

Bulleted summary of peer review and public comments, organized into issues

Green = public comment

Blue = peer review

Purple = both public comment and peer review

Forest Service issues (Jennifer will work with FS to summarize):

ISSUE: Forest Service designation of “sensitive species” or “species of conservation concern”

- Provide specific statutory and regulatory definitions for “species of conservation concern” and “sensitive species” and the authority that accompanies such a designation.
- The new designation of “species of conservation concern” under the 2012 Planning Rule does not provide the same. The same project-level prohibitions do not apply.
- Designation by the FS as a “sensitive species” or its equivalent is an important component of ongoing management to ensure that grizzlies remain a management priority.

ISSUE: Forest Service designations of wilderness, wilderness study areas, and roadless areas

- These designations are not restrictive enough to assume that no impact on grizzly bears exist in those areas. In Roadless areas, energy development or road construction in conjunction with oil and gas leases that pre-date the effective date of the rule, off-road vehicle use, motorized ATV trails, and human recreation may impact habitat. In Wilderness and wilderness study areas, mining claims that pre-date the Wilderness Act may be pursued. Livestock grazing is also permitted on these lands.
- Cannot assume that changes in the management of roadless areas under the Roadless Rule will not occur as it is currently under judicial review.
- Some aspects of the FS management of Wilderness Study Areas and Roadless Areas (FS will help edit)

ISSUE: “The Service states that the Gallatin National Forest determined that gains in secure habitat resulting from full implementation of the 2006 Gravel Management Plan will constitute a new baseline, but it is unclear why the Service is not enforcing the Gallatin National Forest to decommission motorized routes and develop sites to comply with the 1998 baselines as all other forests have done.” See draft CS. 2006 Gallatin Travel Management Plan not approved?

ISSUE: The forest service needs to address the issue of human activity at moth aggregation sites.

ISSUE: Forest Service plans and implementation

- The 2005 guidelines for habitat outside the PCA are not legally enforceable. Standards should include road density, secure habitat, and no surface occupancy stipulations for all federal lands within the DMA.
- The 2012 Planning Rule requires the Forest Service to consider connectivity, including roads (permanent or temporary, open or closed) and site development in light of how they may increase human-bear conflicts and grizzly bear mortality.
- The 2006 Amendment cannot “simply be resurrected” once a new delisting is finalized. The FS has to do a new planning process and public review to amend their plans because the new CS changes the habitat protection provided by existing forest plans.

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- Forest Service plans are not regulatory documents because of the 2012 Planning Rule?
- Forest plans to implement HBRC may not be implemented once listed status, which provides tools and incentives, is removed