the project area as wilderness and potentially desig- nate unroaded areas as wilderness and/or travel corridors.

Thank you for your time and consideration of our comments. Michael Garrity

Executive Director

Alliance for the Wild Rockies

And for

Sara Johnson

Native Ecosystems Council

And for Steve Kelly

Council on Wildlife and Fish

And for

Jason L. Christensen [ndash] Director Yellowstone to Uintas Connection

And for

Kristine M. Akland

Center for Biological Diversity