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Comments:

Cottonwood Environmental Law Center submits the following comments on the revised Custer Gallatin Forest Plan. Cottonwood is a group of free-thinking rabble rousers dedicated to protecting the people, forests, water, and wildlife in the West.

1.

1. Bison should be designated a Species of Conservation Concern.

The Forest Service previously released a document entitled Species of Conservation Concern. (Exhibit 1). According to the document:

An initial list of potential 'Species of Conservation Concern' will be included in the Draft Assessment of Existing Conditions.

Exhibit 1 at 1 (emphasis in original). The document further goes on to state that species considered include "species identified by Federal, State, or Tribal entities as high priority for conservation." Exhibit 1 at 1.

Cottonwood previously submitted comments on behalf of the Northern Cheyenne Tribe of Indians asking the Forest Service to include bison as a species of conservation concern because of their high priority for conservation. Exhibit 2. The Draft Assessment Report of Ecological, Social, and Economic Conditions on the Custer Gallatin National Forest states bison are an important species for many reasons, including tourism, scientific research and cultural values. Exhibit 3 at 43. It appears the Forest Service erred by not including Buffalo on the list of potential species of conservation concern.

Page 42 of the Draft Assessment Report of Ecological, Social, and Economic Conditions on the Custer Gallatin National Forest states:

A full list of wildlife species that were evaluated but not identified as potential species of conservation concern by Custer Gallatin staff is included in the wildlife specialist report.

Exhibit 3. The Wildlife Specialist Report states:

Genetically pure wild bison occur at greatly reduced numbers across a very small fraction of their historical pre-European settlement range despite current and past conservation efforts (White et al. 2015).

Exhibit 4 at 126. The Wildlife Specialist Report goes on to state:

In light of social tolerance issues, the prevention of further dispersal and range expansion, hunting and culling operations would be need to be used to manage populations.

Exhibit 4 at 127. The Custer Gallatin National Forest, in conjunction with other Interagency Bison Management Plan partners, has indicated that a new bison management plan is necessary in light of increased social tolerance, range expansion, and new Tribes asserting Treaty Rights. Exhibit 5. This indicates a need for the Forest Service to begin managing expanded habitat for bison. According to the Wildlife Specialist Report:

The key role of the Custer Gallatin National Forest relative to bison is to provide suitable habitat.

Exhibit 4 at 129. The key findings in the specialist report do not address safety concerns regarding increased tribal hunting or hazing, concerns regarding long-term genetic viability of bison, or the change in social attitudes favoring bison. See Exhibit 4 at 133; Exhibit 5.

Cottonwood Environmental Law Center has worked with several

Tribes and respectfully request that you designate Yellowstone buffalo as a species of conservation concern. Exhibit 6. Designating bison as a Species of Conservation Concern will allow the Forest Service to provide suitable habitat for bison in a manner that honors Treaty hunting rights, addresses safety concerns, and addresses concerns regarding the long-term viability and persistence of bison while being sensitive to Tribal cultures and changed public opinion of our National Mammal. Exhibit 6. We also ask that you stop mechanized use in the Wilderness Study Area above levels that were in existence at the time the Wilderness Study Act was signed into law. There are alternative areas for mountain bikers to utilize, such as the road network in the Taylor Fork.

On behalf of the Northern Cheyenne Tribe, Cottonwood Environmental Law Center requests that you add the American Buffalo to the list of Species of Conservation Concern for the Custer Gallatin Forest Plan Revision.

According to the attached Forest Service document:

A "Species of Conservation Concern" is a species, other than federally recognized threatened, endangered, proposed or candidate species, that is known to occur in the plan area (the Custer Gallatin Forest lands) for which the best available scientific information indicates substantial concern about the species' capability to persist over the long term in the plan area.

The Species of Conservation Concern document also states that "[s]pecies identified by Federal, State, or Tribal entities as high priority for conservation" will be considered for the list.

The American Buffalo is considered a species of high priority for conservation by the Northern Cheyenne Tribe. For centuries the American buffalo has been closely tied to the survival, identities, tradition, culture, spiritual beliefs, and religious practices of the Northern Cheyenne Tribe and their indigenous ways of life. The Forest Service lands surrounding Yellowstone National Park comprise high[shy] quality native buffalo habitat and the Northern Cheyenne Reservation is located directly adjacent to Forest Service land managed by the Custer Gallatin National Forest that is historic buffalo habitat.

The Northern Cheyenne Tribe traditionally hunted buffalo on CGNF lands adjacent to its reservation and Yellowstone National Park. Treaty Rights held by the Northern Cheyenne allow tribal members to continue hunting buffalo in these areas. We ask that the Forest Service add the American Buffalo to the list of Species of Conservation Concern to ensure the Tribe's Treaty Rights are respected.

Thank you for your consideration in this matter.

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