

Wilderness areas outside of the PCA are protected from timber harvest, new road construction, new livestock allotments, new developed sites, and new mining claims by the Wilderness Act of 1964, 16 U.S.C. 1131 *et seq.* If pre-existing valid mining claims are pursued, the plans of operation are subject to reasonable regulation to protect wilderness values with mitigation to offset potential impacts from development. The protections provided by the Wilderness Act are further described in Factor D.

Comment [PE1]: valid to pre-existing rights, only prohibits new claims. Private inholdings and mining claims that are pre-existing. Existing claims are allowed road construction if reasonable. Inventoried? Not tracking claims but operating plans (Dan T.).

Wilderness study areas ~~(WSA's) have been are~~ designated by Congress as areas ~~those~~ having wilderness characteristics and warranting further study by Federal land management agencies (e.g., Forest Service or BLM) and consideration by Congress as formally designated Wilderness and being worthy of congressional designation as a wilderness area. Individual National Forests manage wilderness study areas to maintain their wilderness characteristics, generally until Congress acts to either decides whether to designate them as permanent ~~wilderness~~ Wilderness areas or release them to multiple use management. This generally means that individual wilderness study areas are protected from are protected from timber harvest, new road construction, new livestock allotments, and new developed sites by the legislation creating them Wilderness Study Act of 1977. 16 U.S.C. 1131 et seq. subject to valid existing rights. . If new and pre-existing valid mining claims are pursued, the plans of operation are subject to reasonable regulation to protect wilderness values with mitigation to offset potential impacts from development.

Comment [PE2]: Montana Wilderness Study Act of 1977, Pub.L. No. 95 150, 91 Stat. 1243 (1977) for MT, find other states and appropriate cites

Comment [PE3]: New and pre-existing mining claims are allowed in wilderness study areas.

~~Pre-Existing~~ uses at the time of creation of the WSA to the Wilderness Study Act of

~~1977~~ are generally allowed to continue so long as the wilderness characteristics of the area are maintained. Wilderness Study Areas are further described in Factor D.

Comment [PE4]: For MT, check other states,

Inventoried Roadless Areas currently provide 4,891 sq km (1,888 sq mi) of secure habitat for grizzly bears outside of the PCA within the DPS boundaries. This amount of secure habitat is less than the total area contained within Inventoried Roadless Areas (6,179 sq km (2,386 sq mi)) because some motorized use occurs ~~use is allowed~~ due to roads that existed before the area was designated as roadless. ~~Thus, a certain amount of road use is grandfathered in to the designation of Inventoried Roadless Areas.~~ The 2001 Roadless Areas Conservation Rule (66 FR 3244, January 12, 2001; hereafter referred to as the “Roadless Rule”) prohibits new road construction, road re-construction, and timber harvest in Inventoried Roadless Areas. Additional information about the Roadless Rule is provided in Factor D. If ~~new and pre-existing valid~~ mining claims are pursued, the plans of operation are subject to reasonable regulation to protect roadless characteristics with mitigation to offset potential impacts from development. Motorized roads and trails may exist within Inventoried Roadless Areas subject to forest travel management plans. Potential changes in the management of these areas are not anticipated because the Roadless Rule was upheld by the Tenth Circuit Court of Appeals in 2011. (See *Wyoming v. USDA*, 661 F.3d 1209 (10th Cir. 2011).)

Factor D: US Forest Service

While the habitat standards in the draft 2016 Conservation Strategy that were incorporated into Forest Plans assure secure habitat and minimal human-caused mortality

risk inside the PCA, other regulatory mechanisms ensure sufficient habitat protections outside the PCA. Of the 22,783 sq km (8,797 sq mi) of suitable habitat outside the PCA, the Forest Service manages 17,292 sq km (6,676 sq mi), or 76 percent. Of this 76 percent of suitable habitat outside of the PCA but within the DMA that the Forest Service manages, 39 percent is Designated Wilderness Area, 4 percent is Wilderness Study Area, and 36 percent is Inventoried Roadless Area. These designations provide regulatory mechanisms that protect grizzly bear habitat from new increases in road construction motorized use, new oil and gas development, new livestock allotments, and timber harvest.

Specifically, the Wilderness Act of 1964 does not allow ~~new~~ road construction, new livestock allotments, or ~~new~~ oil, gas, and mining developments in designated Wilderness Areas, subject to valid existing rights. This means the 6,799 sq km (2,625 sq mi) of secure habitat outside of the PCA in Wilderness Areas is protected by an existing regulatory mechanism. This secure suitable habitat is biologically significant to the GYE grizzly bear DPS because it will allow population expansion into these areas that are minimally affected by humans. ~~Wilderness study areas are designated Congress as those having wilderness characteristics and warranting further study by Federal land management agencies (e.g., Forest Service or BLM) and being worthy of congressional designation as a wilderness area.~~ Wilderness study areas (WSA's) have been designated by Congress as areas having wilderness characteristics and warranting further study by Federal land management agencies (e.g., Forest Service or BLM) and consideration by Congress as formally designated Wilderness. ~~Individual National Forests manage~~

Comment [CA-05]: see edits on WSA and roadless areas above.

~~wilderness study areas to maintain their wilderness characteristics until Congress decides whether to designate them as permanent wilderness areas. This means that individual wilderness study areas are protected from are protected from timber harvest, new road construction, new livestock allotments, new developed sites by the Wilderness Study Act of 1977, 16 U.S.C. 1131 *et seq.*, subject to valid existing rights.~~ If new and pre-existing valid mining claims are pursued, the plans of operation are subject to reasonable regulation to protect wilderness values with mitigation to offset potential impacts from development. Pre-existing uses to the Wilderness Study Act of 1977 are allowed to continue so long as the wilderness characteristics of the area are maintained.

Comment [PE6]: 1977 for MT, find other states and appropriate USC.

Comment [PE7]: New and pre-existing mining claims are allowed in wilderness study areas.

Comment [PE8]: For MT, check other states,

Inventoried Roadless Areas currently provide 4,891 sq km (1,888 sq mi) of secure habitat for grizzly bears outside of the PCA within the DPS boundaries. The 2001 Roadless Rule prohibits new road construction, road reconstruction, and commercial timber harvest in Inventoried Roadless Areas (66 FR 3244; January 12, 2001). If new and pre-existing valid mining claims are pursued, the plans of operation are subject to reasonable regulation to protect roadless characteristics with mitigation to offset potential impacts from development. Motorized roads and trails may exist within Inventoried Roadless Areas subject to forest travel management plans.