

August 9, 2017

Forest Service
Attn: Forest Plan Revision
Custer Gallatin National Forest
10 E Babcock, P.O. Box 130
Bozeman, MT 59771

Virginia Kelley, Forest Plan Revision Team Leader et al.,

Re: Wilderness Inventory and Eligible Wild and Scenic Rivers.

The Pryors Coalition and partner organizations¹ appreciate the opportunity to provide the Custer Gallatin National Forest feedback on the recently released Draft Wilderness Inventory and Draft Eligible Wild and Scenic Rivers. As usual our comments will focus on the Pryor Mountains. Despite the considerable work the CGNF Planning Team has done, there are several adjustments that we think are necessary in these documents.

Wilderness Inventory:

1. East of Burnt Timber Ridge Road (2849): An area of approximately 1,000 acres east of Burnt Timber Ridge Rd., the east boundary of Area 8, has been left off of the Inventory and should be added. Though less than 5,000 acres, this area is contiguous with a BLM Wilderness Study Area to its east. As CGNF writes in the Wilderness Inventory Protocol the 5,000 acre criteria has an exception for "... *areas contiguous to an existing wilderness, primitive areas, administratively recommended wilderness, or wilderness inventory of other Federal ownership.*"²

2. The Dryhead Canyon area of approximately 1,000 acres has been left off the inventory and should be added. Most of the northwest boundary of CGNF's Area 11 in the Inventory is ML2 route 2144. But that road ends 0.4 miles before the north Forest boundary. (See Pryor Mountain MVUM.) This final 0.4 miles may in the future be "*converted to system trail and designated for use by motorized vehicles with a width of 50" or less.... Contingent upon minimizing impacts to soil.*"³ In either case this 0.4 miles is not an ML2 (or higher) road and is not excluded from the Inventory.⁴ Thus the Dryhead Canyon area, NW of route 2144 is contiguous to the Punchbowl Canyon Area 11, SE of route 2144. Both Punchbowl and Dryhead Canyons should be included in Area 11.

Note that the CGNF Wilderness Inventory includes other places where areas are connected by similar narrow "necks" satisfying the 5,000-acre criteria. For example see the south end of Commissary Ridge Rd (2092). Area 8 includes the Lost Water Canyon area and the area west of Commissary Ridge Rd. In this case the designated Lost Water Canyon Recommended Wilderness Area (RWA) also wraps around the end of the road.

3. Cave Ridge is an interesting situation in Area 8. The issue here is whether or not the 50 year old clearcuts are "substantially noticeable" or not. (§71.22b) On Google Earth these clear cuts are quite noticeable. But they are *not* substantially noticeable to a person on the ground. We have talked to people who have hiked through the area and not even realized there had been clear cuts. The experience is one of walking through intermittent meadows and forests.

The "edges" of the meadows are diffuse and irregular (not sharp or straight lines). Mixed age trees grow along the meadow/forest transitions and scattered throughout the meadows. Today the area resembles forest clearings. They are not apparent as old clearcuts.

We urge the Forest Service to include these old clearcuts with the rest of Cave Ridge in the Wilderness Inventory.

4. Maintenance Level 2 (ML2) roads are generally excluded from the Wilderness Inventory, but there are exceptions. One exception is,

¹ The Pryors Coalition, Our Montana, Eastern Montana Chapter of the Montana Wilderness Association, Montana Wildlife Federation, Yellowstone Valley Audubon Society, Beartooth Back Country Horsemen, Sierra Club, Beartooth Recreational

² This is a quote from Chapter 70 of the Land Management Planning Handbook, §71.2

³ 2008 Beartooth Travel Management Final EIS (page C-40)

⁴ "Include in the inventory... Areas that contain forest roads maintained to level 1." Planning Handbook, §71.22a (1a)

“Areas with forest roads that have been proposed by the Forest Service for consideration as recommended wilderness ...; or areas with forest roads that the [Forest Supervisor] merits for inclusion in the inventory that were proposed for consideration through public involvement during the assessment or other public or intergovernmental participation opportunity.” (§71.22a(1)(e), Underline emphasis added.)

We understand that this exception was included in the Chapter 70 Directives to encourage public involvement in the wilderness inventory process on the recommendation of a federal advisory committee appointed by the Secretary of Agriculture.

The CGNF Wilderness Inventory Protocol includes a statement that encompasses the above exception and others from Chapter 70 of the Land Management Planning Handbook paraphrased as,

“The Forest Supervisor may include in the inventory additional areas identified as part of that review that do not meet the criteria in sections 71.21 and 71.22 of this Handbook, for the purpose of carrying such areas forward to the evaluation step.” (page 2)

There are three ML2 Road segments in the Pryors, which merit inclusion in the Inventory *“for the purpose of carrying [these] areas forward to the evaluation step.”* Through our involvement in the Planning process, we have proposed these areas be considered for Recommended Wilderness Area (RWA) designation in our letter of April 13, 2017. The ML2 roads under consideration are #2092, 2093 and the NE end of #2144. In each of these cases we believe that reconsidering part or all of these ML2 routes would improve the viability of the RWAs we propose and make a simpler and more easily managed boundary by shortening or eliminating “cherry-stem” roads. See our April 13, 2017 letter for more detail.

5. Big Pryor Mountain:

A large area of Big Pryor Mountain north of Area 10 was excluded from the draft Wilderness Inventory. From extensive experience in the area we believe that the top of Big Pryor Mountain including the plateau and the upper reaches of the Bear Creek watershed easily fulfill all the requirements for inclusion in the Wilderness Inventory.

A July 18 email from Pam Novitzky indicates that this area was excluded from the Inventory because FS GIS analysis indicated that there were “substantially noticeable” concentrations of range improvements such as fences and stock ponds. Based on our on-the-ground experience this is not the case. We recommend a site visit by the planning team to field check the FS GIS analysis. It will be evident that the few fences and other range improvements are not “substantially noticeable.” It is clear that fences and stock ponds by themselves do not exclude an area from the Inventory and are commonly included in designated Wilderness where cattle grazing is permitted.

A key issue is determining at what point the density of range improvements are substantially noticeable. The standard used by CGNF was a density *“greater than one mile of fence or water development ... per square mile [is] considered substantially noticeable and [was] removed from the inventory.”* CGNF did not explain the basis for this standard and where it came from. It is not included in the Planning Handbook. Though there may be some density at which range infrastructure could become substantially noticeable and degrade wilderness values, 1 mile of fence, or 1 water development per square mile, is far below that situation. Whatever the quantitative density is on the excluded area of Big Pryor Mountain, the infrastructure is not substantially noticeable on the overwhelming part of Big Pryor Mountain.

The CGNF standard for “substantially noticeable” Range Improvements is too Strict.

The CGNF standard is: *“Concentrations of infrastructure where the density is greater than one mile of fence ... per square mile are considered substantially noticeable and were removed from the inventory.”* The following illustrations show that the low density of “one mile of fence per square mile” is not a *“concentration of infrastructure,”* and is not substantially noticeable.

a. Consider a sparse square grid with parallel north-south fences 2 miles apart and intersecting parallel east-west fences also 2 miles apart. This is a fence density of 1 mile per square mile.⁵ The four square mile blocks have no interior fencing. The CGNF standard claims that this is a "substantially noticeable concentration of infrastructure."

Suppose you are hiking in this area and come across a fence. No problem. Fences are allowed in Wilderness. Hop the fence and walk or look perpendicular to the fence. The next fence is two miles away. A 3 foot high barbed wire fence two miles away is not "substantially noticeable." A fence 1/2 mile away is not "substantially noticeable."

b. The entire area with fences as described in "a." above would be excluded from the Wilderness Inventory by CGNF's Substantially Noticeable Range Improvement Standard.⁶ This arrangement is composed of 4 square mile (2,560 acre) blocks each with no interior fences. Any two adjacent blocks would meet the size requirement for Wilderness designation. Yet such a 5,120-acre potential Wilderness would have only a perimeter fence and a single 2 mile fence across its interior. Surely that should not disqualify it from Wilderness consideration if it otherwise qualified.

c. Consider several long straight fences one mile apart with no cross fences. This would also be a fence density of 1 mile per square mile, so the entire area would be excluded from the Wilderness Inventory by the CGNF fence density standard. Thus the CGNF criteria is equivalent to a 1/2 mile = 2,640 ft. excluded buffer on each side of every fence.

On pages 3, 4 and 5 of the Wilderness Inventory Protocol CGNF gives buffers for exclusion from the Wilderness Inventory for many different kinds of roads and "other improvements."⁷ None of these buffers are greater than 250 feet and most are considerably smaller. In comparison the 2,640 foot buffer equivalent for wire fences is extreme. Highways, power lines, and gravel pits etc. are far more noticeable from any distance than a 3-foot high wire fence.

The CGNF standard for range improvements also includes. "...one water development (wells, tanks, spring developments, stock ponds / reservoirs, etc.) per square mile [is] considered substantially noticeable and [was] removed from the inventory." Thus the equivalent of a 1 square mile exclusionary buffer was applied to each stock pond etc. This is again unreasonable in comparison to the 175-foot buffer for gravel pits for example.

The Planning Handbook directs Forest Planners to, "Include such lands in the inventory where the other improvements or evidence of past human activities are not substantially noticeable in the area as a whole."⁸ The low density of locally noticeable fences and stock ponds on Big Pryor Mountain "are not substantially noticeable in the area as a whole." In fact in most places they are not noticed at all.

Transparent, broad and inclusive inventory process

According to the Land Management Planning Handbook the Inventory process is intended to be "transparent" and the Wilderness Inventory is intended to be "broad and inclusive."⁹

Neither the origin nor the application of CGNF's range infrastructure density standard is transparent.

1. CGNF does not provide a basis for the 1 mile of fence, or one water development, per square mile cut-off density standard. No density standard is in the Planning Handbook. Range infrastructure density was not used by either the Helena-Lewis & Clark or the Flathead National Forests.

⁵ Calculation: Each block in this square grid is 2 miles square (4 square miles) and has 8 miles of boundary fence. Since each fence line is shared between two adjacent blocks this is 4 miles of fence for each 4 square mile block. Thus 1 mile of fence per square mile.

⁶ Technically the CGNF standard includes the words "greater than," but any additional fence, a single stock tank or other water development would exceed the cut off.

⁷ Some examples: NF System and private roads (30 ft), County Roads (50 ft), State Highways (100 ft), Interstate Highways, (250 ft), Major Power line Corridors (75 ft), Cabins, Gravel pits, and Admin sites (175 ft)

⁸ §71.22b – Other Improvements (emphasis added.) This applies to range improvements, "Areas of mining activity where impacts are not substantially noticeable" and more.

⁹ "The primary function of the inventory step is to efficiently, effectively, and transparently identify all lands in the plan area that may have wilderness characteristics as defined in the Wilderness Act.

"The inventory is intended to be reasonably broad and inclusive, based on the inventory criteria...." (Section 71, emphasis added.)

The H-L&CNF lists under "*Improvements included in the inventory:* "*Range improvement areas with minor structural improvements such as wire and post and pole fencing. Minor spring developments (without obvious and lengthy pipelines) are also included in the inventory*"¹⁰ (emphasis added)

2. CGNF provides no documentation for its determination that tens of thousands of acres of Big Pryor Mountain exceed this arbitrary and intrinsically ambiguous¹¹ standard. CGNF did not identify any "concentrations of infrastructure" as mentioned in the "standard." Yet some 20,000 acres were excluded en mass.

The resulting Wilderness Inventory on Big Pryor Mountain is not "broad and inclusive." It excludes from even evaluation and NEPA analysis a large area proposed by the public – an area that has strong support for Wilderness designation from many interested groups.

Wilderness Inventory for Big Pryor Mountain

The criteria for inclusion in the Wilderness Inventory (Chapter 70 of the Land Management Planning Handbook) are 1. Larger than 5,000 acres. 2. No ML2 (or higher) roads. And 3. No "substantially noticeable" other improvements. By these criteria almost all of Big Pryor Mountain (*fences included*) south of Pryor Mountain Road (and Powerline Road), and west of Crooked Creek Road should be in the Wilderness Inventory. We do not expect or ask that this entire area will make it through the rest of the planning process to be designated as Recommended Wilderness. But it would be very unfortunate to exclude from serious NEPA analysis the wildest parts of Big Pryor Mountain.

We assert that highest and best use of the Big Pryor Mountain for future generations requires designation of two RWAs in the new Forest Plan: Big Pryor and Bear Canyon. (See our letter of April 13, 2017.) In order to even evaluate and do NEPA analysis on these areas they must first be recognized as part of the Wilderness Inventory.

The Pryors Coalition and partner organizations made similar proposals in 2007, but were told by Custer National Forest that such an action was more appropriate for Management Planning.¹² No NEPA analysis of these areas was done in 2007-8. As a long time proposal from many interested groups these RWA proposals merit NEPA analysis now.

According to CGNF's Wilderness Inventory Protocol, "*The Forest Supervisor may include in the inventory additional areas identified as part of that review that do not meet the criteria in sections 71.21 and 71.22 of this Handbook, for the purpose of carrying such areas forward to the evaluation step.*"¹³ (Underline emphasis added here and below.) This is paraphrased from several statements in Chapter 70 of the Land Management Planning Handbook, "*Areas with improvements that have been proposed by the Forest Service for consideration as recommended wilderness ... or that the [Forest Supervisor] merits for inclusion in the inventory that were proposed for consideration through public or intergovernmental participation opportunities.*"

We understand that this exception was included in the Chapter 70 Directives to encourage public involvement in the wilderness inventory process on the recommendation of a federal advisory committee appointed by the Secretary of Agriculture.

¹⁰ "Identification and Inventory of Areas that may be Suitable for Inclusion in the National Wilderness Preservation System," Helena - Lewis & Clark National Forest, Forest Plan Revision, page 5

¹¹ Different methods of computing the density can give very different values, thus resulting in different areas being included and excluded from the Inventory. For example if a square mile section of land had a "concentration" of a couple miles of fence and a couple stock tanks, average density for that section would exclude it from the Inventory. But nearby sections with minimal fencing would be included in the Inventory. However calculation of the average over a larger area could exclude up to 4 sections from the Inventory – including 3 sections with minimal fence. Averaging over 5 or more sections would give a density below the cut-off and *no* sections would be excluded.

How did CGNF do the calculations? Where were there "concentrations of infrastructure"? What areas were averaged over? How were more than 30 wild sections on Big Pryor Mountain excluded from the Wilderness Inventory?

¹² "...a number of alternatives were considered, but dismissed from detailed consideration for the reasons summarized below. ... Zoning areas by type of use or similar management prescription is more appropriate for land management planning." 2008 FEIS, Beartooth Travel Management page 2-20

¹³ It is important to note that the criteria that the Big Pryor area is alleged not to meet are not in the FS Handbook (sections 71.21 and 71.22), but are additional criteria created by CGNF.

Eligible Wild and Scenic Rivers:

1. We are pleased with the reaffirmation that Crooked Creek is eligible for inclusion in the Wild and Scenic River System. We are also pleased that CGNF has identified Cave Creek and Lost Water Creek as eligible.

However we think Crooked Creek and especially Cave Creek and should be classified as “Wild” rather than “Scenic” according to the criteria specified for W&S Rivers. These creeks are “*generally inaccessible except by trail with ... waters unpolluted. These represent vestiges of primitive America.*” (Criteria for “Wild” classification.) In fact these creeks are inaccessible except by off-trail hiking. And their shorelines are undeveloped not “*largely undeveloped,*” and they are not “*accessible in places by roads.*” (Criteria for “Scenic” classification.)

2. Bear Creek certainly qualifies as eligible for inclusion in the Wild and Scenic River System. But CGNF only includes the bottom 1½ miles (on FS land). We see no rationale for not including the rest of the creek to its headwaters.

Further, we disagree with the classification of Bear Creek as “Recreational.” The criteria for classification as a “Recreational River” are: “*Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some limited impoundment or diversion in the past.*” Absolutely none of this fits any part of the 5½ miles of Bear Creek. The bottom point (on FS land) can be reached by a ½ mile primitive trail. There are no trails to any other part of the 5 ½ miles of the creek. There are no developments of any sort for the length of the creek. The only classification that fits Bear Creek is “Wild.”

Summary:

We recommend that CGNF add the following areas in the Pryor Mountains to the Wilderness Inventory:

The Dryhead Canyon area, 1,000 acres east of Burnt Timber Road, several old clearcut areas, and at least parts of a few ML2 roads (2144, 2092 and 2093).

The biggest change we recommend is that major parts of Big Pryor Mountain (more than 20,000 acres) be added to the Wilderness Inventory. The fencing and other range infrastructure on most of Big Pryor Mountain is largely unnoticeable to observers on the ground and at most minimally degrading to wilderness values.

All these added areas (along with the rest of the Wilderness Inventory) should receive careful NEPA analysis and serious consideration for designation as Recommended Wilderness in the upcoming Forest Plan.

We think the Recommended Wilderness Areas we have proposed (Letter: April 13, 2017) are very much in the long range best interest of the both the land and the public.

Sincerely,

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