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BLM Lewistown Field Office  
Lewistown DRMP  
920 NE Main  
Lewistown, MT 59457

Re: Comments on the Lewistown Draft Resource Management Plan (DRMP)

We appreciate this opportunity to comment on the Bureau of Land Management's (BLM) Draft Resource Management Plan for the Lewistown Planning Area. The Pew Charitable Trusts works with local and regional partner organizations throughout the West to advocate for planning outcomes on US public lands that protect important wildlife habitat as well as other ecologically significant areas. BLM is under a statutory duty to provide and maintain opportunities for a variety of uses of the public lands. Our comments focus on three specific areas addressed in the Lewistown Draft Resource Management Plan (DRMP) where we feel BLM falls short of fulfilling its multiple use sustained yield management objective outlined in the Federal Land Policy and Management Act (FLPMA): management of lands with wilderness characteristics (LWC); Areas of Critical Environmental Concern (ACEC); and protection of big game migration corridors. We hope our comments lead to BLM making specific changes to the Draft Resource Management Plan to strike a better balance in protecting the wild roadless habitat that defines this region of Montana that so many public land users depend on.

### **Lands with Wilderness Characteristics**

- I. BLM is required to inventory for wilderness character and consider a range of alternatives for protecting wilderness characteristics in the Resource Management Plan Amendment (RMPA).

Section 201 of FLPMA mandates that BLM maintain and inventory the resources of our public lands through the land use planning process, including the revision of RMPs.<sup>1</sup> Section 202 of FLPMA requires that BLM consider these inventories and determine which multiple uses are best suited to various places within the planning area. Managing for "multiple use" does not mean allowing everything everywhere. According to FLPMA managing for multiple uses means managing resources "so that they are utilized in the combination that will best meet the present and future needs of the American people; . . . with consideration being given to the relative value of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit of output."<sup>2</sup> In accordance with this multiple use management objective, it is the policy (and statutory duty) of BLM to provide and maintain opportunities for a variety of uses of the public lands subject to any new RMP. This means while some areas may be set aside for mineral extraction, oil and gas development and/or motorized use other areas should be managed for other resources, including wildlife habitat, wilderness characteristics, and non-motorized or primitive and unconfined recreational activities.

An updated wilderness characteristics inventory of BLM-administered lands in the Lewistown planning area was completed as part of the Lewistown RMP. The inventory considered 54 units, totaling 282,033 acres. Inventory units were identified from the initial and final wilderness inventories for the Lewistown and Butte Districts and included additional areas that were not considered in the 1980 wilderness inventory.<sup>3</sup> Within this 750,000 acre planning area in central Montana, the BLM has identified 202,681 acres of wilderness-quality land, including

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<sup>1</sup> 43 U.S.C. § 1711

<sup>2</sup> 43 U.S.C. § 1702(c)

<sup>3</sup> Lands with Wilderness Characteristics report Lewistown BLM July 2016

areas adjacent to the Upper Missouri River Breaks National Monument known for their iconic backcountry hunting and fishing opportunities such as Crooked Creek, Blood Creek, Drag Creek and Dunn Ridge among many others. Yet, the BLM's current preferred alternative does not propose to manage any of these lands to retain their wild characteristics.

II. Wilderness characteristics are a valuable resource and important multiple use of the lands governed by the Lewistown RMP.

As discussed above, wilderness is a resource to be inventoried and managed under BLM's multiple use mandate. Through this planning process, BLM should recognize the wide range of values associated with lands with wilderness characteristics in the Lewistown field office and select an alternative that protects these values in a balanced way:

1) Recreation – FLPMA identifies “outdoor recreation” as a valuable resource to be inventoried and managed by BLM. Lands with wilderness characteristics provide opportunities for primitive and unconfined recreation, such as backcountry hunting, fishing, hiking, camping, and wildlife viewing. The recreation opportunities provided by wilderness quality lands also yield direct economic benefits to local communities. According to a 2014 study prepared by ECONorthwest for the Pew Charitable Trusts, there were more than 60 million recreational visits to BLM lands across the west, nearly two-thirds of which were by people enjoying quiet (nonmotorized) recreation activities, like hunting, hiking, and fishing. These visitors spent some \$1.8 billion in communities within 50 miles of recreation areas, supported nearly 25,000 jobs, and generated \$2.8 billion for the overall U.S. economy. In Montana alone, that same year there were 2.9 million visits to the state's 8 million acres of BLM lands to enjoy nonmotorized outdoor activities which infused \$141 million dollars into local communities.<sup>4</sup> Primitive recreation experiences across the planning area will be severely impacted if the naturalness of these lands is not preserved.

2) Scenic Values – FLPMA specifically identifies “scenic values” as a resource of BLM lands for purposes of inventory and management and lands with wilderness characteristics generally provide spectacular viewing experiences. The scenic values of these lands will be compromised if no constraints on development activities are secured for lands with wilderness characteristics in the RMP.

3) Economic Benefits – Big game hunting is a valuable resource within the Lewistown field office boundary and expenditures from hunting contribute significantly and sustainably to local economies, according to a recent study released by Headwater Economics<sup>5</sup>. The conservation of hunting values is an important wilderness characteristic that BLM must consider in its planning effort. According to this report, within the BLM's Lewistown field office boundary Hunting Districts 410, 412, 417, and 426 accounted for nearly four million dollars in expenditures during the 2015 hunting season. A total of \$3,929,314 in economic expenditures for 2015 was calculated by the Montana Department of Fish, Wildlife & Parks (FWP) for the four Districts for elk, antelope, moose, and bighorn sheep. Of this, slightly more than \$3.8 million was from elk hunting alone, with roughly \$2.3 million of that amount occurring in HD 410. The total is split roughly evenly between resident and non-resident hunters. The big game backcountry hunting opportunities on these lands will be potentially compromised if no constraints on development activities are secured in the RMP.

4) Balanced Use – The vast majority of BLM lands across the West are open to motorized use and development. FLPMA recognizes that “multiple use” of the public lands requires “a combination of balanced and diverse resource uses” that includes recreation, watershed, wildlife, fish, and natural scenic and historical values.<sup>6</sup> FLPMA also requires BLM to prepare land use plans that may limit certain uses in some areas.<sup>7</sup> Many other multiple uses of public lands are compatible with the protection of wilderness characteristics – in fact, many are

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<sup>4</sup> <https://www.pewtrusts.org/en/research-and-analysis/articles/2016/03/31/the-economic-value-of-quiet-recreation-on-blm-lands>

<sup>5</sup> Headwaters Economics- ECONOMIC IMPACTS OF ELK HUNTING IN HUNTING DISTRICTS 410, 412, 417, & 426 <https://montanawildlife.org/study-shows-backcountry-hunting-boosts-economy-in-fergus-and-petroleum-counties/>

<sup>6</sup> 43 U.S.C. § 1702(c)

<sup>7</sup> 43 U.S.C. § 1712

enhanced if not dependent on protection of wilderness qualities such as primitive recreation and wildlife habitat. Protection of wilderness characteristics will benefit many of the other multiple uses of BLM lands.

**Recommendation:** BLM needs to provide more balance in the final RMP. Key lands need to be managed to protect wilderness characteristics specifically the LWC units that reside within Montana’s Hunting District 410 adjacent to the Upper Missouri River Breaks National Monument and the Charles M Russell National Wildlife Refuge: Crooked Creek, Blood Creek, Drag Creek, Dunn Ridge, Chain Buttes, Spear Coulee, Biggett, Cat Creek, Dovetail, Horse Camp, Cottonwood and Thompson Coulee.

### Areas of Critical Environmental Concern

When developing a land use plan, FLPMA mandates that BLM “give priority to the designation and protection of areas of critical environmental concern (ACEC).”<sup>8</sup> ACECs are areas “where special management is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes.”<sup>9</sup>

With the passage of FLPMA, Congress gave clear intent to prioritizing, designating and protecting ACECs in BLM’s land planning and management processes. ACECs are areas where special management is required to protect important values and resources for which the area is designated and FLPMA directs that ACECs be managed to both protect and prevent irreparable damage to these resources and values. Despite FLPMA’s mandate that BLM give priority to the designation and protection of ACECs, in the Lewistown DRMP BLM proposes no new such areas in its preferred alternative and recommends eliminating all protections for existing ACECs.

In 2015 the Lewistown Interdisciplinary Team conducted an evaluation of existing and newly proposed ACECs throughout the Lewistown Field Office. To be eligible for designation as an ACEC-an area must meet the relevance and importance criteria described in 43 CFR 1610.7-2 and BLM Manual 1613 and need special management. Relevance and importance are defined as follows:

- *Relevance:* There shall be present a significant historic, cultural, or scenic value, a fish or wildlife resource or other natural system or process, or natural hazard.
- *Importance:* The above described value, resource, system, process, or hazard shall have substantial significance and value.

The BLM staff reviewed information from BLM inventories, the Montana Natural Heritage Program, United States Fish and Wildlife Service, and the Montana Fish, Wildlife and Parks species of concern data, and other reports to ensure that all potentially relevant and important values within the planning area were considered. The Interdisciplinary Team analyzed 3 new ACECs (internally proposed), 4 existing ACECs, and 4 existing outstanding natural areas and found that 10 met the relevance and importance criteria, totaling 32,008 acres. These include: Acid Shale-Pine Forest, Blacktail Creek, Black Butte, Blind Horse, Chute Mountain, Collar Gulch, Deep Creek/Battle Creek, Ear Mountain, Judith Mountains Scenic, Square Butte and Sun River. Despite this recommendation by BLM’s own Lewistown Interdisciplinary Team, the DRMP recommends eliminating all existing ACECs.

Eliminating existing ACECs and proposing no new ACEC protections leaves the values deemed to be relevant and important with few administrative defenses from extractive activities. The DRMP fails to provide sufficient justification for and proper consideration of all impacts associated with this proposed change in management for areas previously determined to contain relevant and important values. Furthermore, our review of the

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<sup>8</sup> 43 U.S.C. § 1712(c)(3)

<sup>9</sup> Id. § 1702(a)

scoping summary reveals there was no request from the public for elimination of ACECs. Accordingly, it appears to be emerging Bureau policy to eliminate all existing ACECs in planning efforts.

**Recommendation:** To fulfill its obligation under FLPMA, BLM needs to add protective management in the Proposed RMP/Final EIS for the four existing ACEC's and four existing outstanding natural areas identified by BLM's Lewistown Interdisciplinary Team to still contain relevant and important values.

### **Wildlife Habitat and Migration Corridors**

In February of 2018, the Department of Interior released Secretarial Order 3362, *Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors*. The order seeks to improve wildlife management and conservation and expand opportunities for big game hunting by improving priority habitats within migration corridors across the West. The Order prioritizes the need to address and ensure that big game populations across the West achieve sustainability and their migration corridors remain functional. The Order, which was praised by many scientists as well as conservation and sportsmen's groups, calls on the agency to work with state and tribal wildlife managers to improve the habitat quality for the winter range of western big game and provide migration corridors that will allow these animals to safely undertake their seasonal travel. Further, the Order calls on state wildlife agencies to identify and prioritize specific migration corridors for protection as well as identify potential threats to the long-term viability of these priority big game migration corridors.

The BLM should coordinate with and recognize the State of Montana's responsibility to manage wildlife populations, including uses such as hunting and fishing. Coordination with the State of Montana should be conducted pursuant to Secretarial Order 3362 to enhance and improve the quality of big-game winter range and migration corridors on federal lands.

FLPMA acknowledges the value of wildlife habitat found in public lands and recognizes habitat as an important multiple use. Due to their unspoiled state, lands with wilderness characteristics provide valuable habitat for wildlife to move freely and unimpeded and offer landscape connectivity for many big game animals making seasonal migrations. The low route density, absence of development activities and motorized vehicles, which are integral to preserving wilderness character, also ensure the lack of disturbance necessary for productive wildlife. According to a study prepared for Nevada Department of Wildlife evaluating the movement patterns of Nevada's Ruby Mountain deer herds migrating mule deer increased their rate of movement when they encounter human disturbance and infrastructure.<sup>10</sup> Furthermore, additional studies have shown increased rates in deer movement can affect stopover use<sup>11</sup> and timing of migration.<sup>12</sup> The study concludes that although deer may continue to migrate through moderate levels of development and maintain connectivity to their distant seasonal ranges, behavioral changes like increased rates of movement may reduce the functionality (e.g., stopover use) of routes and potentially reduce the nutritional benefits of migration.<sup>13</sup>

OHV use also has an impact on wildlife behavior. A recent study from the Starkey Experimental Forest in Oregon evaluating trail-based recreation effects on elk revealed that displacement of elk from forest roads open to motorized traffic often exceeded 0.5–1.5 km.<sup>14</sup> This avoidance response by elk to open road density, has been documented consistently and overwhelmingly in a multitude of studies conducted over the past decade.

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<sup>10</sup> Sawyer, H and M. Brittell. 2014. Mule deer migration and the Bald Mountain Mine – a summary of baseline data. Western Ecosystems Technology, Inc., Laramie, WY.

<sup>11</sup> Sawyer, H., M. J. Kauffman, A. D. Middleton, T. A. Morrison, R. M. Nielson, and T. B. Wyckoff. 2013. A framework for understanding semi-permeable barrier effects on migratory ungulates. *Journal of Applied Ecology* 50:68-78.

<sup>12</sup> Lendrum, P. E., C. R. Anderson, Jr., K. L. Monteith, J. A. Jenks, and R. T. Bowyer. 2013. Migrating Mule Deer: effects of anthropogenically altered landscapes. *PLoS One* 8:e64548

<sup>13</sup> Albon, S. D., and R. Langvatn. 1992. Plant phenology and the benefits of migration in a temperate ungulate. *Oikos* 65:502–513

<sup>14</sup> Elk responses to trail-based recreation on public forests Michael J. Wisdom, Haiganoush K. Preisler, Leslie M. Naylor, Robert G. Anthony, Bruce K. Johnson, Mary M. Rowland

Avoidance by elk to recreation trails and recreationists represents a form of “habitat compression.”<sup>15</sup> This can ultimately lead to largescale population shifts by elk from public forests to private lands, thus eliminating hunting and viewing opportunities on public lands<sup>16</sup> (Proffitt et al., 2013) and in turn place unwanted economic burdens on private landowners.

An additional study released in July of 2019 puts an even finer point on the potential impact displacement has on migrating wildlife due to human conflicts. This study found mule deer survival was not influenced by migratory distance, speed or number of administrative boundaries, but was strongly affected by the choice of migratory route and summer range. Cumulative survival rates showed that regardless of summer range, displaced animals forced to migrate along high-use exterior routes had cumulative survival rates approximately 30% lower than individuals migrating along high-use traditional interior routes. In other words, large herbivores may occupy the same general seasonal ranges, but increase mortality risk by nearly three times simply by using a different migratory route when avoiding human impacts.<sup>17</sup>

**Recommendation:** The BLM should coordinate with and recognize the State of Montana’s responsibility to manage wildlife populations and pursuant to Secretarial Order 3362 prioritize the enhancement of big-game winter range and migration corridors on federal lands. BLM should manage to protect lands with wilderness character as a tool to safeguard valuable habitat for wildlife making seasonal migrations allowing wildlife to move freely and unimpeded throughout the field office boundary.

Thank you for your consideration of our comments on the Lewistown Draft Resource Management Plan. We look forward to seeing these issues addressed in the Proposed RMP/Final EIS as the BLM planning process moves forward for the Lewistown planning area.

Sincerely,



Ken Rait, Project Director  
U.S. Public Lands and Rivers Conservation

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<sup>15</sup> *ibid*

<sup>16</sup> Proffitt, K.M., Gude, J.A., Hamlin, K.L., Messer, M.A., 2013. Effects of hunter access and habitat security on elk habitat selection in landscapes with a public and private land matrix. *J. Wildl. Manage.* 77, 514–524.

<sup>17</sup> Sawyer H, LeBeau CW, McDonald TL, Xu W, Middleton AD. All routes are not created equal: An ungulate’s choice of migration route can influence its survival. *J Appl Ecol.* 2019;00:1–10.