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Joe Ashor

Missoula Field Office Manager
Bureau of Land Management
3255 Fort Missoula Road
Missoula, MT 59804-7204

RE: Comments on the Missoula Draft Resource Management Plan and Environmental Impact Statement. Submitted electronically via the e-planning website on August 13, 2019.

Dear Mr. Ashor,

The Pew Charitable Trusts appreciates this opportunity to provide public input on the draft of the Missoula Draft Resource Management Plan (RMP) revision and associated Draft Environmental Impact Statement (EIS) for the Missoula Field Office. Pew works with local and regional partner organizations throughout the West to engage in the BLM's resource management planning processes. In addition to advocating for balanced planning outcomes that protect wildlife habitat, quiet recreational opportunities, and ecologically significant areas through the land use planning process, we also track the status and implementation of BLM policies that affect these outcomes.

Regarding the Missoula Draft Resource Management Plan, which will replace the current Garnet Resource Area Resource Management Plan from 1986, our comments focus on Areas of Critical Environmental Concern (ACECs), lands with wilderness characteristics (LWCs), and Backcountry Conservation Areas (BCAs). We appreciate the Missoula Field Office's work on the draft plan.

Designation and Protection of Areas of Critical Environmental Concern

When developing a land use plan, the Federal Land Policy and Management Act (FLPMA) mandates that BLM "give priority to the designation and protection of areas of critical environmental concern (ACEC)." 43 U.S.C. § 1712(c)(3). 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." Id. § 1702(a).

With the passage of FLPMA, Congress gave clear intent to prioritizing, designating and protecting ACECs in BLM's land use 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.

Within the Missoula planning area, there are three existing ACECs, covering 1,200 acres. Additionally, four new ACECs were proposed for evaluation by BLM, and one new ACEC was proposed by both BLM and an external entity. According to BLM's "Preliminary Area of Critical Environmental Concern Report" from 2018, a total of eight ACECs were analyzed to determine whether they met the relevance and importance criteria. The report outlines four of the eight ACECs as suitable, and recommended under one or more alternatives, but only one ACEC, the Phil Wright Rock, is recommended to be

designated under the preferred alternative. If the agency preferred alternative were to be carried forward as the proposed plan, three existing ACECs would be eliminated.

At a minimum, BLM should retain all three existing ACECs, including Bear Creek Flats, Limestone Cliff, Phil Wright Rock, and one of the new proposed ACEC, Wales Creek, in the proposed plan. All four of these ACECs have been found by BLM to meet the relevance and importance criteria and are recommended under at least one alternative in the draft plan. While some of the relevance values for these ACECs are high value wildlife, including threatened species such as the bull trout, we disagree with BLM's conclusions that the endangered species law protections render the ACECs irrelevant. BLM, as the primary land manager of the habitat, must ensure that appropriate special management provisions are included for each ACEC to protect the values it contains.

By including only one 640-acre ACEC in the preferred alternative, BLM is not fulfilling its lawful obligation under FLPMA to prioritize the designation and protection of ACECs. **To be consistent with FLPMA's requirements, Pew recommends that BLM include all ACECs that meet the relevance and importance criteria in the proposed plan and include appropriate management provisions to safeguard their values.**

Evaluation and Protection of Lands with Wilderness Characteristics

Section 201 of FLPMA, 43 U.S.C. § 1711 (a), requires the BLM to maintain a current inventory of its resources, including regularly updating this inventory. Section 202 of FLPMA 43 U.S.C. § 1712 (a) requires the BLM to incorporate this information into developing, maintaining and updating land use plans that set out management for different tracts of land and types of resources. These resources include lands with wilderness characteristics. As the U.S. Court of Appeals for the Ninth Circuit held (Case No. 05-35931, Oregon Natural Desert Association v, Bureau of Land Management), "wilderness characteristics are among the 'resource and other values' of the public lands to be inventoried under § 1711. BLM's land use plans, which provide for the management of these resources and values are to 'rely to the extent it is available, on the inventory of the public lands, their resources, and other values.'" 43 U.S.C. § 1711 (c) (4). The lands within the Missoula planning area contain areas of public lands that possess naturalness and outstanding opportunities for solitude and/or primitive recreation.

Instruction Memorandum (IM) 2011-154 and Manuals 6310 (*Conducting Wilderness Characteristics Inventory on BLM Lands*) and 6320 (*Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process*) further outline the requirement for and process associated with evaluating lands with wilderness characteristics. The Instruction Memorandum directs BLM to "conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under [NEPA]." Manual 6310 requires BLM to maintain an updated inventory of lands with wilderness characteristics, prior to land use planning. Manual 6320 requires BLM to consider lands with wilderness characteristics in land use planning, both in evaluating the impacts of management alternatives on lands with wilderness characteristics and in evaluating a range of alternatives that would protect those values.

As defined in BLM Manual 6310, lands with wilderness characteristics must meet three basic criteria. First, areas must be 5000 acres or more of contiguous public land without the presence of roads, as defined in the Manual. Second, they must be affected primarily by the forces of nature, and any work of human beings must be substantially unnoticeable. And third, areas must provide outstanding opportunities for solitude and/or primitive and unconfined recreation. Additionally, lands with wilderness characteristics may possess supplemental values that further enhance the area.

Manual 6320 requires BLM to consider lands with wilderness characteristics in land use planning, both in evaluating the impacts of management alternatives on lands with wilderness characteristics and in

evaluating a range of alternatives that would protect those values. Examples of management prescriptions that will most effectively protect lands with wilderness characteristics in the Missoula RMP planning area include, but are not limited to, the following:

- Recommend withdrawal from mineral entry;
- Close to leasing or allow leasing only with no surface occupancy with no exceptions, waivers, or modifications;
- Designate as right-of-way exclusion areas;
- Close to construction of new roads;
- Designate as closed to motor vehicle use, as limited to motor vehicle use on designated routes, or as limited to mechanized use on designated routes;
- Close to mineral material sales;
- Designate as Visual Resource Management Class I or II;
- Restrict construction of new structures and facilities unrelated to the preservation or enhancement of wilderness characteristics or necessary for the management of uses allowed under the land use plan; and/or
- Retain public lands in federal ownership.

We commend the Missoula Field Office for conducting an updated inventory for lands with wilderness characteristics in 2014. We would like to note that no citizen inventory was done for lands with wilderness characteristics within the Missoula Field Office and thus BLM did not have the benefit of additional inventory data from outside organizations. In other places around the West, such as the Royal Gorge Field Office in Colorado, BLM made use of the new information provided by citizen inventories to update the agency's findings on wilderness characteristics.

The Missoula Field Office found 2,523 acres in five units adjacent to WSAs to contain wilderness characteristics. However, the preferred alternative does not protect any of these lands. Instead, it states: "Multiple uses are the priority over protecting wilderness characteristics." Lands with wilderness characteristics are among the wildest and most intact of our public lands and offer solitude as well as outstanding opportunities for primitive and unconfined recreation. BLM's inventories document myriad values including:

"Views of the Blackfoot River Valley and the Scapegoat Wilderness. Habitat for elk, moose, black bear, grizzly bear, gray wolf, whitetail deer, and mule deer." (From the Chamberlain Meadows LWC Report)

"The major recreational use along tracts 1, 2, and 3 is big game hunting. The area supports healthy populations of big game species such as elk, moose, grizzly and black bear, gray wolf, and deer....The parcels contain numerous huckleberry patches growing alongside the roads, in which berry picking is a popular pastime. During the winter months, the Gamet range is used by cross-country recreationalists." (From the Wales Creek LWC Report)

As noted above, these lands are adjacent to WSAs. These LWCs are also adjacent to other proposed conservation designations such as BCAs, and fill in the gaps between these other designations. Taken all together, these LWCs provide connectivity for wildlife to move across the larger landscape and give BLM a better landscape level approach to managing the resources of the Missoula Field Office.

The totality of LWC findings by BLM in the Missoula Field Office represent just over 1.5 percent of the total acreage of the planning area. **Pew recommends that BLM manage all 2,523 acres of LWCs to protect their wilderness characteristics in the proposed plan. To accomplish this, BLM should include the above management prescriptions for LWCs in the proposed plan.**

Consideration and Designation of Backcountry Conservation Areas

Instruction Memorandum (IM) 2017-036 *Backcountry Conservation Management: Criteria and Guidance* outlines the purpose of backcountry conservation management to “protect, conserve, restore, and enhance larger areas of generally intact and undeveloped BLM-managed lands that contain functional, un-fragmented habitats and migration/movement corridors for recreationally-important fish and wildlife species, and provide for high-quality wildlife dependent recreation associated with those species, such as hunting, fishing, trapping, and wildlife watching and recreation can both be enhanced.” Areas that meet the criteria of being generally intact and undeveloped and habitat for recreationally-important fish and/or wildlife species may be considered in the land use planning processes.

While the Missoula Field Office analyzed approximately 46,000 acres of backcountry conservation areas, none are included in the preferred alternative. Among areas analyzed but not included is the 35,000-acre Chamberlain Mountain area, which provides key winter range habitat and migration corridors for big game such as elk, mule deer, moose, and bighorn sheep, and critical habitat for upland birds and native cutthroat trout. This area offers high-quality opportunities for hunting, fishing, camping, and hiking. Chamberlain is the single largest tract of undeveloped BLM-managed lands in the region, providing habitat for the most studied and most hunted elk herd in the Blackfoot Valley. It also lies within the Northern Continental Divide Grizzly Bear Conservation Strategy boundary and supports grizzly populations year round.

Similarly, the Hoodoo Mountain area was analyzed for backcountry conservation area suitability but is not included in the preferred alternative. This landscape features dense forests of fir and lodgepole pine along with open meadows and riparian areas. Motorized access is limited, so walk-in hunting is common. Montana Fish, Wildlife and Parks has documented habitat for several important species of fish and wildlife, such as Westslope cutthroat trout, white-tailed deer, and forest grouse, which draw hunters, anglers, and wildlife watchers to the area. The Hoodoo Mountain area also supports grizzly bears, lynx and wolverines.

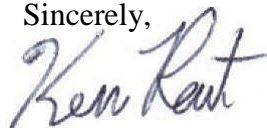
As noted above, Chamberlain and Hoodoo Mountain encompass important areas for backcountry and wildlife-related recreation. Furthermore, both areas are adjacent to WSAs, LWCs, and special recreation management areas, thus allowing for landscape level management strategies to fulfil the BCA’s objectives to “protect, conserve, restore, and enhance larger areas of generally intact and undeveloped BLM-managed lands that contain functional, un-fragmented habitats and migration/movement corridors for recreationally-important fish and wildlife species...”

Pew recommends that BLM include Backcountry Conservation Areas in the proposed plan, with management prescriptions that will conserve the habitat for recreationally-important wildlife species, such as closing the areas to the construction of new roads.

We appreciate this opportunity to comment on the Missoula Draft Resource Management Plan revision and associated Draft Environmental Impact Statement and look forward to continuing our engagement in this important planning effort toward creating the best plan for managing the wild places that belong to all Americans. Pew advocates for balanced management of public lands managed by the BLM for this and future generations. In summary, we propose that in the final RMP, that BLM protect all ACECs that it has found to meet the relevance and importance criteria, protect all lands that contain wilderness characteristics, and protect lands deserving special management to conserve their backcountry values.

Please do not hesitate to contact us if we can be of service.

Sincerely,

A handwritten signature in cursive script that reads "Ken Rait". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Ken Rait, Project Director
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