

In The Matter Of:

*FLATHEAD NATIONAL FOREST PLAN REVISION and
NORTHERN CONTINENTAL DIVIDE GRIZZLY AMENDMENTS*

OBJECTION RESOLUTION SESSION

Vol. 2

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Goodman Reporting

309 Wisconsin Avenue, Suite 1/P.O. Box 1182

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406-862-8386

www.goodmanrptg.com

1 UNITED STATES DEPARTMENT OF AGRICULTURE
2 Flathead National Forest Plan Revision and Northern
3 Continental Divide Grizzly Amendments
4 Objector Resolution Meetings
5 Held April 12, 2018
6 Hilton Garden Inn, 1840 U.S. Highway 93, Kalispell, MT
7

8 SPECIES OF CONSERVATION CONCERN
9 WILDLIFE HABITAT MANAGEMENT
10 GRIZZLY BEAR HABITAT MANAGEMENT
11 AQUATICS HABITAT MANAGEMENT
12

13 A P P E A R A N C E S
14 Chip Weber: Forest Supervisor - Flathead National Forest
15 Leanne Marten: Northern Region Forester/Forest Plan
16 Reviewing Officer
17 Chris French: Associate Deputy Chief National Forest
18 System/Forest Plan Reviewing Officer
19 Ginny Tribe: Facilitator
20

21 OBJECTORS AND INTERESTED PERSONS
22 Jerry O'Neil, Matt Arno, Randy Kenyon, Steve Gniadek,
23 Paul McKenzie, Chas Vincent, Sarah McMillan, Josh Osher,
24 Peter Nelson, Mike Anderson, Marla Fox, Chris Colligan,
25 Jake Kreilick, Steve Peck, Sarah Lundstrum.

1 Thursday, April 12, 2018 - 9:30 a.m.

2 SPECIES of CONSERVATION CONCERN

3 MR. WEBER: I'm Chip Weber. I'm the forest
4 supervisor on the Flathead National Forest, Region One.
5 And Chris French, associate deputy chief for the National
6 Forest System, a long title, visiting us from D.C., and
7 he'll be taking the first major topic this morning.

8 A couple of things. First of all, welcome to
9 Kalispell and to the Flathead National Forest. We like
10 to roll out the welcome mats. And thanks for all your
11 participation up to this point. This has been a process
12 to get to the point where we're having our objection
13 process, and a lot of you had had your oars in the water
14 for all of that or a good portion of it. And I know it's
15 hard work and not the most exciting work, but it's good
16 work to do. So we're really grateful for the
17 participation.

18 A couple of safety things. If there's a fire
19 or something, you want to exit out the front here, if
20 possible, and gather as close to the road as you can
21 safely do to get away from the building. And we'll tie
22 in with you out there.

23 The restrooms are if you go out the door to the
24 left and go straight, you'll sort of cross a threshold
25 and then they'll be just on your left a little ways down

1 the hall.

2 I'm glad you got here safely driving today. We
3 just want to make sure that we pay attention. This could
4 be a long day and tiring, so when you're driving away
5 from here, keep yourself safe.

6 So I'm going over this again. Some of you have
7 heard me say this before. But since we have new folks
8 all the time, I want to express sort of how I'm coming
9 into this week. I'm working hard, my team and I, to
10 really craft a good forest plan and a good decision. And
11 this is -- I'm going into this week with some curiosity.
12 Having gone through the objections and really seeing what
13 I can learn so I can hopefully resolve some of them and
14 certainly understand better where each of you are coming
15 from. So you'll see me taking notes and listening.
16 Mostly the notes I'm taking are to jog my memory. We
17 have a court reporter who will do a verbatim transcript.
18 But my notes are really to sort of spur my own thinking
19 down the road. So if I'm looking down and writing, it's
20 because I'm trying to capture what you've just said or
21 the essence of it for further reference.

22 With that I'll turn it over to Leanne -- oh, I
23 always forget this step. I need to introduce my team as
24 well or have them introduce themselves and the other
25 Forest Service folks in the room.

1 MS. ALLEN: Stacy Allen, writer/editor for
2 the planning division team.

3 MS. RENWILL: Katie Renwill, assistant
4 regional planner.

5 MS. MARTEN: Thank you, everyone, and
6 thanks, Chip.

7 And good morning, everyone. As Chip said, I'm
8 Leanne Marten. I'm the regional forester here in the
9 northern region. So appreciate everyone being here, and
10 welcome back to some of the folks that were here with us
11 yesterday as well.

12 One of the things that I want to do this
13 morning is visit just a little bit about the objectives I
14 see for today for the various topics, including the one
15 this morning. The little bit of nuance we have this
16 morning with Chris here for the species and conservation
17 concern topic and why there is that difference in who the
18 reviewing officer is. I'll give you a brief summary of
19 that, but then Chris can go into a little more detail as
20 he goes into the topic with you. And then, also, just
21 how we even got here and what's on the agenda.

22 So as I mentioned to some of you yesterday and
23 for those that weren't here, we had around 74 objectors
24 and objections come in on the forest plan revision for
25 the Flathead. And as you can imagine, those included a

1 multitude of issues across every spectrum of what we have
2 on our public lands and management for the public lands.
3 And the objections that were written varied anywhere from
4 a page to hundreds of pages from an individual or an
5 organization. So to take a look at that, it took a lot
6 of work behind the scenes to read through all the
7 objections, really take a hard look at what people were
8 bringing forward, and doing some kind of analysis to walk
9 through that process. So we had folks on the Forest,
10 many of them here in the room, that took a first cut at
11 that. And then I asked to have I called it a panel of
12 folks within the regional office then to look through it
13 as well. And the people on that panel had never worked
14 on the revision. And so we had fresh eyes on it. Some
15 were from out of region, some were from the Washington
16 office. And I did that because we worked across and
17 worked very hard over the last several years with the
18 Flathead on the revision. It's really in partnership
19 with all of you and within the region and within the
20 agency. And when we do that sometimes, as you guys know,
21 we can really get close to something and we can miss
22 things. So I needed to have some help to take a fresh
23 look at the objections and really make sure we were
24 seeing and hearing what you folks were bringing forward
25 to us. And that's also part of the reason we're having

1 these meetings.

2 Not every issue brought forward is on the
3 agenda over these three days. It's simply just not
4 possible. The ones that are on the agenda doesn't mean
5 that they're the only important ones, by any means. All
6 issues in my response letters that will be coming to you
7 in the near future will address all issues brought
8 forward. They may not be verbatim, because many of them
9 were very similar, so there will be some grouping. But
10 they will be addressed from that standpoint. The ones
11 that were chosen to be on the agenda were ones where I
12 could use, as the reviewing officer, some assistance and
13 some more dialogue amongst yourselves as
14 objectors/interested parties to help tease out where
15 there could be potential remedies, to help me understand
16 from your viewpoint what you're seeing or how you're
17 seeing it versus me seeing it just through my lens.

18 And I know yesterday we had the topics like
19 timber. We had jobs and income and we had recommended
20 wilderness. And there's a whole different spectrum of
21 values that came up yesterday, and there will be today
22 too. I'm not here to ask anybody to change your values.
23 I would never do that. All values are highly respected
24 and they're yours. What I'm looking for is some real
25 robust dialogue, and hopefully I can tease some of that

1 out when we go through the topics, on trying to
2 understand where you may see some common ground or, for
3 me, just to make sure I'm understanding what I read on
4 that. And I found out yesterday there were a few points
5 that I was not understanding from the objectors. I had a
6 different interpretation. So that will help me
7 tremendously as I move forward on my letters that go back
8 to Chip on the objections that came in.

9 Now, one of the distinctions is with the
10 species and conservation concern and the list of which
11 species are on that list or not in accordance with the
12 rule and the regulations. That is actually not Chip's
13 final decision as the rule is written. That actually was
14 my final decision. So I think you guys can appreciate I
15 can't be the reviewing officer on a decision I made.
16 That doesn't sound like that would be very equitable to
17 you folks. So that's where, per the policy, that's where
18 Chris is the reviewing officer for the species and
19 conservation concern and the finalized list on which
20 species I decided, for a whole variety of reasons, would
21 be on that list. So for this first section, Chris is
22 actually filling the reviewing officer role, and he will
23 have a letter that comes to me on that topic and on that
24 particular issue that may or may not have instructions or
25 may or may not have things in it depending on his review

1 and then the dialogue that he hears this morning from
2 that perspective.

3 And I'll let him talk about his objectives and
4 what he's hoping to get out of it from that standpoint.
5 I'll mention for the rest of the day when I'm the
6 reviewing officer, my real intent is to be here, listen,
7 to learn. And really, the ultimate objective is for us
8 to continue moving forward with a supportable decision on
9 how the public lands that we all own and love and enjoy
10 are being managed in the future on the Flathead. Many of
11 you have heard me say I've got the privilege and honor of
12 being to help manage your public lands. They're not my
13 public lands, they're not the Forest Service's lands,
14 they're the public lands. And so how to move forward and
15 do the best we can and, where we can, there may be some
16 things that we can tweak, understanding we're not all
17 going to be agreeable on everything a hundred percent
18 from that standpoint.

19 The other thing is if there's questions or
20 anything from the process standpoint or as we go through,
21 please bring those forward. We had several of them
22 yesterday. Not going to get back and forth on all the
23 discussion because we can get in the weeds pretty quick,
24 but we're noting a lot of those. So unlike Chip, I'm not
25 taking notes myself. I've got Bambi doing the court

1 reporting and the transcript that I'll have in front of
2 me. And then I have a whole team of folks that are
3 noting things for me. So I process a little differently.
4 If I'm trying to take notes, I'll lose what somebody is
5 saying. But don't take that that it's not important by
6 any means as well. That's just some folks helping me out
7 so I can be really present and really trying to listen
8 and hear from your perspective on that.

9 So I'm going to pause there. Is there any
10 questions on the objections, the overall flavor of today,
11 how we got here, what's on the agenda? Anything along
12 those lines? Wonderful. So I'm not sure, do we want to
13 do introductions and then turn it over to Chris, or how
14 would you like to do that?

15 MS. TRIBE: Well, Chris is nodding his head
16 yes.

17 MS. MARTEN: Do introductions? Okay. So
18 I'm going to let you, Ginny, run the introductions over
19 here and on the phone and then we'll turn it over to
20 Chris.

21 MS. TRIBE: Thanks, Leanne.

22 So there are a couple people who weren't here
23 yesterday, so bear with me. It might worry you a little
24 bit. Just nod off if you were here yesterday. Steve, you
25 don't have to listen to this part.

1 Again, we have folks calling in on the phone,
2 and so we want to make sure that we help me with that.
3 Make sure that we check back with them if they have a
4 comment. And I'll make sure at the end that everybody's
5 been heard. You've got coffee back there. Chip, you did
6 talk about restrooms, et cetera, et cetera. Feel free to
7 come and go during the hour if you need phone.

8 So when you speak, we'd like it if you would
9 say your name each time for the benefit of all of you as
10 well as the folks up here that are listening and
11 particularly Bambi wants to hear that because she's
12 recording the entire meeting verbatim. So we want to
13 know who said what. And when they go back and look at
14 that, it will be real clear.

15 My role here is to make sure that everybody
16 gets a chance to participate and to make sure that we're
17 not interrupting each other. And one of the ways you can
18 do that is by making sure that you have your electronic
19 communication device, whatever that might be. Mine is
20 kind of a relic. But whatever it is that you turn it off
21 during the session. If you need to take a call, it would
22 be really a great thing if you'd go out in the hall and
23 do it and not have the conversation here. I haven't
24 mentioned side conversations before, but yesterday later
25 in the day at the table there were a couple side

1 conversations going on and that's -- it's distracting to
2 other people and it's distracting for Bambi. So if you
3 have something to say that you need to talk about, take
4 it outside.

5 I would like to stress the business of
6 civility. I think we were really spot on yesterday with
7 that. And it really helps with the conversation if
8 people are civil with each other. If that doesn't
9 happen, then I'll come and help you with that. Matt,
10 I've never had to help you with that before but just in
11 case.

12 I'm a neutral, I'm a facilitator from out of
13 town. I don't work for the Forest Service. So whatever
14 I do here is only in the process area. It has nothing to
15 do with content. We would say what this session is not
16 is a session to come to consensus. This session is not a
17 decision-making session. These folks are not going to
18 make decisions while they're here. They're here to
19 listen. They're here to give information so they can
20 truly do analysis and come to a decision later. It's
21 also not a session for you to repeat your objections and
22 repeat the rationale behind them. They've got those,
23 they've read them, pretty clear about them. And it's not
24 a session to bring additional information that you've got
25 that would beef up your objection. We're sort of

1 starting at this point to try to answer some questions
2 that I know that these three have and, in particular
3 today, that Chris has. What's missing? What are we not
4 doing that really seems important to you? Where might
5 there be some places that you could propose a remedy that
6 we might be able to at least talk about that and come to
7 an understanding on that today?

8 So my goal here, again, make sure everybody
9 gets to participate and try to encourage some sense of
10 mutuality. That's not commonality. That's not coming to
11 agreement. Mutuality of interest just means that we
12 understand where the other person's coming from.

13 Yesterday was very beneficial, I know, for you,
14 Leanne, that people had dialogue among themselves as well
15 as with. Because that also helps them understand the
16 issue. So ready? You okay? Thanks.

17 So we'll start with introductions here.

18 Jerry, would you mind starting and would you
19 say who you are and who you're representing.

20 MR. O'NEIL: Jerry O'Neil, and I represent
21 myself and Montanans for Multiple Use.

22 MS. TRIBE: And are you an objector or a
23 person of -- an interested party.

24 MR. O'NEIL: I believe I'm an objector but
25 that could be debated.

1 MS. TRIBE: So you'd have to bring your
2 objector credentials and we're not going to go through
3 all that.

4 MR. ARNO: Matt Arno, Montana DNRC,
5 interested party.

6 MR. KENYON: Randy Kenyon sitting in for
7 Debo Powers, representing the North Fork Preservation
8 Association. And we are an objector.

9 MS. TRIBE: Thank you.

10 MR. GNIADEK: Steve Gniadek. I'm also on
11 the board of NFPA, but I'll defer to Randy to represent
12 NFPA. So I will represent my own opinions.

13 MS. TRIBE: Are you an objector or
14 interested party?

15 MR. GNIADEK: I'm an objector on the
16 grizzly bear.

17 MR. MCKENZIE: Paul McKenzie, F.H. Stoltze
18 Land and Lumber Company, and I'm an interested party.

19 MS. TRIBE: Thank you.

20 MR. VINCENT: Chas Vincent, representing
21 Citizens for Balanced Use, an objector.

22 MS. TRIBE: Thank you.

23 MS. MCMILLAN: Sarah McMillan. I'm
24 stepping in for Greg Dyson for WildEarth Guardians. And
25 we are objectors.

1 MS. TRIBE: Thank you, Sarah.

2 And on the phone, Peter.

3 MR. NELSON: Well, I think there's others
4 here, but thanks for the prompt. This is Pete Nelson
5 with Defenders of Wildlife. I'm an objector.

6 MS. TRIBE: Thank you. Are there others on
7 the phone who are either objectors or interested parties?

8 MR. OSHER: Yes, this is Josh Osher from
9 Western Watersheds Project. I'm an objector.

10 MS. TRIBE: Anyone else an objector or an
11 interested party? There may be folks who are --

12 MS. CLARK: So I don't know if I -- this is
13 Wendy Clark. I'm with the planning team on the
14 Helena-Lewis and Clark National Forest. I'm a wildlife
15 biologist. So I am basically just an observer.

16 MS. TRIBE: Thanks, Wendy. Any other folks
17 who want to say who they are who are listening?

18 MS. WEIDER: Hi, this is Emily Weider,
19 Washington office employee at the Forest Service just
20 listening in.

21 MS. TRIBE: Thank you.

22 MS. ENTWISTLE: This is Deb Entwistle.
23 There's three of us in Helena listening in from the
24 revision team here.

25 MS. TRIBE: Thank you.

1 MS. SUTTON: This is Jody Sutton from the
2 Washington office in the administrative review group just
3 supporting Nancy and Chris French.

4 MS. TRIBE: Thank you, Jody.

5 Since we have a very small scattering of
6 observers we'll also see who's in the audience.

7 So sir, do you want to say who you are and what
8 you're doing here?

9 MR. SHAFFER: Matt Shaffer, just observing.

10 MS. TRIBE: Thanks for coming.

11 Please? You guys did it before.

12 Amy, did you? Okay.

13 Mike?

14 MR. ANDERSON: Mike Anderson from The
15 Wilderness Society. And I just noticed that we did say
16 we wanted to be an interested party to the species of
17 conservation, so I'm --

18 MS. TRIBE: Well, come on up.

19 MR. ANDERSON: -- going to sit at the
20 table.

21 MS. TRIBE: You had such a good time
22 yesterday, you decided to come back.

23 Sir?

24 MR. SIMPSON: I'm Neil Simpson. I work
25 with the Montana DNRC.

1 MS. TRIBE: Thank you, Neil. Did you go
2 home last night or did you stay in that chair all day?

3 MR. SIMPSON: No, I was just here. I just
4 couldn't wake up, so excited, spent the night right here.

5 MS. TRIBE: All right.

6 Did you guys pick it up? Did you say when you
7 were with the Forest Service before?

8 MR. SCEVERS: Corey Scevers, Forest Service
9 observer.

10 MR. FREUND: Jody Freund with the Forest
11 Service.

12 MS. TRIBE: Thank you. I think that's it.
13 So, Chris.

14 MR. FRENCH: Well, thank you, everyone, for
15 coming in this morning. My name's Chris French, and I am
16 associate deputy chief of the National Forest systems in
17 our Washington office.

18 As Leanne explained earlier, the planning
19 rule's pretty clear when we're dealing with objections,
20 that they need to be reviewed at a higher level than
21 where the decision was made. And so in this case what
22 I'm taking on today is actually fairly narrow. It is the
23 identification of species of conservation concern. That
24 decision, the identification of what species will become
25 species of conservation concern was made by the Regional

1 Forester Marten and then sent down to the responsible
2 official in Chip. And so the part that I'm going to take
3 on today is really just focused on that. Was a species
4 correctly identified in the list for the Forest, then, to
5 considerations in terms of building plan components and
6 meeting the other requirements of the rule.

7 I say that because in looking at the objections
8 and many of you that are here, many of your objections
9 are around those plan components and whether or not they
10 meet pieces of the rule, those sorts of things. That
11 will be part of the discussion that Regional Forester
12 Marten has with all of you. And for those sorts of
13 issues as they come up, I will actually defer that into
14 that place. It would be inappropriate. My role is
15 simply to look at her decision and the identification of
16 species and to review that and look at your objections
17 based on that and provide instructions back to the
18 regional forester on that identification.

19 So I start there, and I want to ask real quick,
20 are there any questions? Because as we get into our
21 conversation, I'm going to be focused simply on that
22 fact. Did we identify the right species? Not
23 necessarily I will not be going into conversations about
24 the subsequent way that the forest planned and the
25 planning components that were developed for those. That

1 will be something that comes later in the objection
2 process with the regional forester. Any questions on
3 that as we go forward? Jerry, you've got a look on your
4 face like there is.

5 MR. O'NEIL: I'm interested in when you
6 identified the species, did you have the data in order to
7 show that? Do you have the data for the lynx in
8 Seeley-Swan Valley compared to the data for the lynx in
9 the Bob Marshall Wilderness?

10 MR. FRENCH: I'll get into the specific
11 issues in a minute as we start to step through this. But
12 I just wanted to make it very clear that my role here
13 today is not going to be dealing with the subsequent plan
14 components for those species that were identified. I'm
15 simply going to be focused on in the analysis of the
16 regional forester level, did they identify the right set
17 of species to meet the rule; okay?

18 MS. TRIBE: Does everybody understand that,
19 that that's different than -- you okay? All right.

20 MR. FRENCH: All right. So I have reviewed
21 all of the objections that relate to this. And from my
22 review and the team that did this, and I'll just make two
23 quick introductions. You've met them already. So Leanne
24 talked about others taking notes on our behalf. Nancy
25 Rusho is over at the table over there. She is supporting

1 me from the Washington office as part of the broader team
2 that looked at these issues, as well as Jodie Sutton,
3 who's on the phone. And they are taking notes on my
4 behalf. But I may sketch down some questions as we go
5 forward.

6 So in looking at the objections specifically
7 related to identification, of the 74 objections that we
8 received, there were essentially five that specifically
9 called out issues with the identification process. And
10 those were from the Alliance For the Wild Rockies,
11 Defenders of Wildlife, Friends of the Wild Swan, the
12 Montana Native Plant Society, and WildEarth Guardians.

13 When we looked at these and looked at the basic
14 issues, there was a lot of information that laid out for
15 me. But the conversation that I want to have today is
16 around, essentially, four key things from those issues
17 that came up. And I'll list those out up front first,
18 and then what I'll do is we'll go into some specific
19 discussions on each one of those.

20 So the first generalized concern that I saw
21 that I'd like to have some discussion around is that
22 sensitive species should have been classified as species
23 of conservation concern or a scientifically defensible
24 analysis as to where there is no concern about a downward
25 trend in number, density or habitat capability should

1 have been provided. That's the first issue that I want
2 to have some conversation about.

3 The second is a concern in our identification
4 that threats from the outside the plan area should have
5 been part of the consideration for species of
6 conservation concern. And that insufficient information
7 on a species persistent in the plan area should have been
8 broadened to include larger areas, if there is sufficient
9 information outside of the planning area.

10 The third topic is that there were several
11 species that are known to occur in the plan area were
12 excluded from identification. And that came up in the
13 objections as well.

14 And then finally, the fourth item that I
15 identified is that the regional forester should identify
16 the wolverine as a species of conservation concern. And
17 there's different issues associated with that. So those
18 are the four primary topics that I want to talk about
19 this morning. I'll get into the specifics of those. And
20 then as time allows, we might be able to open it up to
21 others. Any questions?

22 MR. KENYON: What was the fourth one again?

23 MR. FRENCH: Essentially that we had an
24 objection that said that we should identify the wolverine
25 as a species.

1 MS. TRIBE: Randy, do you have the
2 information sheet? I think that those four are listed on
3 the second half of the page.

4 MR. KENYON: Got it; thank you.

5 MR. FRENCH: There's a series of remedies
6 that were discussed by objectors. And what I'm going to
7 do, rather than list them now right here, is as we go
8 into the topic area, I'll list those as we go into the
9 topic area for some further conversation.

10 MS. TRIBE: Chris, are you going to use the
11 ones that are on the sheet, those remedies? Those are
12 the ones you talked about.

13 MR. FRENCH: Yes.

14 MS. TRIBE: So they won't have to take
15 notes on those. Those will already be there.

16 MR. FRENCH: So I think --

17 MR. NELSON: Chris, hold on for one second.
18 This is Pete.

19 MR. FRENCH: Hi, Pete.

20 MR. NELSON: Good morning. Sorry, I'm not
21 there in person to greet you. I want to make one note
22 just at the outset here that Defenders' objection we had
23 another point that was actually due to an editing error
24 on my part. It was somewhat buried, but we had a further
25 point regarding the reliance on existing plan direction

1 as being a rationale for exclusion. And I'm sorry that
2 that was not clear. It was buried in another section.
3 But that applied to boreal toad, west slope cutthroat
4 trout, and harlequin duck. So I can make a note of that
5 section for you guys, but I just wanted to alert you to
6 that issue.

7 MR. FRENCH: Thank you, Pete. And I was
8 aware of that. You put it into the section that looked
9 at broad scale versus local suspension concern --

10 MR. NELSON: Yes.

11 MR. FRENCH: -- and I actually have it
12 broken out that you've got a second issue here in terms
13 of relying on plan components. I was going to bring it
14 up in that discussion.

15 MR. NELSON: You're one step ahead of me,
16 so thank you.

17 MR. FRENCH: Thank you, Pete.

18 From my understanding of those that are in the
19 room here, those that actually objected to the
20 identification piece that there are objectors present in
21 the room is Defenders of Wildlife and WildEarth
22 Guardians; my understanding is that there's no one
23 representing the Alliance for the Wild Rockies, Friends
24 of the Wild Swan or Montana Native Plant Society; is that
25 correct? Okay.

1 So the way that I'd like to approach this is
2 I'll give a a brief understanding of each issue as I see
3 it. And then what I'd like to do is start with the
4 objectors, Defenders of Wildlife and WildEarth Guardians,
5 to give a little bit of room for discussion and then turn
6 it over to others who want to comment on that particular
7 issue. That's the approach I'd like to take.

8 MS. TRIBE: That work?

9 MR. FRENCH: That work? Okay.

10 So let's start first with the first issue which
11 essentially, in my mind, is this issue on sensitive
12 species should have been identified as species of
13 conservation concern. And so there's really two issues
14 here, as I look at it. So the first is that the Friends
15 of the Wild Swan basically were very clear to say
16 designate sensitive species as a species of conservation
17 concern. The Alliance for the Wild Rockies went on to
18 say that the FEIS fails to present a scientifically
19 defensible analysis for the current list of sensitive
20 species that justifies the conclusion there's no concern
21 about a downward trend in numbers, density or habitat
22 capability that would reduce a species distribution for
23 the regional forester not to list them as SCC is
24 arbitrary and capricious. So those -- I know that both
25 of those folks are not present here today, but those were

1 the primary pieces. And I know Defenders talked a little
2 bit about this but not in such a specific way.

3 So let me talk first about -- and offer this up
4 to -- I guess I'll probably start with you, first, Pete,
5 this issue in terms of looking at species of conservation
6 concern -- I'm sorry, sensitive species and considering
7 them for species of conservation concern. Is there
8 anything further from your objection that you'd like to
9 bring into the room about the way that you saw that
10 handled in the regional forester's identification?

11 MR. NELSON: I don't think there's anything
12 much to add here, Chris. We did make a point on this
13 that we weren't able to find specific explanation in the
14 record for the rationale of filtering sensitives as you
15 go through the SCC evaluation process. As you know, this
16 is something that has been a really critical policy issue
17 over the years. And it's my opinion that we just need to
18 be real clear here. And as you see from those other
19 objections, I think that demonstrates the fact that folks
20 are really taking a hard look at how the sensitives go
21 through the SCC filter, you know, and Defenders is in
22 that same boat.

23 MR. FRENCH: Okay; thank you, Pete.

24 Sarah, do you want to add anything?

25 MS. MCMILLAN: We really didn't weigh in on

1 this. And I would agree with the statements made. We
2 support the same intentions and positions stated by
3 Defenders of Wildlife, AWR, Friends of the Wild Swan and
4 the Native Plant Society around species of conservation
5 concern.

6 MR. FRENCH: Thank you. So if I were to
7 parse this a little bit more -- and this question I think
8 would be to you, Pete. So as I see the difference
9 between the objections, there are some objections that
10 basically are saying sensitive species should, de facto,
11 become species of conservation concern. What I heard
12 from Defenders is more nuanced. A recognition that those
13 are different but that there needs to be consideration of
14 sensitive species and clear explanation and clear
15 documentation as to why a sensitive species was either an
16 SCC or it was not. Is that fair?

17 MR. NELSON: Yeah, I think that's fair.
18 Now here's the issue. We have a designated sensitive, in
19 our opinion, one you've made a determination of concern,
20 albeit under a different policy setting and whatnot under
21 the sensitive species policy, but you've made that
22 determination of concern. And that's existing. And
23 you've also said something about best available science
24 when making that determination. So you're starting from
25 a place of concern based on information. And so,

1 therefore, it's a default -- one could say it's a default
2 setting. But to move sensitives into that category of
3 concern, they remain of concern. But if not, then I
4 think the obligation is on the agency to provide the
5 information to say This is the information that counters
6 our prior concern. And to me, that's just a good policy
7 practice here. But I'd be curious to hear from the
8 Forest on how they ran the sensitive analysis. I mean,
9 it's possible that they're seeing something that we're
10 not seeing. There's obviously a lot of information in
11 the FEIS and ROD, et cetera. So I'm always willing to
12 accept that I was not a able to scour every line in the
13 record.

14 MR. FRENCH: Well, let's talk about the
15 policy piece first that doesn't require that scouring.
16 So from your viewpoint, Pete, what do you see as the
17 policy differences for what you identify as a sensitive
18 species versus what you identify as an SCC?

19 MR. NELSON: Well, the SCC policy
20 parameters are much -- are different. They're not the
21 same criteria at all, and I'll give you that. So there
22 are differences in the application of the two programs.
23 I believe it's the Forest Service's contention that the
24 SCC program is much more focused on concern within the
25 planning area and getting more specific spacially

1 regarding concern. And the Forest Service often says
2 that sensitives were put on the list without a strict
3 prescriptive sense of criteria in those cases. So that's
4 how I understand the policy issue to be playing out. But
5 nonetheless, you know, there has been a regional forester
6 expression of concern based on information. And I think
7 those need to be addressed as the sensitives filter
8 through the SCC program.

9 And by the way, I'll just say that this is a
10 theme in this objection area with SCCs is how the agency
11 deals with broad concern regarding at-risk species and
12 then goes on to make determinations that, despite that
13 broad concern, there is no concern in actual security for
14 those species in the plan area. You know, Chris, that
15 that's something that we've been talking a lot about over
16 the years. And that thinking just has to be very
17 transparent and clear for the public to understand how
18 those determinations are being made.

19 MR. FRENCH: And that is one of our issue
20 areas that I'm going to get into here in a little bit,
21 Pete. I thank you for that.

22 I think that is the basic questions I have. I
23 want to offer up to Peter and to Sarah if there's
24 anything additional you'd like to add into my thinking on
25 this particular issue, sensitive species, that from the

1 objectors' standpoint should have been added as species
2 of conservation concern before I turn it over to
3 interested persons to add some perspective. You're good,
4 Sarah?

5 MS. MCMILLAN: Yes.

6 MR. FRENCH: Pete, is there anything else
7 you'd like to add?

8 MR. NELSON: Well, I think this will play
9 out into the other conversations on this topic, Chris.
10 But some of the key sensitives that we were looking at
11 here are implicated in some of the other decisions
12 including bighorn sheep, fisher, pearlshell mussels. And
13 I think there's a few others that we put a finer point
14 on. So I just wanted to note that those are some of the
15 sensitives that we were taking a close look at.

16 MR. FRENCH: Okay; thank you, Pete.

17 And so in terms of potential remedies here,
18 what obviously are the remedies that have come from the
19 two objectors that are not present is to withdraw the
20 species list to add these to the species list. I think
21 based on some of the other remedies that I saw presented
22 by Defenders with sort of that tangential issue or
23 related issue you just talked about, Pete, is one other
24 potential remedy here is to provide deeper, broader
25 rationale and explanation in the FEIS as to why a

1 particular sensitive species that may have a threat to it
2 was not ultimately listed as an SCC. Is that a fair
3 statement?

4 MR. NELSON: Yeah, I think so, Chris. For
5 most of these issues, the remedy really is further
6 analysis to demonstrate the conclusion that the Forest
7 Service is making. Alternatively, you could just
8 designate them as SCCs, if you like.

9 MR. FRENCH: Yep, thank you. I appreciate
10 that.

11 So let me turn it over to the folks that are
12 here as other objectors or interested persons. And I
13 think yesterday you were just going in the line?

14 MS. TRIBE: Well, some people started by
15 raising their hand. But I just wanted to say, again,
16 that it's about ten minutes after 10:00 and we have this
17 scheduled until 11:00. So I'm going to be kind of -- if
18 you see me stand up and you're talking, you might want to
19 think about the other people who might also have
20 something to say. Because we've got three others to go
21 through, Chris.

22 MR. FRENCH: Yep.

23 MS. TRIBE: So does somebody want to start?
24 Jerry, I'm trying to kind of sort out your question about
25 was there sufficient data related to how lynx were looked

1 at in one area versus another area. And I don't want to
2 dismiss your question, I just want to try to see where it
3 fits best. And maybe, Chris, you can help with that for
4 when that -- so I'm going to see if there are any -- will
5 you think about that for a minute? And then I'm going to
6 see if there are other comments where you want to start.

7 MR. FRENCH: Lynx is under a different --

8 MS. TRIBE: So that we'll be able to say
9 that; all right.

10 MS. MARTEN: We captured it.

11 MS. TRIBE: So others that have comments?
12 Paul, and then we'll go Steve.

13 MR. MCKENZIE: Paul McKenzie. Just an
14 observation. I think that the sensitive species and
15 species of conservation concern under the different
16 planning rules are very specifically different and are
17 intended to be used differently by the agency and how
18 they do that. As far as the rationale, I thought the
19 rationale in the analysis was adequate. Obviously others
20 disagree. I'll accept -- it's your decision, Chris, as
21 far as whether or not you need to bolster your
22 distinction. But I think they are very distinctly
23 different designations that have different criteria and
24 just cart blanche taking and make it a species of
25 concern, in my opinion, would be a mistake on behalf of

1 the agency not supported by the process.

2 MR. FRENCH: Thank you.

3 MS. TRIBE: Regardless of which are on
4 which list.

5 MR. MCKENZIE: Correct.

6 MS. TRIBE: Steve.

7 MR. GNIADEK: Steve Gniadek. I was not an
8 objector to this, but I'm just offering my comments as an
9 observer. As a wildlife biologist, I have immense
10 empathy for the Forest biologists creating this list. I
11 know it can be very difficult to do. In dealing with
12 selection or exclusion without certain clairvoyance, it's
13 hard to know what may become a species of concern.

14 So -- and we're also restricted by the rationale that
15 must be developed to include a species. But where there
16 is great uncertainty about certain species, those species
17 may be excluded because we simply don't have the
18 rationale. I think as an example of the porcupine that
19 is not included but thirty or so years ago was considered
20 common in Glacier and the Flathead Forest in northwest
21 Montana and much of the west, and over that period
22 somewhere in there, it became functionally extirpated.
23 What happened? We don't know. It's not abundant enough
24 to even study in this area. How many other species are
25 like that, that without adequate scrutiny could become

1 species of concern or even wink out before we know it.
2 So I have a lot of sympathy for trying to develop this
3 list. I would suggest there should be some flexibility
4 in the list or in the plan that could incorporate new
5 information. Maybe that's already there and new list,
6 new species, that may be on the horizon. So that's one
7 comment.

8 The other has to do with monitoring. And as in
9 the discussion yesterday morning on timber, it's related
10 to funding, base funding of the organization. But it's
11 extremely important to be able to detect trends and find
12 justification for the species that are included or
13 excluded. So without -- so I really argue for the need
14 to find the necessary funding and staffing to do the
15 monitoring to detect trends of the species that are
16 included and others that may need future attention. So
17 those are my two main points. Just the probability and
18 the problem of selection exclusion on the list and the
19 need to monitor to be able to say anything about the
20 effects of management on these species.

21 And just I would add, too, that in some cases,
22 specific management efforts may be difficult to identify
23 when you have a species that is in trouble regionally.
24 The harlequin duck, for example, seems to be doing fairly
25 well in Glacier Park. But the numbers are so low and the

1 distribution is so limited that they do require some
2 conservation attention. But regionally there seems to be
3 declines in other areas. But the question arises How do
4 we manage for that? And again, I go back to monitoring
5 is the basis of management. It may not be an active form
6 of responding, but without reliable information on the
7 status and trend of a species, we have no basis for a
8 management action. So monitoring is critical; thank you.

9 MS. TRIBE: Thank you, Steve.

10 Other comments? Going right around.

11 So I want to come back to you, Jerry. I heard
12 from some folks back here that have an answer to that
13 question as you posed initially about the lynx.

14 MS. KUENNEN: Lynx is on the agenda for
15 later. Reed Kuennen, planning team biologist.

16 MS. TRIBE: And her comment was that lynx,
17 the question you're asking, will be addressed when we
18 talk about it this afternoon. And I'm assuming you're
19 coming to that as well.

20 MR. O'NEIL: I presume.

21 MS. TRIBE: Thank you.

22 MR. FRENCH: So I move on that the second
23 issue, and this is more specifically directed at
24 Defenders of Wildlife. You know, Pete, you've been very
25 clear in your objection that there are a number of

1 species that we looked at, just from the context of the
2 plan area itself, both the data and the analysis. And
3 that when there are risks that potentially threaten that
4 species that are broader than the plan area that, from
5 your perspective, we have not necessarily addressed that
6 correctly. So the question I have for you there is that
7 we have provided some direction, and this was specific
8 within the letter from our deputy chief that clarified
9 our direction, that says if a species is determined to be
10 at risk across its range but is determined to be secure
11 within the plan area, it cannot be in SCC. So I want to
12 ask the question of, in this case where it appears that
13 it is secure in the plan area, what do you see that's
14 missing in terms of I think the nature of your question
15 is that there are broader threats that the analysis of
16 security within the plan area didn't take in
17 consideration? Is that correct?

18 MR. NELSON: Yeah. Everything you said
19 there, Chris, is pretty much spot on. But there needs to
20 be a determination of security in the plan area, and
21 that's what we're not seeing. We're seeing a conclusory
22 findings of secure in the plan area, despite the concern
23 that's already been expressed by Nature Serve and others
24 at the broad scale. So I think that's the issue. If you
25 can determine through the rationale in the record that

1 the broad scale threats that are causing the concern for
2 some of these at-risk species are not manifesting
3 themselves in the plan area such as to raise concern, then
4 I think we're good. But that's been the issue and,
5 again, this is one that we've talked about for a while.

6 MR. FRENCH: So that's the specific there
7 to focus in on is that it's not just that there's a broad
8 threat, or I think that's acknowledged; it is whether or
9 not that threat specifically manifests itself within the
10 population that we're looking at that would cause -- that
11 the population would not be secure within the plan area.
12 And that's the determination that you contend that we
13 need to be more specific about.

14 MR. NELSON: Uh-huh. We say that, in just
15 reading from our objection here, "There needs to be
16 further analysis and explanation of why the threat
17 identified at the larger scale do not translate into
18 substantial concerns for a species persistent in the plan
19 area." And we're just operating under an ecological
20 principle here that says If you are of concern across
21 your range, you're of concern wherever you are found. So
22 these determinations of local security in the face of
23 that concern are obviously very important. Because what
24 we're saying there is NatureServe makes an S2 or S3
25 determination of extirpation, the Forest Service is

1 essentially saying Well, we're willing to lose all the
2 adjacent species across their range surrounding us but,
3 nonetheless, we're fine and we're secure. And if all
4 Forests start to make local security determination in the
5 face of broad concern, it's just an irrational
6 conservation policy from the appropriate ecological
7 scale.

8 MR. FRENCH: Okay. Does that fit within
9 the inherent capability of the agency to be able to take
10 on managing broader than the plan area?

11 MR. NELSON: Well, I think inherent
12 capability and authority are key issues but only to be
13 applied after determination of concern.

14 MR. FRENCH: Okay.

15 MR. NELSON: You make a fairly concerted
16 determination and then you may say Inherent capability
17 limits our capacity to maintain viability in the plan
18 area, in which case the planning rule provides for
19 obviously a contribution to the species persistence
20 across their range in those cases.

21 MR. FRENCH: Okay. So you go on to also
22 express a concern that when there is insufficient
23 information, and I'm going to paraphrase here, I think
24 what you're basically saying around this same issue is
25 that as long as there's an established threat of broader

1 concern, that is sufficient information to say that it
2 should be of concern in the plan area. Is that --

3 MR. NELSON: Yeah.

4 MR. FRENCH: Is that paraphrasing
5 correctly?

6 MR. NELSON: Yeah. This is the same type
7 of principle but it's a different case. Because in this
8 case you have the Forest arguing that there was
9 insufficient information within the plan area to make the
10 determination of concern, yet there was sufficient
11 information for others, reliable experts, Nature Serve in
12 this case, to make a determination of concern at the
13 broad area. So again, you can see the flaw here is that
14 insufficient information gets the Forest Service out of
15 an SCC determination locally whereas there's already
16 sufficient information to make a broad scale
17 determination of concern. So we need to reconcile what's
18 going on there with information.

19 MR. FRENCH: So help me on this one then,
20 Pete. So our Forest Service handbook is clear that if
21 there's insufficient scientific information available to
22 conclude there is a substantial concern about a species'
23 capability to persist in the plan area over the long
24 term, that it cannot be identified as a species of
25 concern. And that lack of sufficient scientific

1 information available about the species' status may be
2 included in the rationale and the requirement. Is
3 that -- are you saying that that level of documentation
4 you couldn't find that in the FEIS.

5 MR. NELSON: Regarding the directives, our
6 point is that there is sufficient information. Nature
7 Serve has already made a determination of concern.
8 That's the information. The Forest Service is
9 interpreting that, the policy there, to say We're going
10 to ignore existing information -- sufficient information
11 that has led to a broad-scale-concern finding, and we're
12 going to say there's no information in our case locally
13 and use that as a rationale for exclusion.

14 MR. FRENCH: So in your mind, if I hear you
15 correctly, is that if there is this broader concern
16 established through something like NatureServe, and if --

17 MR. NELSON: Based on information.

18 MR. FRENCH: -- there's insufficient
19 scientific data to determine whether or not that threat
20 is also true within the plan area, for you, the default
21 would be that that becomes an SCC.

22 MR. NELSON: Yeah. Because that's the
23 BASI, and that's the concern. So where else would I go?

24 MR. FRENCH: But if there's scientific
25 information that there's BASI that essentially states

1 other reasons, maybe habitat conditions or data, of why
2 that may not be a concern so it's inconclusive, would you
3 still land on the default that it has to be an SCC?

4 MR. NELSON: If you're not demonstrating
5 security in the plan area, yeah.

6 MR. FRENCH: And that you read into the
7 requirements of the rule, that you have to demonstrate
8 security, not just concern?

9 MR. NELSON: Well, using NatureServe's
10 rubric for concern, you know, yeah, we're looking for
11 security determinations. We can talk more about this,
12 but are you saying you're making determinations of
13 insecurity but it's insubstantial insecurity?

14 MR. FRENCH: Okay.

15 MR. NELSON: That's our read for others to
16 have that work logically. But I'm willing to hear an
17 alternative model for working through the risk and
18 information issues here.

19 MR. FRENCH: I guess the -- and we -- I
20 don't want to get totally in the weeds here based on
21 time. But I guess there are a number of scenarios I can
22 think about of where there could be a broader threat and
23 the species is known to occur in the area. But there may
24 not be specific scientific information that say it's not
25 at risk. But the broader threat, maybe habitat

1 requirements, are not at risk within the plan area and
2 that could lead to that determination.

3 MR. NELSON: Yeah, I'm not saying you
4 couldn't come up with a scenario where that was a valid
5 determination. But we're working with the policy of
6 principles here essentially at this stage. I mean, each
7 species determination, obviously, has its own set of
8 facts associated with it. And what we're looking for
9 when we analyze the analysis is just we want to
10 understand the thought process. We're just trying to
11 follow the logic. And when we see flaws in the logic, we
12 call it like we see it. And I'm not saying the
13 information's not there, and I'm not saying the rationale
14 is not there. I'm just reading what I have in front of
15 me.

16 MR. FRENCH: That's really helpful, Pete;
17 thank you.

18 I don't believe there are any other objectors
19 present that talked about this specifically. I think I
20 have what I need on this particular one, but I want to
21 open it up to the floor and see if there's any additional
22 comments that folks want to put into the conversation.

23 MR. O'NEIL: Jerry O'Neil. If I'm hearing
24 Pete right, this would be counterpoint to that. In some
25 places in the United States there's no angleworms. And I

1 don't think we have any good data on how many angleworms
2 there are in the Flathead National Forest. But according
3 to the way I understand him, we would need to do a
4 data -- get the data on how many angleworms there are in
5 the Flathead National Forest. And I think that's the
6 waste of our resources in order to do that. Think if
7 somebody has the point that there's species that need to
8 be listed, I think it probably might be their duty to
9 come up with a good argument why they should be listed.
10 I'm not sure that we need to spontaneously list all the
11 species that might be of concern someplace and make sure
12 that they're in the Flathead National Forest.

13 MR. FRENCH: Okay; thank you, Jerry.

14 MS. TRIBE: Anybody else?

15 Mike.

16 MR. ANDERSON: Mike Anderson, Wilderness
17 Society. My thought on this particular issue is that the
18 regional forester was given the responsibility to
19 identify species of conservation concern for a reason.
20 And that reason was that the regional forester had a
21 broader perspective across the region about the status of
22 fish and wildlife and plants across the region. It was
23 to provide a broader perspective. I don't think it was
24 just a perspective as to each individual national forest.
25 It was for the broader landscape as well. So I would

1 just point out that the reason you're here, Chris, is
2 because the rule does want to provide a broader
3 perspective than just the local -- otherwise, why
4 wouldn't the forest supervisor be responsible for
5 identifying whether there was -- whether a species was
6 secure in the plan area? There's got to be some reason
7 for the regional forester to have that role. And so I
8 would just point out that the rule itself, functionally,
9 is intended to look at a broader scale than just that
10 individual national forest.

11 Can I go back to the first issue, just for a
12 second?

13 MS. TRIBE: Chris, he missed his comment
14 and has been thinking. He's got one more comment on the
15 first usual.

16 MR. FRENCH: Yes, but I want to be
17 cognizant of the time here.

18 MR. ANDERSON: Okay. I was just hunting
19 through the Federal Register notice. I was looking for
20 information about this particular issue but I saw
21 something relevant to that first issue which is that on
22 pages 21216 and 21217 of the Federal Register notice
23 where the final rule was adopted. There's a little
24 discussion about species of conservation concern and
25 sensitive species. And it says that the regional forest

1 sensitive species are similar to SCC. It doesn't say
2 that they're identical. But it just -- the intention in
3 the rule was that species of conservation concern was
4 supposed to be considered to be similar to the existing
5 sensitive species. So I would just point out for your
6 consideration, take a look at that, at the intent of the
7 species of conservation concern in relationship to the
8 existing sensitive species process.

9 MS. TRIBE: Thank you, Mike.

10 MR. FRENCH: Thank you.

11 So Pete, I want to move on to the second piece
12 you had imbedded to this, which was I think you referred
13 to as an editing error. But this is essentially the
14 issue that you can't exclude a species based on plan
15 components that theoretically are discretionary or that
16 we haven't developed yet. And I would agree. And the
17 letter that came out from the deputy chief very
18 specifically says that "Species should not be eliminated
19 from inclusion as SCC based upon existing plan standards
20 or guidelines, proposed plan components under a new plan
21 or threats to persistence beyond the authority of the
22 agency."

23 So I understand the pieces that you've laid out
24 here. I just, actually, have a couple of narrow
25 questions to ask you. So in this general principle and

1 how you've laid things out, what are the exceptions to
2 that? So here's my thinking. And I'm interested in your
3 response. There are certain -- here's my question. Are
4 there plan components that essentially are
5 nondiscretionary associated with the plan? So here's
6 what I think about. If you have an area that is
7 designated by Congress as a specific purpose, wilderness
8 as an example, of which the variety of plan components
9 you have associated with that are essentially
10 nondiscretionary as they go into a plan, especially those
11 that may be related to this, is that fair game to be
12 something that is considered differently in this, in your
13 mind? Or do you see that differently?

14 MR. NELSON: That's a good question. I
15 think we have in the past made comments regarding
16 differentiating between statutory protections, wilderness
17 areas and those administrative designations which are
18 subject to change. You know, I think one of the issues
19 here is that folks are so used to implementing these
20 plans, and upon revision there's this conventional wisdom
21 that's expressed that says Yeah, of course, we're just
22 going to continue doing what we're doing. We're trying
23 to point out the fact that future decision makers may
24 totally change those aspects of the plan that seem as if
25 they've been institutionalized in the plan. But yeah, to

1 answer your question, I think we have -- I'd have to go
2 back and look, sorry, Chris -- I think we have made
3 statements regarding Congressional wilderness
4 designation.

5 MR. FRENCH: So just to expand that, and
6 this is -- that's helpful for me, Pete, to understand
7 this. Because that, as you know, that has been our
8 policy to say You can't include something based on
9 potential future discretionary management. But it seems
10 to me that wilderness is a clear one in terms of a
11 Congressional designation. And there may be other
12 broader decisions, laws, state, federal, that essentially
13 result in nondiscretionary approaches to constraints
14 within a forest plan. And as I think about this issue,
15 I'm wondering, do you have any ideas of how those are
16 identified and talked about appropriately when it comes
17 to when it's used as rationale for identification
18 purposes in SCC?

19 MR. NELSON: Yeah, I don't know. But this
20 might be a policy gap that the Washington office could
21 consider. I don't know if there is a direction on this
22 matter. Just for record, you know, the three cases that
23 we cited in our objection are not associated with those
24 sorts of statutory protections. I mean, for harlequin
25 duck it says timber treatments rarely occur in riparian

1 areas. And for cutthroat trout it says existing and
2 proposed land management direction would retain and
3 perpetuate the habitat conditions. So we're dealing with
4 something that is much more, in our opinion, clear in
5 terms of leaning on existing plan direction.

6 MR. FRENCH: Yeah, I picked that up in your
7 objections. Thank you.

8 I think that's all I need on that particular
9 issue.

10 Sarah, I wanted to give you an opportunity, as
11 an objector on the identification. Is there anything
12 further you'd add to that?

13 MS. MCMILLAN: Sarah here. No, thank you.

14 MR. FRENCH: And any of the interested
15 persons? Okay.

16 So the next issue in front of me, and I think
17 what I'll do is -- so the -- I'm going to go out of order
18 here slightly. I'm going to take the wolverine on
19 because I think that one is actually a little bit more
20 narrow, and then I'll get to the other species that were
21 not listed.

22 So on this one, this one primarily came from
23 WildEarth Guardians. And essentially what you said is If
24 prior to completion of the revised forest plan and
25 resolution of the objection process, the Fish and

1 Wildlife Service elects not to list the wolverine as
2 threatened or endangered and the species is no longer
3 proposed for listing or a candidate for listing, then the
4 Flathead should, as a fallback, designate and manage
5 wolverine as a species of conservation concern. So
6 you're saying that we should do that now. And what's the
7 rationale for -- we have a process in place as in the
8 rule as a subsequent directive that lay out how you build
9 plan components for those species that are threatened
10 endangered proposed candidate, and then also -- and
11 that's taken into consideration for this. And we have a
12 process in place that if one of those changes of what you
13 do with that afterwards and subsequently consider that.

14 So my question to you is if we already have
15 that in place, why would we make that decision up front
16 now when it's already going to be considered under the
17 rule as a species at risk in that threatened, endangered
18 candidate proposed line of thinking? Why an SCC?

19 MS. MCMILLAN: Sarah McMillan here. And I
20 guess I'm not exactly sure what -- what is that process
21 and how long does that process take, should the wolverine
22 not be listed? As you know, I'm sure, the wolverine has
23 a long and tortured history of trying to become protected
24 under the Endangered Species Act. I mean, we've been
25 waiting for two years for the Fish and Wildlife Service

1 to take action as a result of Judge Christensen's
2 decision. Our concern is that, once again, the Fish and
3 Wildlife Service will not list the species and then
4 there'll be a long lag time. So we have been waiting for
5 two years for the Fish and Wildlife Service to take
6 action following on Judge Christensen's decision, finding
7 that the Fish and Wildlife Service inappropriately
8 decided not to list the wolverine. And our concern is I
9 don't know what that timeframe is between the Fish and
10 Wildlife Service if it does, again, decide not to protect
11 the species, the wolverine, under the Endangered Species
12 Act, how long will it be until the Forest Service then
13 does something to provide some protections for wolverine?

14 MR. FRENCH: But the planning rule requires
15 us right now under, the species at risk piece, to look at
16 that in context of its current standing as a proposed.
17 And so there's two things that I see here. One is that
18 it's already being considered in terms of how we have to
19 manage that through the planning process. And that looks
20 like the Forest has done that. And if for some reason it
21 would no longer be proposed, because there's a separate
22 section of species at risk, right, and that is endangered
23 threatened proposed candidate and then you also have
24 SCCs. So it's being handled here. And if that were to
25 change its status, there is a subsequent process for the

1 regional forester would go through to look at it whether
2 it should be an SCC. And so my basic question is why
3 would we do something different than what's prescribed?

4 MS. MCMILLAN: Sarah here again. So I
5 think the concern is, first of all, we were submitting
6 these comments when we thought at any moment the
7 wolverine decision would be coming. And we still think
8 the wolverine decision from the Fish and Wildlife Service
9 could be coming out any minute. So it's partly
10 protective. So it could have come out a year ago and
11 then we'd be in a different position and our comments
12 might make more sense. And I would say that between now
13 when this is finally truly finalized, if the Fish and
14 Wildlife Service decides not to protect the wolverine,
15 then the agency should move quickly on designating it as
16 a conservation concerned species.

17 MR. FRENCH: Thank you, Sarah.

18 Would anyone else like to add into this
19 conversation before I move on to the next subject?

20 MR. NELSON: This is Pete. If I could just
21 make a note. It's Defenders' position that to avoid the
22 situation that's been brought up, which is not a good
23 conservation outcome, you need to be meeting your
24 viability requirements for proposed candidates and listed
25 species; that those requirements are additive on top of

1 the viability requirements in 219.19. And therefore, if
2 you were to provide for wolverine persistence or
3 contribute to its persistence throughout the region as
4 the case may be, the Forest Service wouldn't be caught
5 scrambling just based on a legal outcome or a change in
6 conservation status under the law.

7 MR. FRENCH: Okay; thank you, Pete.

8 So let me move on to the last topic that I had
9 identified, and that is the section that several species
10 that are known to occur in the plan area were excluded.
11 So this includes bighorn sheep, from the objectors'
12 standpoint. We excluded these because we said they're
13 not known to occur in the plan area. That includes
14 bighorn sheep, gillett's checkerspot, the suckly cuckoo
15 bumble bee, the fisher, and the western pearlshell
16 mussel. So specifically, I want to talk about two
17 species that I have a little bit of question on in terms
18 of what's been presented here. And then if the objectors
19 want to talk broader, that's fine. But I want to focus
20 in on two species. So this primarily came from Defenders
21 of Wildlife.

22 So the standard is "A species is known to occur
23 in the plan area if, at the time of plan development, the
24 best available scientific information indicates that a
25 species is established or is becoming established in the

1 plan area. A species with an individual occurrence in a
2 plan area that are merely accidental or transient, or are
3 well outside the species existing range at the time of
4 plan development, is not established or becoming
5 established in the plan area. If the range of a species
6 is changing so that what is becoming its normal range
7 includes the plan area, an individual occurrence should
8 not be considered transient or accidental."

9 So the one that I think is the most at question
10 here, based on what you presented, Pete, and Defenders of
11 Wildlife, is the bighorn sheep issue. So my
12 understanding of this is that there is a siting from 2010
13 from two individuals of seven rams in one particular spot
14 of the Flathead, just over the Continental Divide, and
15 that that population is primarily to the east of that
16 area. So I'd like to understand from your perspective
17 why that siting, that individual record, is not
18 considered to be transient based on the definition that I
19 just provided.

20 MR. NELSON: We weren't convinced that that
21 occurrence information was proven to be transient. The
22 EIS also says there's simply not yearlong residence,
23 which is saying something else about use of the planning
24 area that is certainly not related to transiency. So in
25 this case, we didn't find the explanation clear, or maybe

1 there's more information here regarding the transient
2 nature. But the way we were looking at it is we didn't
3 feel like the forest actually committingly made that case
4 just based on the information that was provided.

5 MR. FRENCH: So as a potential remedy,
6 there's sort of two pieces that I see here from your
7 objection that you're looking at. It's either one, for
8 us to say that the species is becoming established and
9 therefore we should list it as an SCC, or two, provide
10 deeper rationale and analysis as to why that occurrence
11 is essentially transient. Is that correct?

12 MR. NELSON: Yeah. Essentially, I think
13 that's right. And the Forest Service seems to be arguing
14 that this is not going to happen again, that this is an
15 oddity, an outlying case of occurrence. We suggest that
16 the use of the Forest is -- may be within actual seasonal
17 disbursal distance and that there is a reasonable
18 presumption that use would occur again and again and
19 again. So that's where it was fuzzy for us.

20 Again, we're basing our analysis on information
21 provided. I see this as one that can be settled with
22 more information and more conversation. I'd like to hear
23 more about this particular and very interesting, mind
24 you, case.

25 MR. FRENCH: Right. So what would be some

1 of the pieces that you would think would be important to
2 show that case that you're talking about? What is some
3 of that analysis or -- I mean, would it be if there
4 was -- if the State wildlife agency essentially looked at
5 this and looked at their data and provided a similar-type
6 conclusion or a different conclusion as to the status of
7 those individuals, is that something that would help
8 create one way -- going one way or the other here? Or
9 what are some of those things that you see?

10 MR. NELSON: Well, I certainly think that
11 expert opinion and information on the matter would be
12 most helpful and useful in this case. I just read an
13 article yesterday concerning bighorn sheep concern in the
14 state of Montana, the size of the herds and concerns over
15 distribution and expansion of those. Yeah, Chris,
16 I'd be -- like I said, I think this is a very interesting
17 case. It's an important policy point here regarding how
18 we've defined transient, using information on these
19 species. So I think that any way you want to frame it,
20 including further discussions with experts and those of
21 us who are interested in the conservation community,
22 would be a good step. And I think there's a conservation
23 issue here that's important. And putting aside the
24 policy issues, I think there's concern over these bighorn
25 sheep and something that we should continue to work on.

1 MR. FRENCH: Okay; thank you, Pete.

2 So the second species from your objection that
3 I just wanted to ask a question about -- I think the
4 others seem pretty straightforward -- but the one is the
5 fisher. So based on what I saw in the objection and what
6 I've seen in the record, the way I understand the fisher
7 situation is, yes, historically they were here but then
8 they were trapped out. And there was an introduced
9 population that was subsequently trapped out, and that
10 there's been a lack of siting since 1993 from that
11 introduced population. So from your objection, I'm
12 basically hearing that Well, we should still consider
13 that it's actually here. And I'd like to hear a little
14 bit further as your rationale as to why.

15 MR. NELSON: It's another really
16 interesting case, another really edge of range issue. By
17 the way, I remember seeing the Forest Service's
18 presentation during their climate adaptation work
19 vulnerability work showing that fisher expansion was
20 moving in that direction. I think the planning rule does
21 attempt to address matters of climate adaptation and
22 being able to foresee range expansion or edge-of-range
23 issues. You know, the rule is designed to be intelligent
24 in that regard. That's one point.

25 But I think this is an edge-of-range issue. We

1 argued that the Forest was likely within a reasonable
2 dispersal distance for fisher. We also pointed out that
3 they're difficult to detect, but experts are expecting
4 habitat to support them on the Forest. So in addition,
5 the Forest Service classifies them as sensitive on the
6 Flathead National Forest. And in addition, the EIS
7 included an effects analysis for fisher, which shows some
8 thinking of occupancy. So all those facts coming
9 together led us to believe that there was just room for
10 further analysis or rationale in this very critical case,
11 because we know that fisher are of concern.

12 MR. FRENCH: Okay; Pete, thank you.

13 I think that wraps up the specific questions
14 that I had. I know we've got a few minutes left, and so
15 I wanted to open it broader. Thank you to the two
16 objectors that did make objections for sharing your
17 thoughts here.

18 I wanted to open it up to the broader floor for
19 any additional thoughts that you think I should consider
20 as I look at the identification piece of this. And then
21 I think I feel like I'm good.

22 MS. TRIBE: So are there other folks who
23 are interested parties who want to make another comment?
24 Any closing comments? Matt?

25 MR. ARNO: I'll make a closing comment.

1 This is Matt Arno, Montana DNRC. The DNRC appreciates
2 the Forest Service's considerable efforts to use this
3 process to improve or clarify the plan. And I would like
4 to point out that the plan was a very considerate effort
5 as well. We support the conservation measures put forth
6 by the plan as adequate and appropriate to conserve the
7 species of concern and sensitive species based on the
8 best available science.

9 MR. FRENCH: Thank you, Matt.

10 MS. TRIBE: Thank you.

11 Any other closing remarks?

12 MR. NELSON: This is Pete. I'll just say
13 thank you, in particular to Chris, for carrying out this
14 proceeding. It's always interesting to talk about these
15 important SCC identification issues, and I look forward
16 to further work in progress on this front. Safe travels
17 back to Washington.

18 MR. FRENCH: Thank you. And I just want to
19 say thank you to the objectors for providing us your
20 thoughts. And I found that the objections were
21 insightful and gave us some good things to think about,
22 and I appreciate the feedback.

23 Thank you very much and thank you for your time
24 today. So I will conclude my section of this and turn it
25 back over to --

1 MS. TRIBE: We're going to take five
2 minutes. So some of you will probably be coming back for
3 the next section, which is wildlife habitat management.
4 But we'd like to clear the table, stretch your legs a
5 little bit, and please be back at the table by eleven
6 o'clock; thank you.

7 Chris, Leanne and Chip, thank you very much.

8 (Proceedings in recess from 10:55 a.m. to
9 11:10 a.m.)

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1 Thursday, April 12, 2018 - 11:10 a.m.

2 WILDLIFE HABITAT MANAGEMENT

3 MS. MARTEN: Pete and Josh, if you could
4 reintroduce yourself over the phone for Bambi, she's
5 transcribing for us.

6 MR. NELSON: Pete Nelson, Defenders of
7 Wildlife.

8 MR. OSHER: Josh Osher, Western Watershed
9 Project.

10 MS. MARTEN: Wonderful; thank you. So
11 thank you, everyone, for, again, taking the time and for
12 the discussion with Chris. As Chris mentioned, the last
13 discussion on species of conservation concern was very
14 specific to -- and based on the dialogue, to the list
15 that was actually identified as a species of conservation
16 concern.

17 So the topic we are on now is actually wildlife
18 habitat management. And similar to several of the other
19 objections that came in, this is very complex. There was
20 a lot to the different objections we received on the plan
21 revision that you could easily put into a topic of
22 wildlife overall from that. So what I'm going to do is
23 paraphrase a couple of the key issues that I wanted to
24 make sure we had time today to have some dialogue on
25 without reading directly from the briefing paper and then

1 a few questions that I have to hopefully spark some of
2 the dialogue with you folks to try and help my
3 understanding. And then if there's any potential
4 remedies or resolutions that we can tease out,
5 understanding, again, that there's a lot of different
6 perspectives of this, a lot of different variable under
7 wildlife that we won't have time today to dig into.

8 I have read the objections. I'm really
9 familiar with the details. We have certain species this
10 afternoon, particularly the grizzly bear, that is a
11 stand-alone topic with the grizzly bear for the revision
12 as well as the amendments for the other plans. And we
13 have aquatics for the management part of it as well. So
14 there's a couple of those I notice we could easily put
15 under this topic as well. But just to remind folks,
16 those are on the agenda a little bit later.

17 MS. TRIBE: So Leanne, because there are a
18 couple of new people here, they heard why Chris was here
19 this morning and how his role was different than the
20 others. Would you just very quickly tell what your role
21 is related to this as a regional forester, which is
22 different from what Chris's was?

23 MS. MARTEN: So just to clarify, as Ginny
24 just said, obviously I'm here as the regional forester in
25 this role, though I'm here as the reviewing officer for

1 the objections on the Flathead forest plan revision
2 because the decision maker on that is forest supervisor
3 Chip Weber, from that perspective. So that's my role
4 here as the reviewing officer on the objections of the
5 Flathead revision for the remainder of today and
6 tomorrow. The only one I was not was the species of
7 conservation concern, as Chris described earlier this
8 morning.

9 MS. TRIBE: Thank you.

10 MS. MARTEN: Thanks. So here's my
11 paraphrasing, folks. And I'm going to paraphrase this
12 and then I want to make sure what I am paraphrasing what
13 you guys are hearing me say is not incorrect, or if
14 there's clarity on just my understanding of some of the
15 key issues around wildlife is correct before we enter
16 into the dialogue.

17 So a couple of the main issues that I want to
18 spend some time on today and help me process, one of the
19 key ones that I read throughout several objections, and
20 some were worded differently, was surrounding the topic
21 of viability and specifically ecological conditions
22 that's required in the rule for the plan to provide
23 ecological conditions for viability of species. And we
24 had a whole spectrum. Some felt that there were not plan
25 components or standards or guides presented in the

1 Flathead forest plan to provide ecological conditions for
2 viability for certain species and some just said for
3 overall. Some wanted more specific standards versus
4 objectives or guidelines. So there was a spectrum of
5 issues there or concerns. But generally speaking, it was
6 around viability from that.

7 The other one that came up was regarding -- and
8 I'm just going to -- again, this is paraphrasing -- I'm
9 going to say connectivity and the linkage corridors. And
10 some of them were species-specific and some were overall
11 general comments about different lack thereof or too much
12 connectivity or conditions or standards and guidelines
13 from that. And I know some of you are thinking How can
14 you have too much connectivity? But again, remember we
15 had 74 objectors with all different values and
16 perspectives on management.

17 The third one was very specific to the Canada
18 lynx and the management of lynx and how the plan is
19 moving forward with that with the objectives, standards,
20 guidelines from that.

21 And then it, again, got into some of the stuff
22 regarding wolverine and taking and tied in some of the
23 winter recreation part of it and how that -- and the
24 monitoring. So some of that definitely is wildlife, but
25 then we also have a topic tomorrow regarding winter

1 recreation and winter travel management. So I know like
2 natural resource management is much of this overlaps and
3 dovetails and bleeds into each other. So we'll do our
4 best from that.

5 So I thought one of the ways to get into and
6 just try and parse some of this out is regarding the
7 ecological conditions and ensuring viability. Much of
8 that was around currently categorized species and
9 subspecies. And we talked a little bit about that from
10 the SCC standpoint and how they were or were not
11 identified. But this is the part that gets into more the
12 forest plan components and some concerns that were raised
13 around ensuring the ecological conditions for viability
14 of sensitive species.

15 And here's my question for you folks and what
16 I'm trying to tease out. And this is going to be a
17 little tricky, so I'll ask your patience and bear with me
18 on how to have a robust dialogue without getting into the
19 weeds on specific species because we could be here for
20 days because there's species after species that people
21 could bring up. So I'm trying to look at it from a
22 little bit bigger picture. Because when I reviewed the
23 objections and am reviewing the plan and the record and
24 everything, I can use some help on what folks are feeling
25 are missing from the standpoint of ecological conditions

1 for viability and some of the distinction between how
2 folks are interpreting perhaps forest plan components
3 versus how they're interpreting a standard or a
4 guideline; if you're seeing a difference there or how we
5 can meet some of the concerns that you may be seeing from
6 that bigger perspective. And if it helps to use a
7 species as an example, please do. I'm trying not to get
8 into -- some of the objections had remedies of pages of
9 standards they wanted to see by a species. So I'm trying
10 to get more out of how it would look to you to have a
11 forest plan that, overall, is moving us forward to have
12 ecological conditions out on the ground ensuring
13 viability for a host of different species that the
14 Flathead has, because they have hundreds of species out
15 there.

16 So I'm going to open that up and pause and see
17 what folks think -- and if that question doesn't work,
18 I'm okay on however somebody would like to start talking
19 about the bigger picture that was in your objections.

20 MS. TRIBE: So once again, Leanne's asking
21 you if ecological conditions were provided necessary to
22 support viability, what would it look like in a broader
23 context than what would you do about the or the?

24 MR. NELSON: Well, this is Pete. I'll
25 chime in and only talk about issues where viability is

1 really the key issue. So obviously we're not talking
2 about lynx or wolverine, which have their own regulatory
3 obligations under the planning rule. In the case of
4 lynx, the rule says the forest plan must contribute to
5 their recovery. And with the case of wolverines, the
6 regulatory standard is to provide for their conservation,
7 obviously.

8 So with regard to viability, which is the
9 obligation for species of conservation concern, Defenders
10 just had a few remarks. One I'll just point out. Two, I
11 guess. For flammulated owls, this was a case where we
12 felt there needed to be additional plan direction to
13 protect large trees and snags within ponderosa pine
14 types, given that that was a noted threat in the analysis
15 but there was no subsequent plan direction afforded due
16 to that. And then there's another case where it's not
17 actually a case of plan component insufficiency, it's
18 just more of a case of analysis. Boreal toads, for
19 example, there was no explanation that grazing impacts
20 have been fully mitigated due to the plan direction for
21 riparian management zones. And I'll use that as a case
22 studies because in one of those cases there's an
23 analytical flaw, in our opinion. In one of those cases
24 there's actually a plan direction flaw.

25 MS. MARTEN: So thank you, Pete. Let me

1 ask you this for the first one, using your example with
2 the flammulated owl and ponderosa pine. How would it
3 look different than what's in the plan now under -- as
4 presented? What's missing? You say you see a flaw. Can
5 you tease that out a little bit for me on is it
6 completely missing, you couldn't find it mentioned, or is
7 it how it was presented and how it was written in the
8 plan is unclear? Is it that you disagree with the
9 science that was used? Can you just tease it out a
10 little bit for me?

11 MR. NELSON: Yeah, sure. There's
12 acknowledgment that adverse effects are going to continue
13 and that that threat exists due to the concern over
14 logging in ponderosa pine types. The forest plan relies
15 on a finding that moving towards the natural range of
16 variation is sufficient in terms of providing the
17 necessary ecological conditions for owl persistence. But
18 because large trees and snags are actually a limiting
19 factor for the species, our position was until the
20 modeled suitable stands are actually returned to NRV for
21 large old ponderosa pine and snags, then there needs to
22 be protection from logging in the form of plan direction
23 that would actually account for concerns for short-term
24 persistence in the plan area. So yeah. There we're
25 saying that additional plan direction may be necessary.

1 MS. MARTEN: So let me tease it out just a
2 little bit further. And I'm looking at a couple of our
3 folks in the room here on their perspectives as well,
4 Pete. But understanding -- and I'm just using this as an
5 example, folks. As the forest plan is written, and I'm
6 paraphrasing, Pete, so if this is incorrect, let me know.
7 That you are seeing a need -- one of the things we're
8 missing in the forest plan as presented right now is more
9 specific direction regarding, for instance, snags and
10 local trees, ponderosa pines specifically, when it comes
11 to the flammulated owl.

12 MR. NELSON: Uh-huh.

13 MS. MARTEN: That perspective. I'm going
14 to turn the question around a little bit to help
15 me -- again, I'm just trying to process here. How do you
16 see -- is there a need -- do you see the need at the
17 forest plan level? And I'm trying to distinguish in my
18 mind between the forest plan and then when we go to
19 implement site specifically and do the activities on the
20 ground. Can you help me on your distinction there?
21 Forest plan being the guiding document, the umbrella, and
22 then obviously when we do site-specific projects and
23 analysis on the ground some of those site-specific items
24 and design come in at that time with public engagement
25 and that whole process. Your thoughts there. And I'll

1 ask you, Pete, and then I'd be curious with other folks
2 in the room their perspectives on just using this as an
3 example with the viability question.

4 MR. NELSON: Well, honestly, that doesn't
5 provide us with a lot of comfort. One, NFMA, through the
6 planning rule, requires the provision of the necessary
7 ecological conditions for the at-risk species in the
8 plan. And there's no obligation at the project level to
9 account for NFMA obligations such as that. As a planning
10 rule requirement, so the issue here is whether the
11 conditions that owls need to persist over time in the
12 planning area are actually being provided by the plan.
13 The question is not whether they may be provided in a
14 subsequent project-level decision. And keep in mind that
15 that subsequent project-level decision may be well
16 categorically excluded from NEPA by Congress, for
17 instance.

18 There's not any assurance that there's going to
19 be a subsequent decision-making process associated with
20 that implementation decision. Furthermore, the best
21 available science requirement, as you know, doesn't apply
22 at the project level. So my point being these are
23 plan-level decisions. We think the rule's pretty clear,
24 the forest plan needs to provide those ecological
25 conditions that are necessary. For flammulated owls, the

1 best available science talks about large, old pine trees
2 being part of that, one of those key characteristics for
3 persistence. So the point here is the plan needs to
4 provide for that condition. And we think that the plan
5 missed a spot here by failing to acknowledge a certain
6 characteristic that flammings need for viability.

7 MS. MARTEN: Thank you. So other thoughts
8 on that or just on the concept of viability from others.

9 Go ahead, Paul.

10 MR. MCKENZIE: Paul McKenzie. This is an
11 observation. This is a really difficult issue for the
12 Forest Service to manage. I go back to the strategy that
13 the Forest Service has employed in their plan. And it's
14 one of the challenges of wildlife management, single
15 species management. Trying to provide perfect habitat
16 for a single species may not line up the ability to
17 provide habitat for all species everywhere. I'd just
18 encourage you to review the discussion in context with
19 everything. I look at your plan. You have 13 associated
20 species that you've identified in desired future
21 conditions for those.

22 And even if you look at the flammulated owl,
23 the big true retention is this is one aspect of their
24 habitat that's necessary. You're talking about worthy
25 habitat, that's small, highly dense Doug fir stands and

1 what have you. So again, it's a balancing act here that
2 you recognize, and I think the plan did a good job of
3 recognizing as well.

4 The other thing we need to keep in mind here is
5 that 81 percent of the Flathead National Forest is in
6 land use designations that are not management oriented.
7 Whether it be in wilderness or in designations that are
8 managed for other resource values other than suitable
9 timber base. So we can't provide everything on every
10 acre. And I think that's the kind of detailed and
11 balancing act that takes place in the product-level
12 analysis. I think the framework that's outlined in the
13 forest plan is more than adequate to provide the mosaic
14 of habitat that can provide for species viability across
15 the broad range of species that you have to deal with. I
16 think that you can't lose sight of that fact, that you're
17 not talking about one species in a vacuum. You're
18 talking about a host of species that have a variety of
19 needs.

20 So I'd encourage you to consider that as you're
21 looking at the resolution for this particular issue and a
22 lot of issues on wildlife habitat in general. So that's
23 just an observation that I want to make sure that you
24 consider.

25 And I'll put one more thing out there. Just

1 looking at some of the proposed resolution, nearly all of
2 them are preservationist in nature. And that may or may
3 not be the response that's necessary to provide the
4 habitat that's at risk. If you look at the whole host of
5 habitat needs for the different species that you have out
6 there, doing nothing may not be the best or most
7 responsible management activity for you as a land manager
8 it takes. We need to keep that in mind, too, that doing
9 nothing is not necessarily the best option for all
10 wildlife everywhere. We have a lot of the Forest, 53
11 percent, where that's primarily what happens; we don't do
12 anything. And that provides a lot of area for that to
13 happen. And so we need to maintain a good portion of the
14 Forest so we have some options as managers to try and
15 manage portions for true wildlife habitat.

16 MS. TRIBE: Thank you, Paul.

17 MS. MARTEN: So let me do a little bit of a
18 follow-up question. And I don't know, Paul, this would
19 be you or maybe some others. I'm curious what folks's
20 thoughts are on one of the points that Paul brought up.
21 And it was brought up in a couple different ways on this
22 topic. And that's regarding -- and some of it came up in
23 other topics that came up yesterday as recommended
24 wilderness, and I know it will come up later today. The
25 other designations on the Forest for the public land.

1 And I'm just going to use designated wilderness as one.
2 We have roadless areas, we have others that may or may
3 not allow different types of management activities but
4 are not in the suitable timber base, i.e., we would not
5 be having active logging in those designated areas.

6 And Paul, what I think I heard you say was
7 taking into account the bigger picture, the ecological
8 conditions across the Forest and how that balances out in
9 whole and species by species is very complex. Because
10 you can look at one species and come up with one set of
11 I'll just say criteria, you can look at another one and
12 they may or may not compliment each other is what I hear
13 is the point you're making sure is out on the table.

14 I'm curious what other thoughts are on that
15 from the other designations, the percentage, the habitat,
16 Josh and Pete obviously on the phone as well. Just any
17 thoughts or anything there, other perspectives, views?

18 Go ahead, Sarah. Or pass the mic down to
19 Sarah.

20 MS. MCMILLAN: Sarah here. I just wanted
21 to point out that these species actually live on the
22 Forest and they have for an awfully long time. So the
23 idea that we can't manage for all of them, I think, is
24 not accurate. And that's probably not what Paul meant.
25 But I think it was Dr. Weaver who said that this is the

1 most important sort of basin for carnivores in North
2 America with the greatest density, intactness and variety
3 of carnivores. And so we have an obligation to manage
4 for that. And the Forest already has supported these
5 species. So it's not like we manage for lynx and then
6 wolverine can't be there. We manage for wolverine and
7 then the fisher can't be there. There's a whole
8 ecosystem that we're working to protect here.

9 MS. MARTEN: So Sarah, when you look at the
10 forest plan and Chip's proposed draft decision, do you
11 see something missing to be able to meet those needs?

12 MS. MCMILLAN: Guardians really focused on
13 aquatic species, grizzly bears, wolverine, and lynx. So
14 if you're asking to get into the details of lynx and
15 wolverine, which I think belong in this section from our
16 objections, then I can start doing that. But I felt like
17 you were asking for a less-in-the-weeds detail right
18 here.

19 MS. MARTEN: Yes and no. So yes, right
20 now, but stay tuned. We will get into a little bit more
21 of the wolverine, lynx and it will all tie into this
22 bigger picture. But that does help clarify on that, so
23 stay tuned. We'll get into a little bit more of that.

24 MR. NELSON: Well, this is Pete. I'll
25 chime in. I appreciate what Paul is saying. I

1 definitely see that perspective. And I think the
2 balancing act, obviously, is the Forest's key challenge
3 here. The one on the flammulated owls, we were just
4 making a point that the science indicates what they need
5 for persistence and, therefore, the forest plan just, as
6 a matter of following the rule, needs to account for that
7 factor in their persistence. That's the point. I'm
8 certainly not saying that we should consider these issues
9 to be binomial in any case.

10 And what's funny here, Leanne, in the objection
11 you don't see all the stuff that we like. So managing
12 for landscape resiliency, ecological integrity, I love
13 the work you're doing on landscape patchiness and
14 introducing heterogeneity into homogenous systems. I
15 think there's a big role for forestry and ecological
16 forestry in terms of enhancing system resiliency.

17 And you certainly don't want to get wrapped
18 around the axel on this conversation of species versus
19 ecosystems. Because I think the planning rule does a
20 good job of saying We're going to manage for the systems,
21 and then there's certain species that we want to take a
22 hard look at and they have particular needs that we've
23 identified in our own assessment and we want to provide
24 for those needs. So I think that's what I'm saying here.
25 I don't want to get mischaracterized as a preservationist

1 perspective here. We're trying to make this thing work.
2 And this is just one of the pieces of the puzzle here.

3 MS. MARTEN: I appreciate that, Pete. And
4 I like the clarity. Maybe we should have objections that
5 just state everything we like about a plan.

6 MR. NELSON: Those are called applauds, by
7 the way.

8 MS. MARTEN: Thank you; I appreciate that.

9 MS. TRIBE: Leanne, I'm wondering in your
10 introductory remarks, you refer to -- related to the
11 objections you talked a little bit about, sort of
12 referred to standards and guidelines. And I'm wondering
13 if you might open that up a little bit. I'm thinking
14 about Pete's comments about planned protection components
15 and how does that happen, for example, with an owl
16 after -- what happens during and after a project? I'm
17 just wondering if standards and guidelines might be a
18 place to sort of enter that.

19 MS. MARTEN: Sure. And the way I'd ask
20 that regarding the standards and guidelines is versus
21 specific standards or guidelines someone may feel is
22 missing by species. As you were saying, Pete and Sarah,
23 some of the bigger picture and Paul and others. I'm
24 curious on if -- let me think about how to word this.

25 There is a change from the '82 planning regs to

1 the 2012 planning regs and definitions on standards,
2 guidelines, forest planning components and that part of
3 it. And I think I read underlying some of the objections
4 is -- and this is my term and paraphrasing
5 again -- confidence or feeling like if it's not a
6 standard, that if it's a guideline or an objective, that
7 it will be followed through with. And some objectors
8 have said that if it's not a standard, they don't feel
9 like it's measurable, therefore, we won't be held
10 accountable and that.

11 So I'm just curious if from the bigger
12 perspective on some of the viability questions and that,
13 is that -- does that tie into it or that isn't part of,
14 i.e., it's an objective but it's not a standard, or it's
15 a guideline versus it's not a standard. Is there a
16 concern on just the confidence on the difference there
17 and how folks are defining those? And if not, that's
18 okay. I just pose the question.

19 MR. O'NEIL: I'm curious, I'm not sure I
20 know the difference between a guideline and a standard.
21 Are we getting into the point here of if we have a forest
22 fire in the Forest someplace and trees burn down that
23 we're going to plant ponderosa pine there where it might
24 not have historically grown in order to have owls in
25 abundance where there have been an historical population?

1 MS. MARTEN: The intent is looking at the
2 ecosystem. It's not a species by species as Pete was
3 saying. And again, that's one of those things, Jerry,
4 that's not a black-and-white answer. There's a lot that
5 ties into what species would come back naturally versus
6 planting and looking at the whole ecosystem. So the plan
7 level doesn't get that specific, because some of that is
8 going to be implementation at the project level.

9 MR. O'NEIL: You don't know the answer to
10 my question then. Does anybody know the answer to my
11 question?

12 MS. MARTEN: From a general standpoint,
13 does the plan have in there that if a fire goes through
14 and it's an area for flammulated owls, are we
15 automatically going to plant p pine? No.

16 MR. O'NEIL: No, would you consider
17 planting plants that weren't historically there, not
18 automatically.

19 MS. TRIBE: So what you plant would not be
20 driven by the owl. It would be driven by the ecosystem.

21 MS. MARTEN: Right, right. It would be
22 driven by the ecosystem from that standpoint. And that's
23 where you get into more what the natural range would be
24 and what would be there historically and that part of it.
25 So I don't know if I quite answered it, but if not, we'll

1 make sure we get some clarity to you on that question.
2 We can look at specific things on maps and stuff to help
3 you out with that.

4 MR. O'NEIL: Basically my question is, are
5 we going to artificially change the ecosystem in order to
6 enhance some population of endangered species or species
7 we want to have there?

8 MS. MARTEN: We're going to manage for the
9 species, be it from the standpoint of looking at the
10 whole ecological system out on the Flathead National
11 Forest. Do we artificially change things, no, from that.
12 But we manage for a whole host of uses, species as well
13 as other uses on the Forest.

14 MR. O'NEIL: So you don't plant trees of
15 species that would be different from what would naturally
16 come up then.

17 MS. MARTEN: I think you and I are talking
18 kind of past each other on a little bit of this from that
19 standpoint.

20 MR. O'NEIL: If you plant trees that
21 wouldn't historically come up, that's artificially
22 changing the ecosystem, I think.

23 MS. MARTEN: Okay. I'm thinking of it a
24 little differently. So here's what I will say for this
25 dialogue. From the standpoint of what we're looking at

1 and how we're managing and how the Forest and the forest
2 plan components, the desired featured conditions is
3 looking at it from an ecological ecosystem standpoint.
4 How we implement that in the planting, I hear what you're
5 asking, it's not something -- my simple answer is going
6 to be no. And I'm also not going to say that there
7 aren't times that we're planting species for different
8 reasons than what you may be describing, that a hundred
9 years ago maybe weren't there on that part of it.

10 So that's where I'll have to get on the side
11 with you and have some folks that are a lot smarter than
12 I am on this and have gotten into those kind of details
13 to help you out with that question. But at the forest
14 plan level, we're looking at a whole ecosystem across a
15 couple thousand acres. And it really isn't as simple as
16 a yes or no on some of the keyer questions on that part
17 of it. But I'm not ignoring it, and we will get it. And
18 I know there are some folks that I can hear them
19 answering on the side table that are anxious to jump.
20 But I don't want to get into that kind of weeds at this
21 time on that. But we'll catch you up on that question.

22 MS. TRIBE: So could we then see if we can
23 get some more comments about -- remember we started on
24 the business related to viability. And then in order to
25 sort of poke you a little bit, I'm wondering if

1 any -- you asked Sarah if she could describe what that
2 would look like, things like that. So would the
3 standards -- would things in the forest plan, do they
4 connect to viability in any way? She's just looking for
5 what are you thinking in terms of things that would be
6 important for viability from your perspective?

7 MS. MCMILLAN: Is this back to me?

8 MS. TRIBE: If you want it to be.

9 MS. MARTEN: Anybody. You just happen to
10 be sitting right across from me, Sarah. So I don't mean
11 to be looking at you as if you have to answer; sorry.

12 MS. MCMILLAN: Sarah here. And I feel like
13 I don't have an answer to that big, broad question
14 because we kind of dive into the details.

15 MS. MARTEN: Okay.

16 MS. MCMILLAN: And in my opinion, those
17 details create the big picture.

18 MS. MARTEN: That's fair.

19 So let's dive in a little bit on the lynx.
20 Because I brought up those as one of the objections.
21 Help me understand what you see as missing, how it may
22 look differently from the forest plan perspective with
23 lynx. What's missing? And I understand that part of the
24 objections, and not just yours, Sarah, but some others
25 that have come up, just disagree with some of the

1 science. And I respect that. But you know, honestly,
2 it's not going to do me any good at this time today to
3 just go back and forth on science. But I just do respect
4 that there is just -- some of that is part of it from
5 that. But I'm looking on what may be missing, how it may
6 look different to you from a forest planning standpoint
7 from the components or guidelines, or what have you,
8 objectives, desired conditions on that.

9 MS. MCMILLAN: Yeah, Sarah here. And I go
10 back to the details of what we included in our
11 objections, and I know that's not what you're looking
12 for. So I'm struggling to figure out what you are
13 looking for, because you don't want me to say We really
14 need to focus on corridors and connectivity and making
15 sure that we allow --

16 MS. MARTEN: Yes, actually, I do. But what
17 I'm struggling with, is we need to -- and I'll just use
18 what you just said -- need to focus more on connectivity
19 and corridors. How do you see that? I mean, if you're
20 reading the forest plan and you're reading Chip's draft
21 decision, what would be in there different that would
22 meet your need from that perspective? Just an example.
23 I know there could be a laundry list. How would you see
24 that that would be successfully resolved and needs met in
25 your opinion, that there would be connectivity and

1 corridors for the lynx presented in the forest plan set
2 up for success in the project implementation?

3 MS. MCMILLAN: Well, I looked to our
4 objections and I noticed that we talked about what
5 Squires talked about in the paper and that there's an
6 important north-south corridor that extends from the
7 Canadian border south from the Whitefish Range into the
8 Swan Range and near Seeley Lake. And there are a number
9 of ways that we can think about protecting those
10 corridors with -- by decreasing logging, by decreasing
11 roads, by decreasing over-snow vehicles, by a whole lot
12 of different measures.

13 MS. MARTEN: So is it fair, Sarah, for me
14 to interpret that as you, in your organization that
15 you're representing, as you are looking at the forest
16 plan and Chip's draft decision, you felt that one of the
17 things was missing was, based on what's as written for
18 desired future conditions and the objectives and the
19 forest plan components, that those connectivity and those
20 corridors potentially could not be protected at the level
21 you feel they should be for viability of lynx?

22 MS. MCMILLAN: Yes.

23 MS. MARTEN: Based on some of these other
24 activities, i.e., what could be allowed through
25 vegetation management or over winter travel and those

1 type of activities.

2 MS. MCMILLAN: Yes.

3 MS. MARTEN: You are seeing that missing,
4 that there is not enough -- that those activities could
5 be allowed at a level that could, in your opinion,
6 adversely effect viability of the lynx --

7 MS. MCMILLAN: Yes.

8 MS. MARTEN: -- and their habitat. Okay.

9 MS. MCMILLAN: And that's one piece.

10 MS. MARTEN: I understand that. And that's
11 part of what -- and I know this may sound silly to folks
12 on some of this. Well, you read my objection. We stated
13 it. I'm trying to make sure that I am understanding not
14 just what I'm reading but I'm understanding it accurately
15 from your guys's lenses on what you're seeing, or if
16 there's something that could look a little bit different.
17 Because here I'm going to swap it again. So if I ask
18 Chas or Paul or Randy or Matt or other folks here, I know
19 there's disagreement with that. There's the other side
20 of it.

21 But as written, are you feeling like it's
22 balanced? Doesn't mean balance is equal, for species and
23 other activities and multiple uses on the Forest, or are
24 you feeling like if something was changed a little bit
25 for a little bit different objective or desired condition

1 for the lynx that you would have concern about that? I'm
2 just trying to get a feel for where folks are at, or do
3 you feel like it's too far going in another direction on
4 that part of that. Trying to hit the middle not the
5 extremes. People are eyeing each other.

6 Go ahead, Paul.

7 MR. MCKENZIE: This is Paul again. So I
8 look at the plan and I see a standard that adopts the
9 Northern Rocky Mountain Lynx amendment to it. And it
10 just occurs to me that that has been vetted as the way
11 that the Forest Service has been directed to manage lynx
12 habitat and that adopting that should be the appropriate
13 activity. Although I disagree with a lot of what's in
14 the lynx management amendment, it seems to me that going
15 beyond that with additional restrictions, would be very
16 hard for us to -- you'd have to do a lot of work to
17 describe why that's the right thing to do. I don't think
18 it's in there right now. And so if you were to come up
19 with a resolution that would adopt management activities
20 that are over and above what's in the plan right now, it
21 would take a fair amount of disclosure and analysis, in
22 my opinion, to justify that.

23 MR. NELSON: I think there's a key question
24 here with NRLMD and from Defenders' perspective -- this
25 is Pete, by the way -- that this question is, does new

1 information indicate that NRLMD is sufficient to
2 contribute to the recovery of lynx on the Flathead,
3 basically. And that's the question that we eventually,
4 if you were to distill our objection around this lynx
5 issues, I guess that's how I would phrase it, the Forest
6 Service can evaluate that new information and make a
7 determination as to whether it's significant and warrants
8 changes to meet that contribution to recovery standard.
9 But I think that's how we are seeing that, in a nutshell.
10 Of course, there's a lot to it and there's a lot to NRLMD
11 and there's a lot to the science. But I guess that's how
12 I would put it out there.

13 MS. MARTEN: So Pete, with that in mind, or
14 others, do you feel like there's lack of clarity as new
15 information -- just using the lynx -- on how we would
16 move forward with that new information, the process? Or
17 there's clarity and it's just disagreement with some of
18 the processes and just our interpretation? I don't know
19 if I asked that in a way that was distinguished enough
20 between the two.

21 MR. NELSON: Yeah, again, just at a high
22 level here, I think we were seeking more, we're looking
23 for more analysis of the new information in light of the
24 requirement to contribute to recovery. So that
25 those -- it was information plus requirement what the

1 conservation requirement is under the plan. And we were
2 not convinced that the new information didn't warrant
3 changes to the existing direction.

4 MS. MARTEN: So part of that is with the
5 new information and analysis, not getting into agree or
6 disagree, but connecting the dots on if we were in a
7 different spot than you interpreted it, the rationale in
8 connecting those dots. I'm not saying you would agree
9 with that but even just some clarity there.

10 MR. NELSON: Yeah. I think the new
11 information warrants further conservation and measures.
12 Even though that's in our objections.

13 MS. MARTEN: Yes, I understand.

14 MR. NELSON: But as a matter of forest
15 planning there's also procedural issues to consider here
16 and how conclusions and decisions are made. So yes,
17 there is an analytical piece to that piece.

18 MS. MARTEN: Okay; very helpful, thank you.

19 Sarah, did you have something?

20 MS. MCMILLAN: Sarah here. I was just
21 going to echo that we do believe the LMD is outdated and
22 needs to be updated with the best available science
23 around the conservation issues for lynx.

24 MS. MARTEN: Yeah, I understand that from
25 your objections as well as a few others on that part. So

1 appreciate that.

2 So let me ask folks this. Other things if
3 you're thinking wildlife, not necessarily what I
4 summarized here, but other thoughts, other items that we
5 want to make sure we get on the table. Wildlife, like I
6 say, could encompass different things. But you know,
7 what's missing, what hasn't been met, what needs
8 clarifying? Again, I understand there's disagreement on
9 some things amongst groups as well as maybe how the
10 agency interprets some things. But just thinking of the
11 bigger picture from forest planning as you read the
12 decision and the documents.

13 And Josh, I'm going to ask you. I know you
14 said Sarah was doing a great job, but I wanted to make
15 sure, is there anything else there so we don't miss you,
16 on the phone.

17 MR. OSHER: No. Most of my specific issues
18 are going to come up later on the aquatics and grizzly
19 bear stuff. So in the general wildlife, I think I'm
20 pretty satisfied with the discussion so far.

21 MS. MARTEN: Great; thanks.

22 MS. TRIBE: In addition to viability you
23 also mentioned connectivity in your early words. Did you
24 want to....

25 MS. MARTEN: Well, I know some of that came

1 up and that's one of the reasons I wanted to open it up.
2 Because I know it came up a little bit indirectly. But
3 if there's more specifics or other thoughts there
4 on -- and I did this, I think, yesterday on a topic. If
5 you folks are sitting in my shoes, how would it look
6 different to you? What would you instruct Chip to do
7 differently? That's not an either/or or at the extremes
8 on that part of it. And I know there's details in
9 objections so, again, just a general.

10 MS. TRIBE: Jerry, I see your hand. I just
11 want to make sure there aren't people who have not spoken
12 yet have an opportunity. So I want to go to Jerry, but
13 is there anybody -- Randy, do you have any other
14 comments? Any comments you would make related to this or
15 the connectivity or other things? You're okay?

16 MR. KENYON: I'm fine for now. Randy
17 Kenyon, North Fork Preservation Association. Our
18 concerns are essentially those concerned with the grizzly
19 bear management. So I don't know if you wanted to speak
20 to that now.

21 MS. MARTEN: Actually, that will be this
22 afternoon, Randy. Because we'll have quite a discussion
23 and that covers more of the Flathead. So we want to make
24 sure we have the flavor. So that would be great this
25 afternoon.

1 MS. TRIBE: And that starts at 1:15.

2 MR. KENYON: Yeah, that's fine.

3 MS. TRIBE: Steve, did you have anything?

4 MR. GNIADEK: Yeah, this is Steve. I was a
5 member of the lynx biology team, as you know.

6 MS. TRIBE: Yes, you were.

7 MR. GNIADEK: I represented the National
8 Park Service. But much of the discussion obviously
9 pertained to forest management, National Forests. And
10 using the lynx as an example, I'll try to address your
11 question. I don't think -- I haven't scrutinized the
12 latest plan. We were developing a conservation strategy
13 that actually preceded the listing. And I haven't kept
14 up with the subsequent plans, but I'm familiar with some
15 of the research, Squires and elsewhere.

16 I don't think we have enough information from
17 that research to address some of these specific questions
18 like connectivity. I know that lynx will cross cutting
19 units, usually in a beeline. They'll get to an uncut
20 block and zigzag looking for hares. So I don't think
21 it's possible to say Well, what limits connectivity in
22 terms of management, except to say that if it were all
23 wilderness it would be much better for lynx and other
24 species in terms of viability. But to say that a
25 particular cutting unit or management action or a series

1 of them limits viability, I don't think we're there yet.
2 We can't make those conclusions. So if I were in your
3 shoes, I'd be sweating, I suppose. I don't think we can
4 make those decisions.

5 As Paul implies, it's a balance. But if I were
6 in your shoes, I would defer more to wilderness and more
7 to wildlife because that's my background. So I can't
8 tell you how to decide things.

9 One other broader comment in responding to
10 Paul's comments about the lack of management in
11 wilderness, I would just point out that timber harvest is
12 a management action, but there is management in
13 wilderness. I just want to clarify that so we get that
14 out. And I think it's important for the Forest to
15 explain that to the public so that there isn't this
16 perception that Oh, wilderness is unmanaged, the rest of
17 the Forest is managed. You manage for trails, you manage
18 for visitor use, you manage fire. Allowing a natural
19 fire to burn is a form over management. So I just want
20 to clarify that.

21 MS. MARTEN: Appreciate it.

22 MS. TRIBE: Thank you, Steve.

23 So let's just make sure we catch everybody and
24 come back around.

25 Paul, did you have anything else?

1 So Chas, anything?

2 MR. VINCENT: Chas Vincent. Trying to stay
3 on top, I guess I would make an overarching comment. And
4 it kind of dovetails in with what Paul was discussing.
5 In that, you know, in your shoes type of a position, when
6 you're trying to find how best to construct the umbrella
7 that is then going to best get the Forest to that desired
8 future condition, inside of that, and we were talking
9 about what is management, what type of management is
10 right, I think that the existential threat to many of
11 these species of concern is things that we can really not
12 control.

13 And a lot of that is climate, wildfires and how
14 to best protect watersheds for public uses as well. And
15 when you're trying to balance those priorities and when
16 you're looking at -- you know, there's some comments
17 about Well, not really sure that -- We're not comfortable
18 without having a standard that would maybe be applied in
19 a categorical exclusion, for example, and some of the
20 other tools that Congress has determined are priorities
21 for your agency to be managed for.

22 And I believe that those larger public health
23 and welfare threats also pose threats to some of these
24 other species of concern. And if we spend too much time
25 in constructing an umbrella that is too top heavy, that

1 you're never going to ever be able to achieve that
2 desired condition on the ground. So that's my comment.
3 Thank you for letting me make it. But that's as close as
4 I can make comment and stay on topic.

5 MS. TRIBE: Thank you, Chas.

6 Sarah, did you have anything else?

7 MS. MCMILLAN: Sarah here. I don't think
8 on the broader topic, I guess.

9 MS. TRIBE: Do you want to pass it back
10 around?

11 Matt, did you have anything to close?

12 MR. ARNO: No.

13 MS. TRIBE: Jerry, did you have any final
14 comments?

15 MR. O'NEIL: Sure. A lot of what I -- like
16 fifteen years ago, twenty years ago I was studying lynx a
17 little bit. And there was -- whoever wrote the book on
18 it -- found some lynx over in the Seeley-Swan Forest and
19 probably one of the most managed Forests, heavily logged
20 Forests in the Flathead National Forest. And I think
21 they followed these lynx and these lynx went over into
22 the Bob Marshall. Evidently they didn't like it in the
23 Bob Marshall and they came back to this managed Forest.
24 And maybe -- it appears at that time I couldn't find
25 enough information to find out if there was a denser lynx

1 population in the Bob Marshall than there was in the
2 Seeley-Swan Forest. And I haven't seen the information
3 yet. Maybe it exists, probably does now, or maybe it's
4 the other way. Maybe there's more lynx -- higher lynx
5 density in the Seeley-Swan Forest than there is in the
6 Bob Marshall. And until we know that, I don't think we
7 can really say whether we should log it or lock it up.

8 But what we need to do, I think, if we're going
9 to imagine our Forest is we need to, as I said yesterday
10 on the logging or the harvesting agenda, we need to
11 consider the albedo effect for the lynx and for the bull
12 trout and for the other endangered species. Because when
13 you open up the landscape like in the Bob Marshall with
14 forest fires, allowed fires, not managed fires I guess,
15 or you open it up in the Flathead National Forest with
16 either logging or prescribed burns or however you do it,
17 you contribute to global cooling. I think you contribute
18 more to global cooling by logging than you do by forest
19 fires because you don't put all the CO2 in the air.

20 But anyhow, with -- it appears to me that when
21 you go into an open area in the Forest, you have deeper
22 snow than when you go into a heavily treed area of the
23 Forest. I know that the deer don't come into my open
24 yard in the wintertime because the snow's too deep, they
25 go into the wood lot next door. So you have more

1 snowpack and cleared ground, whether it's forest fire
2 cleared or cleared by logging or thinning or whatever,
3 and that gives more water down the river for the native
4 bull trout and also gives more advantage to the lynx. So
5 anyhow, that's my comment.

6 MS. TRIBE: Thank you, Jerry.

7 MS. MARTEN: And I want to just clarify,
8 particularly Sarah and Josh. On the wolverine part, I'm
9 not forgetting about the wolverine. I've read, like I
10 said, all your objections in detail. I know it came up a
11 little bit in the last conversation. And the other thing
12 I want to acknowledge is a lot of this I'm fully aware
13 will overlap and come up indirectly and directly when
14 we're talking grizzly bear this afternoon. And there
15 will definitely be some theme there on that part of it.
16 And believe me, there is a whole spectrum and there's a
17 whole lot on grizzly bear issues, as you guys are fully
18 aware. And something tells me most of you will be
19 sitting at the table with your colleagues and friends
20 this afternoon too.

21 So I just want to acknowledge that I understand
22 that this isn't just a couple species. It's the bigger
23 picture, the ecosystem, and there's some other topics --
24 and on aquatics as well -- there's other topics that
25 definitely all tie into this. I was just trying to, in

1 this topic, just get a foundational feel for some of --
2 particularly the viability question -- just making sure I
3 was reading your objections and seeing it through your
4 lens. And I think I've got a good feel for that to help
5 continue with dialogues this afternoon and then as I'm
6 processing things from that perspective. But I just
7 didn't want folks to think that I was negating other
8 things that came up from there on that.

9 MS. TRIBE: So this was helpful to you?

10 MS. MARTEN: Yes. It's all very helpful.
11 It's complex. And there isn't anybody around here that
12 wasn't acknowledging that. And there's all different
13 perspectives with it. And you know, I love sitting in
14 the shoes I'm in, but I won't tell you it's easy. So all
15 the input and dialogue is always helpful on that part of
16 it. So thank you.

17 I think we're going to go ahead and break for
18 lunch. The grizzly bear starts at 1:15. For those on
19 the phone, we'll dial back in. For those in the room,
20 and I know we'll have others coming this afternoon for
21 the grizzly bear. That's grizzly bears under the
22 amendment. So that's also covering the amendments for
23 the Lolo, the Helena-Lewis and Clark and the Kootenai.
24 So we'll have joining us, either in person or on the
25 phone, Chip's counterparts or representatives from those

1 Forests as well, since they're the decision makers on
2 those amendments specific to their Forest on that. But
3 when we do introductions, we'll make sure folks know
4 who's available for that dialogue.

5 So thank you, folks. Thank you to the folks in
6 the audience. And we'll see those coming back at 1:15.

7 MS. TRIBE: Thank you very much.

8 (Proceedings in recess from 12:05 p.m. to
9 1:21 p.m.)

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1 Thursday, April 12, 2018 - 1:21 p.m.

2 GRIZZLY BEAR HABITAT MANAGEMENT

3 MS. MARTEN: Good afternoon, everyone.

4 This is Leanne Marten. One of the things -- I guess,
5 before I kick it off on a little bit of the process and
6 the topic, I think what we're going to start with is some
7 introductions so we know who is at the table and who's on
8 the phone. So if I could have any objectors or
9 interested parties for the grizzly bear habitat
10 management topic on the phone introduce themselves, that
11 would be very helpful, please.

12 MR. NELSON: This is Pete Nelson, Defenders
13 of Wildlife.

14 MR. COLLIGAN: Good afternoon. This is
15 Chris Colligan with Greater Yellowstone Coalition.

16 MR. OSHER: Josh Osher, still here with
17 Western Watershed Project.

18 MS. RICE: This is Bonnie Rice with the
19 Sierra Club.

20 MS. MARTEN: Any other objectors or
21 interested parties on the phone?

22 I know we have some other folks that are
23 observing out there on the phone.

24 Then at the table here, I'm going to go around
25 so folks on phone know who's sitting at the table as

1 objector/interested parties.

2 So Jerry, if we could start with you, please.

3 MR. O'NEIL: Jerry O'Neil, personally and
4 as representative for Montanans for Multiple Use.

5 MR. ARNO: Matt Arno, Montana DNRC.

6 MR. KENYON: Randy Kenyon, North Fork
7 Preservation Association.

8 MR. GNIADZEK: Steve Gniadek.

9 MR. MCKENZIE: Paul McKenzie with
10 F.H. Stoltze Land and Lumber.

11 MR. KREILICK: Jake Kreilick,
12 Flathead-Lolo-Bitterroot Citizen Task Force and Wildland
13 Institute.

14 MR. PECK: Brian Peck, wildlife consultant
15 and commenting today for Swan View Coalition.

16 MS. LUNDSTRUM: Sarah Lundstrum, National
17 Parks Conservation Association.

18 MS. MARTEN: Wonderful; thank you,
19 everyone. And again, thank you for taking time out of
20 your busy days and your schedule to be here this
21 afternoon to visit with us and have this dialogue.

22 So to start out, I'm going to repeat for a few
23 of you a little bit of the process and lead it
24 particularly into this topic. It's going to be very
25 similar to what some of you may have been participating

1 in yesterday or this morning, but it will be a little bit
2 different tweak on how I'm approaching it. And then you
3 guys can let me know if that doesn't work for you and
4 we'll adjust. As always, we kind of go with the flow
5 with this.

6 So for folks who haven't been involved yet with
7 this overall process, I'm Leanne Marten. I'm the
8 regional forester here in the northern region. And for
9 this process, I'm the reviewing officer for the
10 objections on the forest plan revision and Chip Weber
11 Forest supervisor's draft decision on the Flathead forest
12 plan revision effort on that. And the intent of the
13 dialogue here this afternoon, and I'm looking at on this
14 objection, is there's a lot of information that was
15 included in objections for grizzly bear. We had 74
16 objectors on the plan. And as you guys can imagine,
17 we've had a whole spectrum of issues and a whole spectrum
18 of different opinions and different values. And I'm just
19 going to center in on the grizzly bear, since that's the
20 topic we're on.

21 I've said this previously. I have read all the
22 objections. I'm very familiar with the objections. And
23 we are not going to have, unfortunately, the opportunity
24 to talk about every issue about the grizzly bear that may
25 be in your objection. But please realize I am familiar

1 with those and I will be going back to re-review many of
2 them after this dialogue.

3 What I'd like to do is narrow it down a little
4 bit today on some things that I'm looking at to help me
5 formulate and make sure I'm understanding things from
6 your perspective that if there's something I'm missing or
7 misinterpreted, I need to have you guys help me clarify
8 that. And just the dialogue amongst yourselves on any
9 potential remedies or any potential issues of solutions
10 or just, again, a common understanding from that.

11 This is really all about what works for y'all
12 as much as it is what works for me. It's mutual here on
13 that part of it. So if as we're approaching this if
14 there's a different thing or if it's just the way I'm
15 trying to help facilitate this with Ginny's help isn't
16 working, please speak up on that part. And like I said,
17 I'm kind of going with the flow on this.

18 Very complex from that standpoint. And we have
19 a few other people that are joining us here at the table
20 that we'll introduce in just a minute as they get settled
21 on that.

22 One of the things I do want to bring out is up
23 to this point, we've been dealing with the Flathead
24 forest revision. And obviously Chip Weber is the forest
25 supervisor for that. The grizzly bear amendment covers

1 more than the Flathead, as you guys are aware of. So we
2 also have the Lolo, the Kootenai and the Helena-Lewis and
3 Clark National Forest on from this perspective. So I'm
4 going to pause. And if I could have either the forest
5 supervisor from those units or whoever is representing
6 the forest supervisor, who may be on the phone, if you
7 could introduce yourself. So I'm going to start with the
8 Lolo. Do we have -- Sarah, are you on from the Lolo, or
9 is there a representative for the forest supervisor from
10 Lolo on the phone?

11 MR. GUSTINA: This is Greg Gustina. I'm
12 the staff officer here, planning and prep. I don't know
13 that Sarah was going to be able to make it.

14 MS. MARTEN: Okay. And Sarah Mayben is the
15 acting forest supervisor. Tim Garcia is just on a
16 short-term detail in California right now. But thank
17 you, Greg, for joining us.

18 How about the Helena-Lewis and Clark?

19 MR. WISEMAN: Good afternoon. This is Ron
20 Wiseman. I'm acting deputy forest supervisor.

21 MS. MARTEN: Thank you, Ron.

22 And from the Kootenai?

23 MR. SAVAGE: Good afternoon. This is Chris
24 Savage, forest supervisor on the Kootenai.

25 MS. MARTEN: Thanks, Chris. And I know,

1 like I said, we've got some other folks from various
2 parts of the agency in the public that are listening, and
3 I appreciate you joining us. One of the reasons I want
4 to point that out is not only as we go through the
5 discussion remembering that we've got four National
6 Forests -- five if we count the Helena-Lewis and Clark as
7 separate National Forests -- involved with this part of
8 the discussion. But also to let you know that the
9 respective decision makers and officers for those
10 amendments on the other Forests, just like Chip, are also
11 participating and represented during this dialogue to be
12 able to listen to it on that.

13 So any questions, just logistically, on any of
14 that part of it?

15 MS. TRIBE: Leanne, do you want to hear
16 from the last two people?

17 MS. MARTEN: I did, thank you. We had two
18 other people join us, and we just did quick
19 introductions.

20 So Sarah, if we can start with you and then
21 Marla, that would be.

22 MS. MCMILLAN: Sarah McMillan representing
23 WildEarth Guardians. And we're objectors.

24 MS. FOX: I'm Marla Fox, also with
25 WildEarth Guardians.

1 MS. TRIBE: And Chas, just walked in.

2 MS. MARTEN: We just did introductions, if
3 you want to introduce yourself, Chas.

4 MR. VINCENT: Chas Vincent, representing
5 Citizens for Balanced Use, objector.

6 MS. MARTEN: Thank you.

7 So grizzly bears and the grizzly bear
8 amendments. Everybody, hopefully, has a copy of the
9 briefing paper. As I've done before on a few other
10 topics, I'm not going to read through the briefing paper.
11 The intent of the briefing papers on any of this are just
12 a starting point for dialogue. So it's not meant to be
13 all encompassing or have everything that I read and then
14 have heard about objections in there but a starting
15 point.

16 And this one I'm going to start out with a
17 little bit of just context and where I'm sitting and my
18 perspective on my job and my role when it's coming to the
19 grizzly bear and the grizzly bear amendments and the
20 draft decision on that part of it. And then I'll go on
21 to facilitate with a question that's going to be maybe a
22 little bit differently than the dialogue some of you have
23 participated in to try help with the dialogue but also
24 help me get grounded and perspective from you all.

25 So the grizzly bear and the grizzly bear

1 amendments across the National Forests these pertain to,
2 there's several different things that led up to that.
3 And I'm going to make this extremely simplified just for
4 discussion purposes here. And it's not because I'm
5 necessarily that ignorant that I don't get all the
6 history and all the complexities with grizzly bears. I'm
7 purposely keeping it simple for my sake as well as
8 hopefully with the dialogue here.

9 We have a draft conservation strategy across
10 NCDE. And you guys are intimately aware of that. Many
11 of you have been involved with that, provided comments on
12 the draft that has gone out from Fish and Wildlife
13 Service. That is an interagency effort. We are one of
14 many players that have been at the table that have been
15 working on draft conservation strategy that moves us
16 towards the ability to eventually delist the grizzly bear
17 in the NCDE ecosystem, from that perspective.

18 One of the things that the role that I'm
19 sitting in from that, and I notice that many of the
20 objections that I've read is there's some disagreement on
21 the conservation strategy that's out there as a draft,
22 there's a disagreement on the science. There's
23 disagreement on whether or just even whether or not we
24 should even be using the information before it's
25 finalized. There's some different perspectives there.

1 So in context for today's dialogue, I'm not ignoring any
2 of those comments or saying that they're not valid or
3 have valid points in them from your perspectives.

4 However, for today's dialogue, one of the things that I'd
5 like to use as a foundation to start out with is I
6 am -- I, the agency that I'm representing -- is part of
7 an interagency team and many efforts that are around that
8 draft conservation strategy. So when it comes to what's
9 actually in the draft conservation strategy, this isn't
10 the place or the role that I'm in to be able to change
11 what's actually in that draft conservation strategy.

12 That is a different process that's ongoing and different
13 opportunity for you all to be involved with that. And I
14 know many of you already are and will continue to do. So
15 I lay that simply because it's not that I'm saying that
16 there isn't a place for that, it just simply isn't this
17 process with the objections on the amendments from there.

18 Similarly, you know, when I'm using that, it's
19 one of those things where I could use some help, and I'll
20 ask the questions here to hopefully spark some of this
21 and the dialogue amongst yourselves and, with me
22 participating, I need some help on your views and some of
23 the objections on what's really worrying you about what's
24 in the plans and the draft amendments and the ROD as
25 written that I need to understand. And if it's the

1 conservation strategy and what's in there and the fact
2 that we used it, that's okay. Just tell me that from
3 that perspective. But there's just a role there that I
4 just don't have the ability, sitting in this role during
5 this process, to change what's in the conservation
6 strategy. I just want to put that out there, because I
7 don't want folks to have false expectations from that
8 standpoint.

9 Similarly, we have a biological opinion that's
10 come back from the Fish and Wildlife Service on the plan
11 and the amendments, and there's certain terms and
12 conditions in there. And those have been written into
13 the draft decisions. And I know some of them are not
14 just grizzly bear specific but they're in the draft
15 decision that will be incorporated not to adhere to the
16 terms and conditions that's not something that I feel I
17 have flexibility to do from the Fish and Wildlife Service
18 and the partnership we have there from that perspective.
19 So I'm perfectly open and want to hear if you have
20 worries about those and what they mean. But just
21 understand that there is some sideboards there just from
22 a regulation standpoint that I'm bound by. And again, I
23 don't want to set up false expectations on how far I can
24 go within laws and regulations that I have to adhere to
25 in the role that I'm sitting in, the position I'm sitting

1 in. So I'm going to pause there.

2 Are there questions on that part of it?

3 Go ahead, Jerry.

4 MR. O'NEIL: Jerry O'Neil. Are you saying
5 that even though we might not have the data to support
6 the plan, we're going to go ahead with the plan anyhow?

7 MS. MARTEN: No, that isn't what I'm
8 saying. So when we get to what's worrying you and what
9 you feel is missing, expand a little bit on what you
10 think maybe missing on that part of it. So we'll get to
11 that. But no, I'm not saying that if we don't have the
12 data or if you feel like there's something missing in the
13 analysis and what disclosures of any kind of information
14 there that we're just -- I'm just ignoring anything like
15 that part of it.

16 MR. O'NEIL: Thank you.

17 MS. TRIBE: Any other questions about sort
18 of the context that Leanne said in terms of her role
19 related to how the draft strategy came about versus the
20 Forest Service document of the forest plan and Fish
21 Wildlife Service, et cetera?

22 Paul.

23 MR. MCKENZIE: Can you just clarify? So I
24 guess, what is the scope of the resolutions that you can
25 consider or the objections that you can consider,

1 resolution? It occurs to me if we can't really discuss
2 the terms of the draft conservation strategy or the Fish
3 and Wildlife Service, that kind of narrows the scope of
4 the objections that you really have much room to work in.
5 Am I misreading what you're saying?

6 MS. MARTEN: I would say no, you're not
7 misreading, but I think the rule is probably broader than
8 maybe what you may be thinking of. So let me give you an
9 example. And maybe this just applies to you or anybody
10 else.

11 But one of the key things that came up in the
12 objections is, paraphrasing, is that there is not the
13 analysis or disclosure of impacts to grizzly bears
14 adequate in these documents to be able to move forward
15 with the decisions as written and be able to show. So
16 one of the questions I would have, and I don't have
17 listed exactly who wrote that -- it came up in various
18 forms -- is What impact is not analyzed and disclosed in
19 the analysis for the grizzly bear amendment? What
20 impact, from your perspective, are you seeing that we
21 have not done any analysis on or disclosed in these
22 documents? Now, whether or not you agree with how the
23 analysis was done and that part of it may play into it.
24 But is there an impact, too, that we've missed? Because
25 that came up in several of the objections in various

1 ways. So I could use some help understanding that.

2 Because to answer your question, Paul, until I
3 get a feel for that, I'm not quite sure. There may be
4 quite an opportunity there that I'm just not aware of for
5 a resolution to an objection. Does that help?

6 MR. MCKENZIE: Yes.

7 MS. TRIBE: I'm also thinking, Paul, as we
8 have the discussion, the answer to your question's going
9 to kind of sort out. Because who knows? I mean, there
10 may be other kinds of things.

11 Chas, did you have your hand up?

12 MR. VINCENT: No.

13 MS. TRIBE: Marla; sorry.

14 MS. MARTEN: I apologize if you could state
15 your name when you start talking for the folks on the
16 phone but also for Bambi, she's recording the transcript.
17 You weren't here when I said that.

18 MS. FOX: This is Marla Fox, WildEarth
19 Guardians. And maybe we'll get into this further. You
20 were asking, though, are there specific things, impacts,
21 that were raised that might be implicated by the draft
22 conservation strategy that aren't analyzed in the forest
23 plan revision or the EIS. And we have several listed in
24 our objection. Just to name a couple, like the
25 independent female mortality, temporary increases in

1 motorized use. Temporary increases in motorized use that
2 are allowed under the proposed standards and guidelines
3 in the revised forest plan are intricately related to
4 some of the habitat management standards that are set in
5 the draft conservation strategy. But to the extent that
6 the draft conservation strategy is draft and subject to
7 change and morphing, I think that's our big concern. We
8 recognize the Forest Service's limited authority to have
9 a final say on that conservation strategy, so we say
10 Let's take a step back. Let's not finalize these
11 roads -- in particular the roads standards and guidelines
12 in the forest plan revision, until we have a conservation
13 strategy in place. And that's where we see a lot of
14 tension. And we tried to set that out into our
15 objection, and maybe we'll get into this more, but I just
16 wanted to highlight why we were addressing a lot of the
17 concern about reliance on this draft strategy when we're
18 trying to finalize the forest plan revision where they're
19 going to rely on each other.

20 MS. MARTEN: So we'll just jump in. So let
21 me ask a question on that. So that's great and very
22 helpful. And so here's the question I would have is, How
23 would that look? And let me expand a little bit from the
24 standpoint of the draft is out there and for me to not
25 take into account the draft, I don't feel is an option I

1 have because it is there. To completely wait until it's
2 all finalized, which could be a month from now, it could
3 be a little bit longer, it could be tomorrow, from that
4 standpoint. There is some tension there, totally
5 understand. Because even sitting in the shoes I'm in, on
6 one hand, it would always be ideal if everything just
7 lined up perfectly for the various efforts from that.

8 So the question I have for you, Marla, is What
9 would help you feel I'll just say more comfortable? I'm
10 not quite sure "comfortable" is the right word, but more
11 comfortable on knowing that tension's going to be there,
12 I'm not inclined -- I'll just say I'm not inclined to say
13 Let's just stop everything until everything else is
14 finalized. But that there would be a process in place so
15 if something changes between the draft and the final and
16 where it ties into the forest plan, that we will address
17 that and we will do what we need to do make sure that
18 we're in compliance with the final strategy. So is there
19 something that we could be doing differently? Is there
20 something that would help with that? And if so, could
21 you give me an example? I know there may be several
22 portions.

23 MS. FOX: Yeah. So I mean, instead
24 of -- so yes. If you don't want to stop the forest plan
25 revision, I'd say Well, let's finalize the forest plan

1 revision but not rely on the draft conservation strategy
2 standards in the forest plan revision but make an
3 amendment to the forest plan revision once you finalized
4 your conservation strategy. So go ahead and do your
5 forest plan revision, but don't set it as hypotheticals
6 and subject to change, recognizing that forest plans
7 change. They're ten to fifteen, often, or twenty to
8 thirty-year plans. But to at this point when you're
9 trying to create something for the public to understand
10 something concrete, and it's very hypothetical because a
11 lot of the planned components for the Flathead forest
12 plan revision are contingent on the draft conservation
13 strategy, that's where I see the problem. If you had the
14 forest plan revision as its own being, as its own
15 document and didn't rely on the draft conservation
16 strategy -- I mean, I think that's the biggest problem or
17 one of the big problems we have is that it relies on the
18 draft conservation strategy as support. And in
19 particular not for greater protections but actually for
20 weakening the protections from the previous forest plan
21 standards.

22 In particular as an example, the road standards
23 and guidelines. So setting road standards and guidelines
24 at 2011 standards but saying Oh, it's okay, we have this
25 draft conservation strategy to support this change. But

1 it's the draft. So because the Forest Service is trying
2 to tie them together, that's the problem. I understand
3 that there's that overlap. But if the forest plan
4 revision went ahead on its own and had its own support, I
5 think it would be much stronger. But to rely on
6 something that is still subject to change and
7 hypothetical to relax the standards that have proven
8 effective at bringing the grizzly somewhat back, it just
9 doesn't quite make sense.

10 MS. MARTEN: So let me ask this and not
11 necessarily of you but of others. I understand that
12 perspective and I understand I'll just say that option
13 from that standpoint. Do you or anyone else see a middle
14 ground with that? Is there another -- and here's what I
15 mean by "middle ground." And I'm throwing this out for
16 dialogue's sake. But on one hand, one interpretation
17 view is what you just explained. On the other hand, I
18 have objectors and some interested parties here, I'm
19 sure, that are saying But what's out there is updated and
20 the best available science and so we're using that, which
21 did lay some foundation for some changes on some proposed
22 forest plan components and some of that compared to where
23 the current forest plans are across these forests
24 currently, just using roads, using road density and that
25 part of it. So I'm hearing it from both sides on that.

1 And I'm not saying one is right or wrong or one value's
2 right or wrong by any means. But those are the spectrum
3 of what I hear. So I'm just curious on what folks's
4 thoughts are on that or, again, how it may look a little
5 different in your view, knowing that we have totally
6 different views of this but, also, I'm looking for a
7 little bit of middle ground just what folks's thoughts
8 are.

9 So Sarah, you've got the mic.

10 MS. MCMILLAN: Sarah McMillan here. And
11 I'm not going to actually answer your question. What I
12 wanted to say was just that there are a number of
13 references throughout the forest plan about identifying
14 the grizzly bear as being recovered. And the grizzly
15 bear is not recovered. It's currently listed. We
16 understand where things are, but if we're looking at
17 where things are legally, we need to be protecting the
18 grizzly bear as a listed species.

19 And I just think back to the conversation
20 around the wolverine this morning. And we want to think
21 about what's going to happen if they do get listed or if
22 they don't get listed. And I want us not to be acting as
23 if the grizzly bear has been delisted in this region and
24 maintain protections for this population.

25 MS. MARTEN: So part of what I hear you

1 saying, Sarah, is for the amendment and, as written with
2 the draft decisions across the Forest, it reads to you as
3 if we're starting with they're delisted. I don't know if
4 that's accurate.

5 MS. MCMILLAN: There are a number of
6 references to recovered population. So I think that's
7 the concern I'm raising here.

8 MS. MARTEN: Okay; fair enough.

9 MS. MCMILLAN: And to me, it sort of leads
10 into this Oh, then there's this new draft. They are both
11 future things that may happen in the future in some form
12 or another. We don't really know what they are yet. But
13 still, where we are right now, is the grizzly bear needs
14 to be protected. And I think there is probably
15 significant disagreement about the best available science
16 and whether that new draft constitutes the best available
17 science.

18 MS. MARTEN: I understand that. I said not
19 everybody's going to agree. That was the perspective.

20 MS. TRIBE: Brian, you've had your hand up.

21 MR. PECK: Yeah, that Sarah touched
22 on -- Brian Peck, excuse me -- touched on something
23 that's been a big concern of mine in all of the -- well,
24 this forest plan but ecosystem-wide. And that is
25 numerous places where I read something that the Forest

1 says it's going to do and my reaction is Well, that only
2 works if you're basing it on assumption that we have a
3 delisted population already. If the population isn't
4 delisted, and it isn't, and if it may not be delisted for
5 some time, and it probably won't, then what is in this
6 forest plan and other forest plans is simply -- it's not
7 legal. It's just not legal.

8 And so I'm not sure exactly how you folks are
9 going to wrangle your way around that. But that's a
10 problem of having the forest plans out before the final
11 conservation strategy, which there's nothing you can do
12 about now. I mean, it's a little late. I guess the
13 final's coming out in two or three months or something
14 like that. But that would be something for Chip and the
15 other forest supervisors to look at is, Is there
16 something with my forest plan that is in here that
17 anticipates bears being delisted, and I'm going to go
18 ahead with management as though they're delisted when, in
19 fact, they're not. So a bit of a problem. Cart is way
20 ahead of the horse, I think.

21 MS. MARTEN: So you just sparked another
22 question. And I'd be curious what folks's thoughts are
23 on it. Obviously we have the Flathead forest plan,
24 that's where we're at in revision, going through the
25 objection. We have grizzly bear amendments.

1 So the question I was running through my mind
2 is we have the current Flathead forest plan obviously in
3 revision. We have the Kootenai who just revised and
4 signed a decision a couple years ago. We have the Lolo
5 who has the, I think it's '86 forest plan. They
6 currently have not started revision yet. And then we
7 have the Helena-Lewis and Clark at the early stages of
8 revision. And the reason I state that in my question is
9 in your general group perspective, I'd be interested in
10 some dialogue on the draft decisions for the amendments
11 using the draft conservation strategy and all that. Does
12 it vary by Forest, in your opinion on whether or not
13 we're in revision, or like the Lolo who would be amending
14 their plan, and they're not in revision right now, versus
15 the Kootenai who's a newer revised plan? Or is some of
16 the objections it doesn't matter where the
17 amendment -- where the forest plan's at in revision, '86
18 or whatever year? Is there any distinction, difference?
19 One question. The other one is, Is there concerns higher
20 on I'll just say the Lolo versus the Flathead? Or is
21 there a place-based concern or something along those
22 lines, I'd be curious, versus just in general?

23 MS. TRIBE: Go ahead, Brian.

24 MR. PECK: Brian Peck. My concern wasn't
25 based on the individual Forests or on where they are in

1 their plans. Because I'm looking at the standpoint of
2 the Flathead forest plan we have here and the grizzly
3 amendments, which are on the table already for all the
4 other Forests. Not their forest plan but the grizzly
5 amendments. That's kind of the cart I was talking about
6 being ahead of the horse.

7 We're doing the grizzly amendments and we're
8 doing the Flathead forest plan, and they are all tiered
9 to and dependent upon whether the conservation strategy
10 is a rock-solid, science-based legal document. And I
11 think most of us have argued that it's not even in the
12 same stratosphere as one of those. That it's completely
13 off base, which has implications for what you folks are
14 trying to do with grizzly amendments in the Flathead
15 forest plan. I mean, if everything is tiered to accept
16 the conservation strategy, and that has holes enough to
17 be Swiss cheese in it, then that undermines all the stuff
18 you are doing. Whether it's a final or whether it's a
19 draft. I can't imagine the final's going to be
20 dramatically different from the draft.

21 MS. MARTEN: Other thoughts.

22 MR. NELSON: Well, this is Pete Nelson with
23 Defenders. I think it's very interesting conversation,
24 and if I could just interject here for a second. There's
25 some problems here, obviously, relying tiering to the

1 conservation strategy when it's in draft form. That's
2 just -- to be honest, that's just an error in the
3 management of the sequencing of the planning. And that
4 has flaws.

5 Furthermore, the Forest Service needs to be
6 looking at how they can effectively implement the
7 conservation strategy. And a lot of Defenders'
8 objections were the fact that the Forest Service is
9 actually deviating from the conservation strategy,
10 misinterpreting it and not applying plan direction that
11 it actually has fidelity to the science that's
12 represented in the conservation strategy. For example,
13 the conservation strategy establishes objective of the
14 entity E population acting as a source population for
15 other populations. And we don't think that the
16 amendments or the Flathead plan actually accomplished
17 that objective. And that's just one point to be said
18 about how the Forests are interpreting the conservation
19 strategy. And that is a key issue. Because as you know,
20 the Forest Service has an independent obligation under
21 the National Forest Management Act to contribute to the
22 recovery of the species.

23 You know, people are talking about the NCDE
24 population. But what we're really talking about is
25 contributing to metapopulation persistence under NFMA.

1 And the analysis and essentially the thrust of the
2 amendments in the revision miss that mark. And that
3 comes out of the conservation strategy, by the way.

4 So I've had a recommendation for how to move
5 forward. You know the Forest Service should think about
6 their independent obligations for grizzly bear
7 conservation and recovery and make decisions essentially
8 not independent of the conservation strategy but create
9 some independence in your decision making based on those
10 requirements. So there's a lot to this, but thanks for
11 entertaining the conversation.

12 MS. MARTEN: So Pete, I'm going to ask you
13 a question. Your last statement there, the independent,
14 how does that look in your mind? Can you give me an
15 example or can you tease that out a little bit for me on
16 how that would look in these documents? Or I'll just use
17 the Flathead revision document as an example.

18 MR. NELSON: I guess my point there is the
19 Forest shouldn't bank too much on the draft conservation
20 strategy. It is driving information base for the action.
21 And obviously we're looking for adequate regulatory
22 mechanisms for delisting notwithstanding the DPS
23 questions. But in the analysis in the actual
24 decision-making process here, I would say that the Forest
25 Service did not, could take, a better approach to the

1 actual decision at hand under NFMA and what the forest
2 plans have to do to contribute to grizzly bear recovery.
3 So I think, you know, there's analysis, probably, that
4 can support that. And there's existing plan direction
5 that's been analyzed in other alternatives that may
6 satisfy their actual -- the Forest's actual obligations
7 under NFMA.

8 So the problems with the effects analysis, for
9 example, the effects analysis was not able to or didn't
10 differentiate the effects of the different alternatives,
11 where some of those alternatives that are available for
12 the Forest Service to adopt may actually meet the
13 agency's obligations under NFMA, kind of independent of
14 going down this road of getting stuck in the conservation
15 strategy box. And I'm happy to go into further detail
16 there but I will not at this time.

17 MS. MARTEN: That was very helpful. That
18 helped me get a better view on your perspective and what
19 you were meaning by a little bit of that independent
20 analysis part of it. So other thoughts or comments?

21 MS. TRIBE: So Leanne, going all the way
22 back to Marla's initial comment about you said you're not
23 inclined to stop one and you can't stop the other. And
24 you said Is there any middle area? I wondered if they
25 might respond to your question by does anybody

1 have -- I'm thinking about your comment, Brian, too. Is
2 there any language that would help in the forest plan
3 that would sort of say If this happens, then, and If this
4 doesn't, then? Is there any bridge there? Should they
5 go ahead with their plan? Is there any kind of bridge
6 language that would -- I'm not asking whether you agree
7 or disagree about the strategy at all. Just is there any
8 way, if they're going to move away, is there anything
9 that -- is there a caveat? Is there something that you
10 could help her with in terms of a bridge? If this
11 happens, then, If this doesn't, then.

12 Jake?

13 MR. KREILICK: Jake Kreilick,
14 Flathead-Lolo-Bitterroot Citizen Task Force. I mean, in
15 my mind, it's maintaining and honoring those commitments
16 to amendment 19. That, to me, would make a big
17 difference, you know. That would be the middle of the
18 road is at least maintaining the commitments made in the
19 previous forest plan, which is not the case with the
20 current revision.

21 MS. MARTEN: That gives me an idea for the
22 Flathead. Do you have any perspective or any thoughts on
23 the other Forest, the Kootenai, Lolo, Helena-Lewis and
24 Clark?

25 MR. KREILICK: Well, certainly, we feel

1 that the Flathead has the healthiest, most occupied
2 grizzly habitat. Certainly the Lolo, we have some on the
3 Seeley district. The Bitterroot is just kind of lone
4 animals, ranging into the Forest. But this is the
5 stronghold. Flathead is the stronghold for the northern
6 Continental Divide population. So to us, this meets
7 the -- it should have the highest protections because
8 this is where we have the healthiest population.

9 MS. MARTEN: Very helpful; thank you.

10 Go ahead, Marla.

11 MS. FOX: We would agree that maintaining
12 amendment 19 protections in this forest plan revision
13 would be like step one.

14 But to answer your question about the language,
15 I think that's the problem. Right now there is language
16 in the forest plan revision that caveats things on future
17 but unknowns and potentials, and that's the problem
18 because this forest plan is moving ahead for the
19 Flathead. On the other Forests where you have -- it's
20 going to be an amendment or something following, they can
21 actually have a little more leeway on their timeline to
22 amend it once there is a final conservation strategy.
23 The problem here is that the timeline that the Forest
24 Service has set up for itself, which is we're in the
25 middle of this forest plan revision, and the language in

1 the forest plan revision, the language in the analysis
2 relies so heavily on a draft conservation strategy to
3 support the plan components that are going into this
4 final forest plan. So I think that's the real -- at
5 least in terms of like the hypothetical language, that's
6 our problem.

7 MS. MARTEN: So this is going to be a
8 potentially loaded question, and I realize that. I'm
9 just going to state that up front. So hypothetically,
10 the conservation strategy is finalized next month
11 before -- and I'm just thinking Flathead -- before Chip
12 signs his final ROD. Everybody okay as long as we meet
13 what's in the conservation strategy?

14 MS. FOX: No. Well, potentially okay. But
15 potentially you would need a new comment because -- to
16 assume that the draft is going to be finalized exactly as
17 it is now, is a huge assumption. And that's the problem.

18 MS. MARTEN: Okay, and yes, I'm making that
19 huge assumption. So let me rephrase that. With knowing
20 that this is, again, a huge assumption, if it was
21 finalized as is right now, the draft just became final,
22 there weren't any significant big changes, would folks be
23 okay then? Understanding it's a loaded question and big
24 assumption.

25 MS. FOX: Right. And that's like point one

1 in our objections on the grizzly portion, which is the
2 flawed -- the problems with the draft conservation
3 strategy; right? But we realize it's draft and so it's
4 subject to change, and so there's some opportunity there.
5 But the problem with the Flathead right now is that it's
6 accepting it almost assuming that it's final by
7 incorporating it into the final forest plan.

8 MS. TRIBE: So far we've heard from
9 objectors. I want to make sure we've heard from all of
10 them.

11 MS. MARTEN: Thank you, Ginny, but I want
12 to make sure I've understood something real quick. And
13 I'm just paraphrasing Marla and Jake and Brian and a few
14 others, and then I definitely want to hear some other
15 voices in the room, please.

16 From the standpoint of -- what I'm hearing are
17 two things. There is definitely underlying concern from
18 some folks on just what's in the draft conservation
19 strategy itself. If it was as is, final, you would have
20 those same fundamental concerns with the conservation
21 strategy. So that's one part of it.

22 And then the other part of it is concern that
23 we're just, regardless of what's in it, that we're using
24 a draft and that it's not final with the revision
25 process. And if that's incorrect, please correct me.

1 MS. FOX: To clarify that last point, it's
2 that the forest plan components for this Flathead forest
3 plan revision are relying on the draft conservation
4 strategy, both in the components and also in the FEIS
5 analysis. So it's not just that it's draft and that it's
6 out there, it's a draft. But it's that it incorporates
7 it as if it were final.

8 MS. MARTEN: Thank you very much. That
9 helps clarify.

10 So I'm looking either on this -- the way this
11 dialogue and strategy but just other perspectives, other
12 thoughts and other voices in the room and, by all means,
13 from on the phone.

14 MS. TRIBE: Sarah, could we start over
15 here? Do you have anything to say about that?

16 MS. LUNDSTRUM: (Shakes head.)

17 MS. TRIBE: Brian, anything else?

18 MR. PECK: I'll hold off until I see if
19 anyone else wants to say something.

20 MS. TRIBE: Jake?

21 MR. KREILICK: Yeah. Jake Kreilick,
22 Flathead-Lolo-Bitterroot Citizen Task force. Here's an
23 example of we feel like in the analysis the road
24 standards are based on a northern Alberta study. That is
25 not relevant to the northern Continental Divide

1 ecosystem. So that's a specific comment about the
2 analysis. We don't think that those are a fair
3 comparison.

4 MS. MARTEN: Okay; very helpful. Thank
5 you.

6 MS. TRIBE: Thanks.

7 Sarah, anything right now?

8 MS. MCMILLAN: I'm not completely sure what
9 is being asked right now.

10 MS. TRIBE: I'm just trying to poke you to
11 see if there are other things.

12 MS. MCMILLAN: Anything I want to say?

13 MS. TRIBE: We know each other.

14 MS. MCMILLAN: I'll hold off for now.

15 MS. TRIBE: Marla, are you okay? You want
16 to pass the mic on?

17 Chas?

18 MR. VINCENT: I always have something to
19 say. And I guess I would have a question for Leanne, to
20 start. In your discussions thus far on this topic in
21 asking, for example, the Kootenai having passed the
22 forest plan here a couple years ago that will also be
23 incorporating this into their plan, how does
24 that -- because it's adjacent to the NCDE recovery zone.
25 The Cabinet-Yaak is its own recovery zone. Are you

1 asking because of that influence, because of connectivity
2 questions, or what is the purpose of asking about what
3 someone might think about the Kootenai?

4 MS. MARTEN: The purpose is, really, just
5 that. I want to hear other things for the Kootenai, for
6 you, Chas, just as an example, that's entering your mind
7 when you were reading this and why -- I'll just put
8 it -- why are you sitting here? And I ran through the
9 objections, but I'm trying to make sure, really, where
10 you're coming from. So it can be that connectivity. It
11 can be whatever you want on that.

12 MR. VINCENT: Careful, Chas.

13 MS. MARTEN: We're definitely talking the
14 Flathead, but I don't want to discount that for this
15 particular topic, it's other National Forests as well.
16 So I want to make sure folks bring that to the table, if
17 they so desire.

18 MR. VINCENT: Great; thank you. And I just
19 wanted to make sure I had a window or not to crawl
20 through it, and obviously I do.

21 One of the reasons that I'm sitting here, and
22 for CBU is that when I read the comments there was
23 actually -- I serve in the state legislature for those
24 that don't know. And I chair a committee called the
25 environmental quality council. And grizzly bears have

1 come up on our agenda a couple of times in this interim
2 and in past interims as well. One of the -- we had a
3 discussion and forgive me, I can't remember her name
4 right now, that was in front of the committee answering
5 some questions relative to the NCDE process of delisting
6 where we're at, kind of getting an update on that. And
7 we're also talking about the Cabinet-Yaak and the
8 recovery plan and whether or not it's working is
9 essentially the basis of those conversations. And in
10 that, it was -- the comments that CBU made suggested that
11 it would be relative to this discussion today. And I
12 don't think that it is. I wanted to be here to clarify
13 that as the chairman of the committee, number one.

14 Number two, I think that if I was going to try
15 to make it pertinent to the discussion today with this is
16 that I believe that there are some variables that are
17 considered in not only the conservation strategy but also
18 the forest plan that may be off base. And the reason I
19 say that is that in looking at some of the management
20 recommendations that are in the grizzly bear recovery
21 plan on the Cabinet-Yaak, and I hear Well, we don't want
22 to change anything because it's working. Well, it's not
23 over there. While populations have been at a steadily
24 unguual, depending on who you want to listen to. Some say
25 increased. Some say we're flat line. Some say we're one

1 bad bear year from an historic plummet. It is generally
2 agreed to or at least accepted that we are in a perpetual
3 state of augmentation and that the security provisions
4 that are inside of the recovery plan are actually
5 prohibitive to the US Forest Service in securing,
6 acquiring and protecting habitat for the grizzly bear.
7 And so using that as -- you know, there's so much put on
8 security in that plan. And I understand on its face why.
9 More access is more opportunity for a human-bear conflict
10 situation. But I think that we're missing some of the
11 larger picture in that access is also what we need, in
12 many cases, to create habitat, if we're going to be
13 successful in recovery.

14 And so on the environmental quality council,
15 basically what we were talking about is how do we reopen
16 the recovery plan to have a little bit different, I would
17 actually say, turn this on its head a bit? And again,
18 that's a discussion that isn't relative here, and I may
19 be already off the rails. But I do believe that in
20 considering how the forest plan in the Flathead moves
21 forward, that hopefully some of the things that I was
22 just mentioning as far as access and security are being
23 recognized by some of the studies that were done, Kate
24 Kimble's study with the DNA on where are they really at?
25 Why are they really there? What are they really eating?

1 I think that's influencing some of the conservation
2 strategy, and I think it should. I just don't think it's
3 getting the proper amount of weight that it should. So
4 if you have any questions or am I so far out of bounds
5 you just want to move on?

6 MS. MARTEN: No, you're fine, Chas. And
7 you're right; the recovery plan isn't here. So the
8 question I'd have, then, just from the standpoint of
9 you're very familiar with the Flathead and the Kootenai
10 and the other plans on that, is there any distinction in
11 your mind with -- amongst the National Forests or pretty
12 much what you said you would say for the Lolo or the
13 Helena-Lewis and Clark as well? Just clarity in my own
14 mind.

15 MR. VINCENT: Well, I believe that it is
16 going to be -- I will just say it is going to be, I
17 believe, and it is, the US Forest Service's
18 responsibility to work with its other partner in this
19 discussion, which so often through the consultation
20 process is what ends up with your decisions on how to
21 apply these planning efforts, end up in court. US Fish
22 and Wildlife, its authorization language is about
23 protecting the species. Yours is the habitat. How do we
24 truly connect those two and in a fashion that
25 acknowledges that you have to have access in ways that

1 are, really, quite frankly, prohibited in the bear
2 management units with road densities and other standards
3 to actually being successful? And I think that's the
4 light that I would like to shine in that discussion.

5 MS. MARTEN: Very helpful. Thank you very
6 much.

7 MS. TRIBE: So Paul, before you speak, are
8 there any comments that you would have to start that
9 dialogue with Chas? I thought you made a very
10 interesting fairly provocative comment. So I'm just
11 wondering if there are other people who might say
12 something to get that discussion going.

13 Matt, you've got your mic on ahead of Marla.

14 MR. ARNO: Matt Arno, DNRC. I just have a
15 clarifying question for Chas. Do you mean access to
16 improve habitat for foraging and that sort of thing?
17 Just trying to clarify.

18 MR. VINCENT: Yes, Matt. Whether it's
19 travel management planning and what is happening on -- we
20 have road matrixes that were put in to manage the
21 vegetation that are now twenty years deferred maintenance
22 and we're jerking culverts, putting them to bed in order
23 to get into an area, bear management unit, and do some
24 active management for forage, to create forage, to create
25 huckleberry habitat, or to create -- maybe do some

1 prescribed burning to create some mushrooms, some food.
2 Bears don't eat trees. And their population has been
3 predominately dependent upon cyclic distribution that
4 have, most often, been Mother Nature. Add into the
5 equation, I would venture to say that the populations
6 after 1910 were probably a little higher in many areas up
7 in the Yaak than they are right now. You can walk three
8 feet off the ground for two miles in any direction in
9 some places, and it's core habitat. Is it really growing
10 grizzly bears? No. Is it providing some buffer for
11 security? Probably. But how do we go about allowing the
12 proper amount of access to be able to get biggest gains
13 in habitat?

14 And I think that we're often talking -- all
15 these tangential conversations arguing over road
16 densities. I think we're missing the bigger pictures in
17 a lot of ways. If the goal is to recover the bear, why
18 is the Cabinet-Yaak, for example, in a perpetual state of
19 augmentation and some really good habitat opportunities?
20 Why is that? And when you compare that to the NCD and
21 some of the other areas, I think the science does explain
22 some of it. But bears don't eat trees. How do we get
23 access? With that access, of course, comes other access.
24 And I think that we need to be innovative in how we
25 approach that, if that answers your question.

1 MS. TRIBE: I think Marla was ready to
2 speak to you also.

3 MS. FOX: Yeah. So big picture on the
4 Flathead, the data in the record, the history on the
5 Flathead, the evidence in this record shows that the
6 amendment 19 standards actually played a huge role in
7 bringing the grizzly back. And those expressly had to do
8 with limiting access but, also, every road is a fragment
9 habitat and affects grizzlies in different ways
10 that -- you know, human presence on the Forest is one
11 thing, getting in to manage for huckleberries perhaps.
12 But there already is too many roads on the forest. But
13 the record shows that amendment 19 actually was effective
14 in bringing the grizzly numbers up.

15 I think our problem is the Forest Service is
16 saying We think it's good enough at 2011 levels. And in
17 fact, the Forest Service hasn't actually achieved the
18 goals set under the amendment 19 standards. You never
19 got to those numbers. There still is 500-some miles of
20 roads that had been slated to be removed, decommissioned,
21 rewilded so that you could have connected habitat. And
22 that didn't happen yet. And under this forest plan
23 revision, the Forest Service is actually proposing
24 backsliding. Let's just sit on the 2011 numbers, because
25 that's good enough. But the record actually shows that

1 amendment 19, and there's obviously other factors
2 involved, but that played a very big part in bringing the
3 grizzly numbers on the Flathead back up.

4 I was recently looking at the Idaho Panhandle
5 National Forest, and they are under the access amendments
6 that -- well, it's the Cabinet-Yaak -- part of the
7 Cabinet-Yaak population there. And they don't have the
8 same -- I mean, amendment 19 is really good. You compare
9 it to other Forests and it's not -- they don't have it as
10 good as amendment 19. Which is why we're saying that
11 should be the baseline. Instead of backsliding away from
12 those standards, what we would want to see is at least
13 amendment 19, if not further protections. But the way
14 the Forest Service is proposing it now is let's backslide
15 to 2011. I think there's no question that amendment 19
16 and the road density standards helped grizzlies on the
17 Flathead. And that's shown by the record.

18 MS. TRIBE: I'm going to go this way
19 because we have people down here that haven't spoken yet.
20 You all do such a great job speaking.

21 MS. MARTEN: Ginny, if I could, I just want
22 to make sure -- you had asked the question regarding some
23 comments that Chas made. If anybody on the phone, also
24 wanted to speak to that or jump in on the dialogue on the
25 access and some of that.

1 MS. TRIBE: Could we go that way and then
2 I'll go to the phone, since I already invited them over
3 here?

4 MS. MARTEN: Sure, we can do that.

5 MS. TRIBE: Thank you.

6 So Paul, you're passing the baton. I don't
7 know if you're playing here or what you're doing.

8 MR. MCKENZIE: I was just going to make an
9 observation that the Cabinet is wide here, that the
10 problem is beyond the resolution process is my
11 observation.

12 MS. TRIBE: We've got a deep cut.

13 Steve, are you saying anything?

14 MR. GNIADEK: Steve Gniadek is saying
15 something. I'm retired wildlife biologist, and I agree
16 amendment 19 was critical and important to the recovery
17 of the bear. But I want to address that word "recovery."
18 And to the point of finding common ground and common
19 language, I think it's important. Because we understand,
20 I think, what delisting means, but I sensed -- I'm
21 hearing some confusion over the word "recovery." I
22 thought at one point it was considered synonymous with
23 delisting. But I don't think that's the case. If it is,
24 we need to reach some understanding about that. I wonder
25 if recovery is actually step one in the delisting

1 process, as it says in paragraph two here, "attainment of
2 the population demographic parameters." Is that
3 recovery? Is that what recovery? Is that what we
4 commonly understand as recovery?

5 MS. TRIBE: Are you reading the standards
6 by which recovery would be --

7 MR. GNIADEK: The standards for delisting.
8 It's only step one of two steps.

9 MS. TRIBE: Oh, delisting or recovery?

10 MR. GNIADEK: I use them as distinct terms.
11 And perhaps we should use in the plan define it as
12 recovery as perceived by biologists involved in the
13 recovery process, if that is, indeed, accurate, which I
14 think it is.

15 MS. MARTEN: So what I hear you saying,
16 Steve, is in the plan and in the draft RODs, really
17 having clarity over using that term. What are we
18 interpreting that to be and making sure that's very
19 clear.

20 MR. GNIADEK: And is there --

21 MR. NELSON: Not only that, I'll just add
22 in here -- this the Pete, by the way, with
23 Defenders -- and this is one of the primary underpinnings
24 of our argument is that NFMA obligates a contribution to
25 metapopulation recovery -- contribution to recovery

1 including making meaningful contributions to other
2 populations. And that's why the connectivity issues
3 become so paramount, and not to mention the issues in the
4 PCA and zone one of the DCAs. Because if you're not
5 getting your language and terminology appropriate in
6 terms of what your objective is, from a conservation
7 perspective, then things could go wrong. And so I do
8 agree with that comment that the ROD needs to be crystal
9 clear on what the ecological entity of interest is in
10 this case, no listed entity is in this case. And as
11 other people have mentioned, the analysis and draft
12 decision are not terribly clear on that issue.

13 MS. MARTEN: Thank you, Pete.

14 And Steve, you had, I think, another point you
15 wanting to bring forward as well.

16 MR. GNIADEK: Steve Gniadek again. Without
17 stepping into the metapopulation question, is there
18 agreement that step one has been achieved, attainment of
19 the population demographic parameters? Is there
20 agreement among the folks in the room, the objectors? It
21 seems to me it's primarily dealing with step two, the
22 adequate regulatory mechanisms. But it seems that we can
23 agree that step one has been achieved for further down
24 the road and see what --

25 MS. TRIBE: Are you asking that as a

1 rhetorical question or you would like a response?

2 MR. GNIADEK: Yes, I'd like a response.

3 I'd like to know is that the case?

4 MS. TRIBE: Ask the question one more time.

5 MR. GNIADEK: Is there agreement that
6 attainment of the population demographic parameters,
7 i.e., recovery, if, again, assuming that that defines
8 "recovery," is there agreement that that has been
9 attained? I see a negative.

10 MS. MARTEN: For folks on the phone, some
11 heads are shaking no.

12 MR. GNIADEK: That answers my question.

13 MR. NELSON: This is Pete with Defenders.
14 I'm not sure that that's the question that the forest
15 planning process is actually asking.

16 MS. MARTEN: So Pete, tease that out for
17 me. What question -- can you reword the question from
18 your perspective what's the forest plan process, for
19 folks.

20 MR. NELSON: Is the Flathead forest plan
21 revision and the amendments contributing to the recovery
22 of a metapopulation of grizzly bears under NFMA and the
23 planning rule.

24 MS. MARTEN: So folks are pondering that,
25 but I just -- I appreciate that. I wanted to hear the

1 perspective on how you would reword that when it comes to
2 the forest planning and the process, as opposed to,
3 Steve, your wording.

4 And I don't know, Steve, if that's along the
5 same lines that you were thinking or thoughts on that.

6 MR. GNIADK: Well, like I said, I didn't
7 want to step into the metapopulation question, but it
8 seems that's how some perceive it. So the answer to my
9 question, I think, is No, there isn't a common
10 understanding that we have achieved attainment of
11 population demographic parameters. So I have my answer.

12 MR. KENYON: Randy Kenyon. Our
13 organization is uncomfortable with the whole notion of
14 the grizzly bear recovery. And we think that the forest
15 plan does not adequately address ongoing issues with the
16 Endangered Species Act. And we think one of the big
17 issues is access.

18 I agree with Marla that we need to return to
19 amendment 19 and, furthermore, we need to work on the
20 temporary increases in motorized activities. So just in
21 closing, that we just consider -- disagree with Chas that
22 increased or even baseline motorized activity on the
23 Forest is detrimental to the ongoing recovery with the
24 grizzly bear.

25 MS. MARTEN: So let me -- and I don't know;

1 I'll pose this to you, Randy, but it could be other
2 folks's thoughts. So is it fair to say that from the
3 documents that you guys have in front of you for the
4 revision and for the amendments, that it's not that we
5 didn't do the analysis and disclose it, but that you
6 disagree with our final draft decision? Because in some
7 of the alternatives, I'm just thinking of the Flathead,
8 looked at -- like the no action sustained access, which
9 would include amendment 19, just as an example. So
10 there's disclosure of the analysis and the impacts where
11 Chip drafted his decision is going a different direction
12 than what you may choose based on that disclosure.

13 MR. KENYON: Yes.

14 MS. MARTEN: Versus -- so the answer was
15 Yes to that. And then the other follow-up question is,
16 Is there impacts that you feel are occurring that we did
17 not analyze or did not disclose?

18 MR. KENYON: I don't think you've missed an
19 awful lot. I can't think of anything specifically that's
20 been missed. We would like to see more data and more
21 baseline information made available as part of the plan.
22 But yeah, I think it's fair to say that we disagree with
23 the parameters of particularly access in the Forest under
24 the new plan.

25 MS. MARTEN: Thank you, very helpful.

1 MS. TRIBE: So Matt, did you have anything
2 else?

3 MR. KENYON: Pardon?

4 MS. TRIBE: I asked Matt if he wanted to
5 make a comment.

6 MR. ARNO: Yeah, I guess I did want to
7 comment. DNRC does feel like the plan and the NCDE
8 amendments are adequate regulatory mechanisms that will
9 contribute to the recovery of the grizzly bear. And I
10 guess, that's what the question that Steve asked, and so
11 it isn't -- there isn't agreement in the room that it
12 doesn't.

13 MS. MARTEN: Appreciate it.

14 And Jerry, before we get to you, Marla, when I
15 was asking Randy the question, I might have misread the
16 head nod. So if there is an impact that you feel we
17 missed analyzing and disclosing, not that where we may be
18 leaning or which alternative is in the draft decision
19 between it, but I thought I saw you shaking your head
20 yes, that there was an impact in your mind that we missed
21 analyzing and disclosing. Can you help me out there, if
22 there's a specific impact?

23 MS. FOX: Yeah. And it goes probably more
24 to tomorrow's session on winter travel planning. But the
25 biological opinion for supporting the grizzly bear

1 analysis and decision and also the range of alternatives
2 considered, I think are flawed in a major way, in terms
3 of winter travel, in part because they don't start from a
4 baseline that is accurate. So in terms of providing
5 baseline information and understanding where we're
6 starting at and then also looking at alternatives for
7 winter travel and how that impacts grizzly bears,
8 especially grizzlies as they are emerging in the spring
9 and the overlap with winter travel, much of the forest
10 plan and the biological opinion itself decided to monitor
11 moving forward kind of punted that issue to monitoring
12 and future implementation. I figured we would talk more
13 about it tomorrow, but that's a major component that ties
14 to the grizzly habitat.

15 MS. MARTEN: That's very helpful; thank
16 you.

17 Go ahead, Sarah.

18 MS. MCMILLAN: I was just going to say
19 that -- I'm not sure this is where this fits, but the
20 administrative used a loophole and it seemed to me it was
21 viewed as a nonimpact. And we would disagree that
22 nonmotorized use doesn't have an impact on the bears. So
23 it's not that the analysis doesn't exist, but it was
24 identified as being not an impact because it's an
25 administrative use loophole. Like Oh, you get to just do

1 this administratively and it doesn't have the same impact
2 as somebody using it for some other purpose.

3 MS. TRIBE: And Marla, when you talked
4 about the biological opinion, then you're talking about
5 the biological opinion that comes from the Fish and
6 Wildlife Service not the Forest Service.

7 MS. FOX: Right. But the Forest Service
8 has an independent duty to ensure compliance with the
9 Endangered Species Act. So to the extent that it's
10 relying on the analysis and the biological opinion, yes.

11 MS. TRIBE: Because we have some role
12 issues here, too, of who can do what and who can't.

13 MS. FOX: Right. And we highlighted in our
14 objection that the Forest Service does have that
15 independent duty.

16 MS. TRIBE: Thank you.

17 Jerry.

18 MR. O'NEIL: I have a problem. I don't
19 think -- I think we have a severe lack of data from
20 before amendment 19 to show what the grizzly bear
21 population was. How could we know how much the
22 population increased when we don't have the data before
23 amendment 19 or, actually, I don't think we have any
24 sound data about the grizzly bear population before Kate
25 Kendall's study? And I'm still looking to see a copy of

1 that. Maybe I just need to ask the right person and I'll
2 get a copy of Kate Kendall's study.

3 But here we're tearing out roads,
4 decommissioning roads, tearing out culverts, whatever.
5 If the grizzly bear's population is increasing, is that
6 because we tore out the roads or is that because we put
7 gates on them for part of the year during the birthing
8 part when they come out of their dens? I think we need a
9 lot more knowledge before we can come up with what we're
10 doing.

11 And also, I'm wondering if Montanans for
12 Multiple Use and myself should be asking to reserve our
13 right to protest or object to this until after the draft
14 conservation strategy has been finalized so we can know
15 what we're talking about, as far as what we should do in
16 the forest plan? There's a lot of unknowns here that I
17 can't really perceive with. Thank you.

18 MS. TRIBE: Thank you.

19 MS. MARTEN: So Jerry, let me answer just a
20 process question on that last statement just for folks
21 here. And I'm just saying for assumption and for
22 answering the question, assuming we go forward as is,
23 Chip signs his decision as is with the draft strategy,
24 the final conservation strategy comes out that has quite
25 a few changes in it, we would go through a process

1 through, if need be, if it changes the forest plan to
2 amend the forest plan which engages the public and opens
3 up processes for you to be engaged. That's part of the
4 process standpoint on that. So it would not be something
5 that would be done without public engagement, if the plan
6 needs to be amended based on that. So that's just a
7 process. And I use that as if everything moved forward
8 as is a hundred percent from that and then the final came
9 out and there were significant changes, the public would
10 be engaged and you would have another opportunity to
11 definitely be at the table.

12 MR. O'NEIL: Thank you.

13 MS. TRIBE: So you'd have that right.

14 So does that give you some confidence in this?
15 Brian, you went like this.

16 MR. PECK: Yes. Well, that's a good
17 question. Because one of the concerns I expressed in my
18 comments was that we're going to have this document come
19 out, then a final conservation strategy is going to come
20 out that nobody has seen. That's going to end up being
21 incorporated into the forest plan. And we asked the Fish
22 and Wildlife Service so since we've never seen this final
23 conservation strategy, since it's going to drive what
24 happens in the forest plan, are you going to give us
25 another chance to kind of weigh in on the final

1 conservation strategy. And the answer was No. So it's
2 good to hear that that is not the case with you folks.
3 That if there are major changes in the final conservation
4 strategy and you're going Oops, that impacts, you know,
5 volumes 1 through 4, that you're going to give people a
6 chance to comment. Because essentially, that's a new
7 plan. So talk to the Fish and Wildlife Service. Tell
8 them they need to reciprocate.

9 MS. TRIBE: So Leanne, would they have to
10 have the public involved in an amendment to that degree?

11 MS. MARTEN: Yes. The public's engaged.
12 Now, what I will tell you and, again, you know, I'm
13 talking hypotheticals here, but we get a final
14 conservation strategy and it comes out we have to amend
15 our plan, absolutely, that process for the amendment
16 includes all of you that want to be involved being
17 involved and engaged. We would have to be very clear on
18 where our sideboards were and where our flexibility is
19 based on what we're getting on the conservation strategy
20 and from the US Fish and Wildlife Service so we make sure
21 we didn't have false expectations on where our decision
22 base is at. So as that engagement moves forward, we all
23 have those same expectations, whether we agree with them
24 or not is a different conversation. But just to make
25 sure that, similar to what I started out this one with, I

1 don't have the ability, sitting in this role, to change
2 the conservation strategy. I am a player. The agency is
3 a player at that table, absolutely. But it's more than
4 just the Forest Service. So that would be part of that
5 engagement and making sure we have those really in-depth
6 dialogues to make sure we're at least all understanding
7 where our roles are at.

8 Go ahead, Jake.

9 MR. KREILICK: Jake Kreilick,
10 Flathead-Lolo-Bitterroot Task Force. I would just say
11 that this is what makes this thing so problematic. And
12 that's why just know that from the environmental and
13 conservation community, this is a really hard one for us
14 to wrap kind of our arms around because of the fact that
15 they seem inseparable. And so to the extent that this
16 makes the Flathead forest plan revision vulnerable to
17 future litigation, this is where we're saying that I
18 think it behooves you all to try and web these so that
19 they come out together or in a place where at least we
20 have enough information to decide whether or not we want
21 to challenge it.

22 MS. MARTEN: Appreciate that. And I
23 would -- we definitely share in the complexity and the
24 challenge on that part of it. We're all sitting here at
25 the same table. It is not an easy black-and-white answer

1 by any means, and there's a lot of different variables
2 that tie into this. And you even heard Chas mention from
3 his role in the State legislature, that they're talking
4 about even at that perspective. And so there's all
5 different things. But appreciate that.

6 I don't want to miss other folks on the phone.
7 I know, Pete, we've heard from you, but we had a few
8 other folks on the phone. I want to make sure we have
9 our voices in the room as well. Anything else you want
10 to share or thoughts, other directions you'd like to take
11 a dialogue on this at this time?

12 MS. RICE: Hi, this is Bonnie Rice at the
13 Sierra Club. And so one of the things that we'd like
14 more discussion on, the key issue in the objection, is
15 connectivity. And you talked about that a little bit in
16 the discussion here, but I'm not sure what the process is
17 in terms of how much more that's going to be discussed.
18 And so in particular, zone 1, is Salish demographic
19 connectivity area and what protections there are or
20 aren't in regard to foster connectivity.

21 And as others have said, a concern of ours as
22 well is the core amendment 19 and the Forest backing away
23 from that and what that means in terms of connectivity.
24 So that's a major concern for us.

25 MS. MARTEN: Thank you. So let me ask you

1 a question on that from the concern with connectivity,
2 and I'm just -- it's a clarifying question in my own
3 mind. Do you feel like across the analysis that was
4 presented, the alternatives, did we miss something in
5 your opinion in that analysis that is disclosing
6 potential impacts to connectivity, the varied by the
7 various alternatives? That's the first question. And
8 then the second one is, if we did, can you help me with
9 that? Or is it the analysis is there, there's some
10 difference of opinion on where the draft decision is
11 going based on what was disclosed and how you view
12 connectivity versus how the decision makers have drafted
13 their decision and their rationale?

14 MS. RICE: I think for our concerns and the
15 objection, I think it's more the latter in terms of kind
16 of the backtracking on protections that have been really
17 important in terms of recovering population and
18 establishing any connectivity with the road density
19 standards.

20 MS. MARTEN: Very helpful; thank you very
21 much. And any other thoughts on the connectivity part?
22 I was just getting a clarifying question. Other thoughts
23 or other folks that want to make sure their voice is
24 heard on that particular part of the issue?

25 MR. COLLIGAN: This is Chris Colligan, I'm

1 aligned with Greater Yellowstone Coalition. I imagine
2 the folks in the room are wondering why Greater
3 Yellowstone Coalition is interested in the NCDE, and this
4 connectivity piece is, really, our sole concern and what
5 the bulk of our objections are around.

6 We did lay out the best available science that
7 we're aware of and felt that should be included in the
8 analysis to allow for a little more rigorous review and
9 thought process in identifying corridors, particularly to
10 get bears from the NCDE south. The bulk of that is
11 focused on the Helena National Forest and those zone 2
12 standards. We focused our comments and objections around
13 road density, developed sites, grazing standards
14 particularly in zone 2, and then a large gap that we see
15 and we look at just the NCDE population and the GYE
16 population and the purpose laid out in the FEIS
17 objectives of providing for a source population. There's
18 a huge gap there with Beaverhead-Deer Lodge National
19 Forest. And it's missing in this analysis. And so we
20 think these are objections that can be resolved. And
21 we'd like to -- I don't know if this is the time -- but
22 if we're going to move into a period of discussing
23 particular remedies that we think would be useful and
24 constructive.

25 MS. MARTEN: Yeah, Chris, can you give us

1 what you would consider a remedy to that connectivity
2 concern that you just voiced?

3 MR. COLLIGAN: Yeah, I think I would start
4 from the analysis perspective and say What is
5 the -- identify the area that is at means, and you guys
6 have done this in respect to the Cabinet-Yaak and some of
7 those demographic connectivity corridors. I think the
8 similar analysis, and we provided the -- Chuck Schwartz,
9 his analysis might be applicable here, could be
10 replicated to identify sync habitat. There's also been
11 some recent research around connectivity in male pathways
12 that specifically male bears might use in moving between
13 these two ecosystems. And I think that information date,
14 the Peck research that was recently published is very
15 relevant here. So I would use that to identify just
16 exactly where are we talking about. And then through
17 that we know what, especially road density standards, are
18 the best standards to place -- put in place for
19 protecting grizzly bear habitat for particularly male
20 bears. And using those standards, applying those
21 standards on a meaningful landscape for grizzly bear
22 movement. We could keep on going down the list, but that
23 would be a good place to start. And I would include
24 Beaverhead-Deer Lodge in that discussion.

25 MS. MARTEN: Other thoughts on that or that

1 potential remedy? Just curious if any of the other
2 interested parties or objectors have a thought on that.

3 MR. NELSON: This is Pete with Defenders.
4 I'll just say That I think in some cases there may be a
5 plan direction that is existing in other alternatives
6 that may support that that may be available without
7 further analysis. But on the analysis piece for
8 connectivity, it is possible to move forward with the
9 decision, commit to analysis, don't take any actions in
10 the interim that would work against the connectivity
11 values that we're trying to protect. And then after that
12 analysis, do what is necessary to update the connectivity
13 dimension of those areas. So I think there are ways to
14 proceed on the connectivity issue in a real meaningful
15 way. So I wouldn't want to see those conversations just
16 stop here.

17 MS. RICE: This is Bonnie again. I'd just
18 like to follow up with that. In regard to, for example,
19 the Salish demographic connectivity area, really, the
20 plan talks about providing genetic connectivity, not
21 really demographic connectivity. So I think in terms of
22 the analysis, there could certainly be more work done
23 there in terms of what it would really take to establish
24 demographic connectivity.

25 And then going back to just kind of some of the

1 issues with relying on the draft conservation strategy,
2 in regard to zone 2, with the draft conservation
3 strategy, it says that there aren't any habitat standards
4 specifically related to grizzly bears in zone 2 because
5 the objective in these zones don't require them. So
6 that's a significant issue that we have with the draft
7 conservation strategy as well and then the forest plans
8 reliance on the draft conservation strategy.

9 MS. MARTEN: Brian or Jake?

10 MR. PECK: Just to comment on the zone 1,
11 zone 2 and the demographic connectivity areas. The
12 objectives for zone 1 are continual occupancy. But I
13 think that's pretty unlikely, because the road density
14 standards in zone 1 are based on linear road density,
15 which down here in the NCDE we were wise enough to throw
16 out the window twenty years ago when we went to
17 amendment 19. They are totally outdated. They tend to
18 let you have excessive road density. And they're based
19 on the 2011 baseline, which is -- there's no science
20 there. It's just an opinion by the Fish and Wildlife
21 Service that bears are, quote, "recovered," and they're
22 going to use 2011. There's just no science there at all.

23 Zone 2, its purpose is to provide opportunity
24 for grizzly bears, particularly males, to move between
25 the NCDE and other ecosystems. This gets to what Bonnie

1 is talking about. Number one, the latest research by
2 Peck, not me, but Peck in 2017, showed that with 20000
3 computer model runs, they didn't succeed in getting even
4 one male to move between the NCDE and the Greater
5 Yellowstone. So that's not exactly on the horizon. And
6 you need to have these zones -- if you're going to move
7 bears between ecosystems, you've got to have females move
8 between those zones. There's your demographic
9 connectivity. Males are just -- they're just genetic
10 stuff, you know. They're not going to be hauling a lot
11 of cubs with them. So that doesn't do you any good.

12 And when I look at the definition of zone 2, it
13 talks about the objective is to maintain existing
14 resource management and recreational opportunities and
15 allow agencies to respond to demonstrated conflicts.
16 Well, that's the definition of creating a mortality sync,
17 not a mortality link. Those bears are going to be dead
18 on arrival, if that's the standard. Those are going to
19 be the bears on the outliers of the ecosystem. They're
20 going to be out there where bears haven't been in
21 decades, maybe longer. Those are going to be the same
22 bears under those standards that are going to be picked
23 off first. So you're going to have a breakdown in
24 connectivity not creating one.

25 And then, just reinforcing what Bonnie said.

1 If you're going to have demographic connectivity areas,
2 it has to be males and females, and you have to have
3 residential movement and linkage corridors as well
4 as -- excuse me -- residential and movement linkages. So
5 females are not going to go rushing 150 miles down to
6 Yellowstone anytime soon. They have to live their way
7 down that linkage. And so that gives you a residential
8 linkage zone. Males, they move greater distances. So a
9 movement linkage where they can maybe move 50 miles at a
10 shot, that would take care of it. But you need both
11 kinds of linkages. You need males and females going down
12 it. And in all cases, these need to be based on
13 standards that we know grizzly bears will survive.
14 Linear road density is not it. Weaker standards to a
15 amendment 19 probably are not it. So anyway. Those are
16 just my thoughts.

17 MS. TRIBE: Thank you, Brian.

18 MR. KREILICK: Jake Kreilick,
19 Flathead-Lolo-Bitterroot Citizens Task Force. Our
20 research which is based on a lot of Jamie Jonkel who
21 works for Montana Fish, Wildlife and Parks, his
22 sightings, mortalities kind of investigations that he's
23 done in terms of bears moving out, sort of of that
24 southern end of the Bob Marshall, we have found a
25 correlation between some of the work that the Lolo

1 National Forest has done in terms of reducing road
2 densities and closing some access off, has been, we
3 think, partially responsible. Now, some of this is
4 somewhat anecdotal. Obviously a lot of these have been
5 male bears and not so much female bears. But there
6 definitely have been lots more sightings, including on
7 the other side of I-90, so sort of crossing onto the
8 southern end of I-90. And so we do feel that that's
9 something that would be helpful for the Flathead to look
10 at what the Lolo has been doing. Obviously, we do feel
11 that there does need to be stronger standards for these
12 linkage zones so that we can actually maybe codify some
13 protection into the connectivity issue. But ultimately,
14 for us, if we're going to get bears moving into some of
15 these other ecosystems, as Brian said, it's going to take
16 a while. This is not something that's going to happen
17 overnight. So we need to make sure that we have adequate
18 protection inside those linkage zones.

19 MS. MARTEN: Thank you. So thank you,
20 everyone, extremely helpful. And thank you, Chris, for
21 bringing up the perspective from the Greater Yellowstone
22 and those linkages.

23 And Paul, you brought it up a little bit
24 earlier, how does this all tie into where we're sitting
25 in the objection period, the resolutions and the

1 remedies? And obviously there's not a single remedy.
2 There's not a single resolution here on a very complex
3 topic, I'll say that pulls in so many different variables
4 that is beyond even our agency and the forest planning
5 process. However, what I am hearing and what I've read
6 in the objections, and this has helped for me hearing the
7 dialogue, Pete brought up there's, just with the
8 connectivity, there's ways to move forward instead a
9 process of where folks are made sure they're still
10 engaged should there be a need to amend different
11 strategies; the conservation strategy goes final, has
12 changes that are significant. And so there's a process
13 to make sure folks are engaged from that standpoint. It
14 doesn't mean everybody's going to agree with what comes
15 out or doesn't come out, but making sure folks are at the
16 table and you also have that opportunity to stay engaged.
17 There's ways to keep the dialogue going with, just as an
18 example, the connectivity, as we move forward. And some
19 of the stuff, Chris, that you brought up. Folks from the
20 Helena-Lewis and Clark are sitting in on the call and
21 they're in the middle of another revision process at
22 earlier stages.

23 So I don't know what may or may not be
24 opportunity but, Paul, I didn't want to just ignore your
25 comment from that standpoint because this is tying in.

1 And I don't know where it's all going to end up and where
2 my final letters will end up with for, in this case, Chip
3 and his counterparts on the other National Forests. But
4 this is very helpful for me from that. So Paul, that may
5 not make you feel any better from that standpoint, but I
6 wanted to acknowledge that it does really tie and it will
7 be tying this back in within the sideboards. However, as
8 you guys acknowledge, this is just complex. And there is
9 some tension.

10 And I'll say similar, Jake, if you don't mind,
11 yesterday at wilderness you were talking values. And
12 quite honestly, some of us just have completely different
13 interpretations of the same report. One's not right or
14 wrong; it is what it is. And trying to acknowledge that
15 and work together on what does that mean and how to move
16 forward on that part of it.

17 I want to -- go ahead, Brian. Did you have
18 another comment?

19 MR. PECK: Yeah. Brian Peck. This made me
20 think there's some research that's underway right now at
21 Fish, Wildlife and Parks. This Peck 2017 research that
22 looked at the possibilities of linkage between here and
23 Yellowstone, that was using male bears. And Cecily
24 Costello over at Fish, Wildlife and Parks is, right now,
25 doing the female equivalent of that study. It won't come

1 out in time for the forest plan, it won't come out in
2 time for the conservation strategy, but she's working on
3 that right now. And that would give you great
4 information on Okay, so what kind of linkage is maybe
5 possible to get female bears as well as male bears down
6 that connector to Yellowstone.

7 MS. MARTEN: Thank you very much.

8 So I want to make sure that there isn't -- is
9 there anything else folks want to make sure they voice
10 here this afternoon before we take a break and give folks
11 a chance before we get into the next topic.

12 Go ahead, Chas. You had something?

13 MR. OSHER: And this is Josh, and I have
14 something too, real quick.

15 MS. MARTEN: We'll let Chas and then we'll
16 bump it over to you; thank you.

17 MR. VINCENT: Thank you, Leanne. And first
18 of all, I just wanted to say that. Thank you for
19 allowing the discussion going a little bit further than
20 it probably is expected in this process. But I think it
21 is important to keep the dialogue going on some of those
22 things.

23 So I wanted to make one last comment really
24 briefly. And to me, from my perspective, from a State
25 perspective and from somebody who lives up in this area,

1 I think that the most important component that we need to
2 keep in mind with regard to how the bear is going to have
3 a viable genetic pool with connectivity in places is
4 being -- finding a way to make and overcome social
5 acceptance of bears. And I think it's going to take some
6 innovative approaches in how we manage the land to
7 achieve those outcomes.

8 Living in northwest Montana where I grew up in
9 a timber family, growing up with the grizzly bears in
10 that area is part of the social -- it's part of the
11 romance in living there. I don't have anything against
12 the grizzly bear. But the predominant feeling in the
13 communities that I represent in the legislature, I would
14 say that the bear's in social jeopardy. It is the
15 charismatic megabond that is responsible for the economic
16 condition of the region. And so it presents some really
17 big problems when we start talking about How do we do
18 things like connect the NCDE down to the Yellowstone?
19 How do we get connectivity from the Cabinet-Yaak to the
20 NCDE for that matter? And I would like, while I
21 represent here in the room -- I think there's actually
22 some really good research and maybe even some examples
23 that the State started on down in the Seeley-Swan with
24 managing BMUs and blocks in windows. We have 23 BMUs in
25 the Kootenai. Is there any way to enhance connectivity

1 in certain places by just staying -- and forget road
2 densities. Let's just have no roads open in that area
3 for a period of time to provide the safety and security
4 that the recovery plan is asking for and manage more
5 intensively the areas that have potential for great
6 habitat but have right now 600 tons of basal area of fuel
7 sitting on them that is not going to be habitat for
8 anything when Mother Nature decides to manage it. That
9 is the reality that I think if we start looking at what
10 the public -- everybody turns into a forester in August
11 when there's 35,000-foot plumes of smoke. And it's
12 usually your fault. But I think if --

13 MS. MARTEN: He was pointing to me, for the
14 folks on the phone.

15 MR. VINCENT: I just think we keep running
16 into the same buzz saws. And when I think that there is
17 actually -- there is some commonality in what we would
18 like to achieve -- I would like to achieve a viable
19 genetic pool of grizzly bears in the Cabinet-Yaak
20 recovery zone. I think that we're spinning our wheels in
21 the way we're doing it now. As long as everybody
22 continues to talk and as long as there's people willing
23 to listen that can make some of those decisions, I think
24 there is hope in achieving that. So that's my comment,
25 thank you for listening.

1 MS. MARTEN: Thank you, Chas.

2 Josh, you had some comments you wanted to make
3 sure you had an opportunity to voice.

4 MR. OSHER: Sure. I just had a quick thing
5 to add. You had asked earlier were there areas where the
6 analysis was missing something and then, also, if it was
7 distinguished from places where it was just not liking
8 the alternative selection, maybe, instead of just the
9 analysis. And I would say that one of the issues I think
10 where maybe you missed on both is in relation to
11 connectivity, and not so much for the Flathead but mostly
12 for the other Forests, in relation to livestock grazing.

13 I found the analysis to be really lacking in
14 terms of an understanding of the meaningful conflict
15 between grizzly bears on the move and domestic livestock,
16 particularly on public lands that are usually not with
17 people. And so there is a lot of new evidence and
18 especially related to climate change and changing food
19 sources for grizzly bears and more reliance on meat,
20 especially coming up from the Yellowstone area, that I
21 think was lacking in the analysis. And the alternative
22 that could have gone along with that would have been to
23 -- especially in a conflict-free way -- is to allow for
24 volunteer permanent retirement by adding a provision that
25 just says that if grazing permit is waived for the

1 purpose of reducing conflicts between wildlife and
2 domestic livestock, then that allotment would be
3 permanently retired from livestock grazing. And we
4 proposed that language, and it was never really
5 considered in most of the planning documents. And so
6 that's just an example of a place where I think the
7 analysis needs to be more in depth and there's a lack of
8 an alternative addressing that issue.

9 MS. MARTEN: Thank you, Josh; very helpful.

10 So I am just looking around here at the table
11 and then I'll go to the phone. Any last comments you
12 want to make sure are voiced before we take a break?
13 Anybody else on the phone? Wonderful.

14 So before I turn it over to Ginny for the final
15 facilitation, I just want to thank everyone. Extremely
16 hopeful, hopefully worthwhile for you folks as well. As
17 I mentioned in the beginning, this is for y'all as much
18 as it is for me. When it comes to the objection process
19 and having this dialogue, Chas, I think you summarized it
20 well. As long as we can keep talking and keep having
21 these dialogues, forest plan revision, amendments,
22 projects, what have you just throughout, the better off
23 we're all going to be. Because we all love our public
24 lands. They're all of ours and we all love them. So
25 thank you for taking the time and for the dialogue.

1 So I'm going to turn it over to Ginny for the
2 logistics and let us know.

3 MS. TRIBE: So I'm just going to ask you,
4 do you have any observations on what happened among you
5 today or observations on the process? We just want to
6 keep track of this a little bit. Yesterday they were
7 really guinea pigs. You guys were at least a little bit
8 advanced over yesterday morning. And maybe tomorrow
9 you'll be magic. So do you have any observations about
10 what happened among you or on the process?

11 MR. KREILICK: Jake,
12 Flathead-Lolo-Bitterroot Citizen Task Force. I would
13 just say good open conversation. I thought people were
14 able to say what was on their mind. I thought there were
15 good clarifying questions and hopefully it's helpful for
16 the agency in terms of how the issues got laid out.

17 MS. MARTEN: Thanks, Jake.

18 MS. TRIBE: Would the group permit us
19 putting Paul's observation from earlier? He said it's
20 just an observation that there's probably some pretty big
21 divides here. That would be an observation you made.
22 Any others? Any other comments, observations?

23 Please, Marla.

24 MS. FOX: Just one request, perhaps, or
25 suggestion is to give a little more -- get a little more

1 from the Forest Service. I think we've all spent a lot
2 of time reviewing documents, writing comments. And it
3 kind of feels like we're all trying to pull out what's
4 important to us and present it one last time to you. But
5 I feel like it would be more helpful to think about
6 resolution, if we could hear from the Forest Service, in
7 terms of not just your authority but your willingness and
8 flexibility to new ideas and if there's certain areas
9 within the sessions that Okay, this is off the table or
10 We think there is potential for changes here.

11 MS. MARTEN: Okay.

12 MS. TRIBE: And that's useful. We
13 purposely sort of didn't draw any boxes around it because
14 we didn't want people to feel like they were in a box. I
15 think an example of not flexibility but the recognition
16 that an amendment process would happen if there were
17 changes, I mean, some of those kinds of things. You
18 would like to have them let their hair down a little bit.
19 All right.

20 Any other observations? Thank you so much;
21 nice job. At 3:15 we'll start aquatics, in case any of
22 you don't want to go home yet.

23 (Proceedings in recess from 3:01 p.m. to
24 3:29 p.m.)

25

1 Thursday, April 12, 2018 - 3:29 p.m.

2 AQUATICS HABITAT MANAGEMENT

3 MS. MARTEN: Anybody who's an objector or
4 interested party on the phone for the aquatics habitat
5 management topic, would you mind just introducing
6 yourself? So I'm not hearing anybody who's an objector
7 or interested party. I know there are folks on the phone
8 who are observers from that standpoint.

9 So we're going to go around the table. We have
10 a couple people at the table that I'll just ask, if you
11 wouldn't mind, just introducing yourself.

12 MR. O'NEIL: Jerry O'Neil, Montanans for
13 Multiple Use.

14 MR. MCKENZIE: Paul McKenzie, F.H. Stoltze
15 Land and Lumber Company, interested party.

16 MS. FOX: Marla Fox, WildEarth Guardians.
17 I just have a question. Is the aquatics also covering
18 INFISHable trout issues, or is it separate?

19 MS. TRIBE: Do you have the briefing paper?

20 MS. FOX: I do, in digital form.

21 MR. NELSON: Hey, Leanne, this is Pete on
22 the phone. I don't know if I'm registered, but I am an
23 objector here.

24 MS. MARTEN: Oh, thank you, Pete. So we've
25 got you as well.

1 MS. TRIBE: He is registered.

2 MR. ANDERSON: Mike Anderson, the
3 Wilderness Society, interested party.

4 MS. MARTEN: Is there anybody else we
5 missed on the phone that's an objector or interested
6 party on this topic? Wonderful.

7 So good afternoon, everyone. This is Leanne
8 again. And just with the folks on the phone and looking
9 at the folks in the room here, I'm not going to repeat a
10 whole bunch of process stuff because most of you have
11 been sitting at the table most of the day or at least all
12 afternoon, so I think we have that part down.

13 The topic we're on this afternoon and the last
14 one for today, anyway, is the aquatics topic. And Marla
15 asked for a clarification. This will give you an
16 opportunity to bring up bull trout and fish, PACFISH and
17 that part of it. Hopefully, everyone has the briefing
18 paper. It was sent out electronically and I know we have
19 hard copies here in the room.

20 So I will go ahead and kick it off. And
21 similar to other topics, I just want to summarize and
22 paraphrase some of the key -- my understanding of one of
23 the key concerns around this. And similar to wildlife
24 and some of the other topics we've talked about, aquatics
25 is going to encompass quite the range, and there were a

1 lot of specific issues, some on specific species and
2 other things that were brought up in the objections. And
3 we may or may not have an opportunity to bring those into
4 the dialogue today, please be reassured that they will be
5 part of my final review and answer as with all the other
6 issues that were brought forward.

7 The key thing that I could use some assistance
8 with and have some dialogue in, and I know there were
9 some proposed remedies, is really the main issue that I
10 saw is, as written, the forest plan and the draft
11 decision by Chip Weber is there was concern regarding
12 what was perceived as the lack of measurable habitat
13 objectives or standards that would -- that are replacing
14 INFISH, specifically INFISH, and the concern that there
15 wasn't enough protection within the forest plan, enough
16 of the standards and guides objectives, to protect the
17 riparian areas across the Flathead. And so associated
18 with that was concern about degradation of the
19 watersheds, the species, and that could be bull trout,
20 cutthroat and other species from that perspective.

21 Most of the remedies that I saw included
22 putting a lot of measurable standards in the forest plan.
23 And again, this is very much a brief paraphrase and
24 summary. So what would help me is getting a better feel
25 from the perspective of how you feel having a measurable

1 standards versus how the forest plan objectives are
2 written right now and the suitability and how we have it
3 portrayed, how you see that being different from that.
4 So if there's a measurable standard you feel is missing
5 and it gets included, how do you see that moving us in a
6 different direction on the ground for the resource? And
7 I may not be phrasing this perfectly right here, but we
8 have a lot of forest plan components in there. And some
9 of the objectives and interested parties have voiced But
10 we want to see a measurable standard, not just a forest
11 plan component. So I want to understand how you see
12 those differences and how you would see those presenting
13 itself differently and how we move forward with
14 activities on the ground, if that helps. And if there's
15 a different way of clarification or questions just to get
16 the dialogue going on that.

17 So Marla, do you want to just start us out with
18 that one and see? I know we have Pete on the phone as
19 well. Go ahead, just kind of spark some dialogue here to
20 help me out.

21 MS. FOX: Yeah, so just big picture,
22 because we did go into specifics about INFISH and the
23 changes in the forest plan components from INFISH and
24 then also specifics about the 2012 planning rule and the
25 requirement for standards and guidelines. But on the

1 ground the differences that we think will happen by not
2 including specifically standards and guidelines that are
3 measurable is that it will give lots of discretion to the
4 Forest Service, which is great for their implementation,
5 but it creates just unbounded flexibility, which similar
6 to the changes on the grizzly side, we see as a major
7 back-sliding from INFISH which set more numeric and
8 specific standards. So when you get to the project
9 implementation phase, standards are something that the
10 Forest at least, if they're not going to achieve the
11 standard in a forest plan in a project implementation,
12 they have to show that they're working towards it.

13 But instead, a lot of the standards from INFISH
14 are articulated under this forest plan revision and
15 objectives for less than standards, things that aren't
16 required. It's not even going to be -- there's not even
17 going to be a requirement on the project implementation
18 stage to even work towards something. So that's the
19 emphasis that we were putting on it.

20 And so specifically the 2012 planning rule
21 also, the language in the rule for a lot of the different
22 requirements, does say that the forest plan revision
23 should include standards and guidelines. So where
24 there's not an actual standard or guidelines to implement
25 some of the objectives, you know, that's where we see a

1 lot of things lacking specific in terms of protecting
2 bull trout.

3 MS. MARTEN: So let me tease that out just
4 a little bit. And from the standpoint of fundamentally
5 one of the differences I hear from your perspective from
6 forest planning component versus the guideline and the
7 standard is the standard is required and the
8 accountability, and whether or not you do it or don't do
9 it isn't discretionary. Those are my words, give or
10 take. So one of the things that I could use some help
11 with is if you look at some of the definitions, and I
12 don't have them verbatim in front of me, but guidelines
13 are not discretionary. Standards are not discretionary.

14 Moving towards our desired condition or
15 objectives and our forest plan components are not
16 discretionary. A guideline if you aren't going to meet
17 it, you have to be able to show how you're still going to
18 meet the intent of the guideline. So I'm curious, and
19 there's some different interpretations of that, and that
20 was all my paraphrasing because I don't have, like I
21 said, it memorized word-for-word.

22 But some of that, whether you agree with that
23 or not, I guess part of what I'm looking for, Marla, is
24 do you have some ideas? Can you help me out on
25 regardless of if you call it a standard or a guideline,

1 is there something that would help you feel more
2 confident that the discretion that we would have is not a
3 negative or would not be a negative, it could be a
4 positive and, actually, in some cases, be even more, what
5 do I want to say, I don't know if conservative's the word
6 INFISH standards may be on the ground because it's based
7 on those experiences and the data and specific
8 place-based things on the ground.

9 MS. FOX: Yeah, more of a precautionary
10 approach for something to that effect? I think the key
11 is we're not making the distinction in our comments
12 between standards and guidelines. If you make them
13 standards and guidelines, that's what most of our
14 recommendations for resolution asks for. It's when they
15 are articulated as objectives or less than that even,
16 that's where we feel like there's nothing -- and we've
17 seen it at project implementation stage.

18 There's a lot of evidence I can bring from
19 projects that we comment on where it says Well, that's
20 not a standard or guideline, that's just like a
21 hypothetical or aspirational; right? If it's not a
22 standard or guideline it's aspirational. And even the
23 standards and guidelines, the Forest Service can say
24 Well, we're working towards them on project
25 implementation. That already creates discretion.

1 So our problem is if you're not even including
2 them as standards and guidelines, there's not very much
3 cabining, you know, creating sideboards for project
4 implementation over the next twenty years. So that's
5 what we'd really like to see, especially when we're
6 moving away from the INFISH standards, which we feel are
7 more protective than what's presented in this forest plan
8 revision. And that part of our comments is really long.
9 I didn't write that part. But there's a lot of specific
10 examples in there. I won't go into them.

11 MS. MARTEN: And I am familiar with those;
12 thank you.

13 So let me hypothetically, just one remedy that
14 I hear you proposing is move more towards the standards
15 and guidelines versus some being an objective to those
16 standards and guidelines. So there's one potential
17 remedy.

18 Let me ask you or others in the room or Pete on
19 the phone, is there any other way to help make you more
20 comfortable, have a little bit more confidence if it's
21 not a standard and guideline? But is there more clarity,
22 is there another place in the decision document, is there
23 something in the preamble? Is there something else that
24 would give you a little bit of a better solid feel that
25 it wouldn't be apparently some of your experiences in the

1 past with projects say Well, it's not a standard
2 therefore I don't have to do that. And I know you're not
3 saying that happened every time or to that extreme. But
4 I'm looking just for some other ideas there, if there's
5 some other ways to at least help, not solve it at all but
6 at least help.

7 MS. FOX: So one other example would be I
8 understand you don't write the biological opinions. But
9 you do converse with the Fish and Wildlife Service in
10 coming up with some of the reasonable and prudent terms
11 and conditions. And so measures in the implementing
12 terms and conditions. So including it in those. From
13 what we've seen from the record and in watching this
14 process unfold, that, in particular, is a major sticking
15 point for us; that the biological opinions supporting
16 effects to bull trout is deeply flawed in terms of
17 not -- changing the terms and conditions of prior
18 existing biological opinions for site-specific projects
19 but also, in this instance, not including strong
20 standards that could be applied to the forest plan. So
21 that would be another location or area to strengthen or
22 give us some reassurance.

23 MS. MARTEN: Thank you.

24 Other thoughts?

25 Paul, I can tell, even though you don't have

1 the microphone, the look. That was a positive.

2 MS. TRIBE: Everyone almost gets their own
3 mic and their own table.

4 MR. MCKENZIE: Well, I just want to provide
5 the other perspective. So if you were to look at this
6 forest plan, I would argue that this riparian segment is
7 probably the most prescriptive element of the entire
8 forest planning document. It has more standards and
9 guidelines in specific direction than just about any
10 other topic that's in your forest plan. And it's also
11 come the farthest from where you were at in your proposed
12 action, which was more what we asked for which is more
13 descriptive, less prescriptive. And from our perspective
14 through the iterations, it's gotten too far the other way
15 to where we're more prescriptive and less descriptive.

16 So I think when you look at it, there's not a
17 whole lot more that you can add -- that I can see that
18 you could add at a forest planning level basis that would
19 -- I guess I'd be interested to see the specific
20 additional standards and guidelines that are being
21 requested. Because I think if you go much farther beyond
22 this, then you're really going into a situation where you
23 have a much different impact that would have to be
24 re-analyzed and rediscussed and take a lot of different
25 input on it from different points of view.

1 MS. MARTEN: Thank you. So Paul, I'm going
2 to tease out a little bit with you as well. If I
3 understood, as you said, you come from a different side
4 of the spectrum than some of what Marla was expressing
5 from their perspective. Do you see harm with -- that may
6 be the wrong word here. But I used it so I'll go with
7 it. Do you see some harm with how they're laid out now
8 for what would be actually occurring on the ground? I
9 don't know if I said that very well.

10 MR. MCKENZIE: I don't think -- we're not
11 going there as far as this is not the place to debate the
12 effects of the buffer widths and what have you. I think
13 we are pleased to see the Forest take an attitude that in
14 order to have an effective buffer you need to manage part
15 of implementation to ensure that it's healthy and forms a
16 buffer as a buffer is intended. For example, the State
17 law requires a hundred-foot buffer, you guys are looking
18 at a 300-foot buffer on the same stream. And there's a
19 lot of history here of success.

20 And the other thing you have to consider is
21 what other management restrictions are going to be
22 applied over and above these standards? For example, a
23 lot of the bull trout streams we have, say, in the North
24 Fork are also wild and scenic. So you add that layer of
25 restriction on top of that, and I think that's what you

1 have to look at, is the entire package of protections.
2 And I think that's what the Forest did in their analysis
3 and development of the standards and guidelines that they
4 have.

5 MS. MARTEN: Great.

6 So Marla, do you have any thoughts, or Pete or
7 others, on Paul's just observation that, you know,
8 there's overlapping. Like some of these areas that would
9 be wild and scenic rivers and would have some overlapping
10 management direction that goes with wild and scenic
11 rivers and the corridors and all that. Any thoughts of
12 that from the perspective of the standards and guides
13 versus not standards and guides and just how things are
14 layered from that perspective?

15 MS. FOX: In terms of bull trout critical
16 habitat, there's not, you know. It doesn't totally
17 overlap with wild and scenic. And in terms of being more
18 prescriptive, we're asking, like with amendment -- well,
19 amendment 19 would be part of it. But we're also asking
20 the Forest Service to maintain the protections under
21 INFISH. It's not new or more protective. We're trying
22 to maintain the baseline? Because unlike grizzlies where
23 amendment 19 appears to have helped bring some of those
24 numbers back, bull trout are still struggling on the
25 Flathead. And so to move away from INFISH doesn't make a

1 lot of sense. And also moving away from amendment 19,
2 which if you look at forest roads impacts to bull trout
3 or critical habitat.

4 In addition, I think our comments put out that
5 we're pretty strongly opposed to management or logging in
6 riparian areas. And that's something that we comment on
7 consistently on project-level basis, and so we're very
8 concerned to see that in the forest plan revision.

9 MS. MARTEN: Thank you; very helpful.

10 MR. NELSON: This is Pete, by the way.

11 I'll jump in here. The premise here that the Forest put
12 out was that you're improving the effectiveness of INFISH
13 and you'll use your effects analysis to demonstrate that.
14 I don't know, in Defenders' read on this, we don't see
15 it. We don't see in the comparison of the no action to
16 the proposed action here that you're getting improvements
17 in a conservation effectiveness with relation to INFISH.
18 I'm sorry; I'm just not seeing that in the analysis.

19 With regard to the layering of protections, if
20 that's the case, then, again, the EIS should demonstrate
21 that conservation occurring. And if it is the case, then
22 it should be documented and credited here in the
23 analysis. But there's been a lot of changes proposed to
24 INFISH here. And in our opinion, the best available
25 science hasn't been presented for why those changes are

1 necessary and how that's actually going to result in
2 improved conservation of bull trout. So that's how we're
3 looking at it. I think there are improvements in
4 additional analysis that can support the Forest's
5 proposal to move away from INFISH. But in some cases,
6 the no action alternative provides you with management
7 alternatives that you could draw from if necessary. But
8 that's how we're seeing it. And this is a challenging
9 one, I think.

10 MS. MARTEN: So thank you, Pete. And one
11 way of just paraphrasing what you just described, in my
12 mind, is what I heard you saying is you're not seeing the
13 connecting of the dots on where we went from, say, the no
14 action and the effects of the potential impact that was
15 disclosed there and in the other alternatives the
16 connecting of the dots of the rationale on where the
17 proposed changes as drafted would actually result in
18 something different, the science or the analysis of the
19 supporting documentation rationale, you are not seeing
20 that to be able to support where the conclusions came
21 out.

22 MR. NELSON: Yeah, that's right. You know,
23 the effects on aquatic species of removing INFISH are not
24 disclosed in the EIS. The EIS talks about the effect of
25 the plan components, the effect of what the plan

1 components are designed to do which is different than
2 their actual effect. Some objectives in RMOs are moved
3 to monitoring. Monitoring is not a plan component that
4 can be relied upon to -- from a conservation perspective
5 under the rule. So there's a lot of changes being made
6 to INFISH here where INFISH was determined to essentially
7 be a minimum bar. And so there is, obviously, a burden
8 on the agency here to demonstrate in the effects analysis
9 that we're getting better conservation from the proposed
10 alternative. And I think there are areas where that is
11 not, at least in our read, is not being demonstrated in
12 the analysis.

13 MS. MARTEN: Thank you. Very helpful to
14 hear you explain that perspective and others versus just
15 what I was reading in the written.

16 Other comments? I don't know, Mike or Jerry,
17 other thoughts or voice in the room either on what you're
18 hearing in the discussion or something else that's
19 running through your mind? Go ahead Jerry while Mike
20 gets the microphone.

21 MR. O'NEIL: Jerry O'Neil. I would like to
22 reiterate what I've been saying for yesterday and today.
23 In order to improve the aquatic environment, I think we
24 need to increase the albedo effect on the forest
25 management. And in so doing, we'll have more snowpack

1 which will lead to more water in the streams for the bull
2 trout and other fish. We should have lower -- it should
3 decrease the water temperature, decrease -- actually
4 reduce global warming or cause global cooling. And as
5 far as I know, it should help the aquatic environment in
6 our district. And just wanted to have that in there. I
7 think I've been told that we're going to have albedo
8 effect in one of the criteria for Forest management in
9 the future, at least I hope we do. Whether it's
10 management standards and guidelines or rules or whatever
11 you want to call it, I hope it's part of what we consider
12 when we do manage our Forest; thank you.

13 MS. TRIBE: Jerry, I want to make sure that
14 we're real clear on what you said. Did you say you've
15 been told that the albedo effect would be part of the
16 analysis? Were you told by the Forest Service? I just
17 want to make sure we're clear on what you said.

18 MR. O'NEIL: I think I heard here
19 that -- I'm not exactly sure how I heard it -- it would
20 be considered or would be done or maybe I'm just being
21 hopeful.

22 MS. TRIBE: I just wanted to clear that up.

23 MS. MARTEN: I think it's accurate to say
24 that all comments and all the dialogue over yesterday,
25 today and tomorrow are something that I am using as part

1 of my consideration when I do my final letters. There's
2 no guarantee where it may or may not fit in, the albedo
3 effect. I'm listening carefully to everything you and
4 others are bringing forward, and that's all part of my
5 thought process as I'm moving forward with my final
6 letters on my objections. Now, I don't know if that's
7 hopeful or not hopeful for you.

8 MR. O'NEIL: Well, as far as I've heard
9 about what we can do to improve the fish habitat and
10 aquatic habitat, I don't think I've heard anything that
11 would have more impact on the fish than an increase in
12 the albedo effect.

13 MS. TRIBE: I just wanted to make sure we
14 didn't have expectations here that one thought and the
15 other didn't. I just wanted to be clear on that. Thank
16 you for saying hopeful.

17 MS. MARTEN: We have Mike.

18 MR. ANDERSON: Mike Anderson, Wilderness
19 Society, interested party. One thought on the riparian
20 areas issue here, when I read the plan, as I recall, one
21 of the Forest Service's rationales for their changes was
22 that they wanted to try to use the riparian areas for
23 kind of a double purpose; that the idea was that the
24 riparian areas would function as wildlife and other
25 terrestrial species connectivity corridors, which I

1 thought was a really good idea. And I think I've seen
2 some scientific articles along those lines, that that is
3 a really good strategy. So I was glad to see that the
4 Flathead was broadening.

5 And Paul, I think that one reason you're
6 seeing -- maybe one reason we're seeing the increase in
7 the size of the corridors is to kind of provide that
8 wildlife connectivity purpose in addition to the State's
9 more water quality control -- protection.

10 Now, at the same time you're doing that, I
11 wonder whether the standards that are kind of more water
12 quality, fish habitat protection, may be getting softened
13 in order to provide more of that climate change
14 connectivity adaptation purpose, which I think the
15 environmental community recognizes is still kind of a
16 work in progress, you know, about how to most effectively
17 manage connectivity corridors for climate change. And
18 that's kind of an adaptive management area, I'd say, more
19 than in terms of water quality protection and fish
20 habitat protection is.

21 I wonder whether there's some opportunity in
22 your final decision, perhaps, to kind of clarify these
23 dual objectives and to make it clear that we're not
24 backsliding from INFISH in terms of protection from water
25 quality, that we're maintaining -- we're just kind of

1 adding protection for the wildlife connectivity for
2 climate change purposes; whether that might be a way to
3 kind of clarify the reason for the changes but also
4 clarify that in terms of the INFISH protections that that
5 is still to be intact or not to be weakened.

6 MS. MARTEN: Thanks, Mike.

7 MS. TRIBE: I was going to make sure we
8 didn't miss the business about the requirement to prepare
9 watershed analysis. It was the last of the suggested
10 remedies.

11 MS. MARTEN: Thank you. But before we go
12 to that, I did want to honor something that Marla said.
13 Actually, it was at the end of the last topic. You're
14 asking maybe a little bit more feedback from the Forest
15 Service, whether I'm willing or not willing. And I don't
16 really have -- for this topic, I wouldn't say that
17 there's -- I have anything set in my mind. So I'm
18 not -- I'm trying to honor that comment, but I'm really
19 not sure how to answer it at the same time from that.

20 So when I look at the remedies, for instance,
21 that you mentioned, from the standpoint of a lot more of
22 the standards and guides or having the objectives in the
23 forest plan components going to standards and guidelines,
24 is that something that is totally off the table? I would
25 say Well, no, it's not.

1 One of the things, though, that I'm struggling
2 with is from the standpoint of it being in a standard and
3 guidelines versus a forest plan objective and how it's
4 being implemented on the ground, in some ways, Marla, and
5 this may be incorrect so I'm throwing this out there
6 because I don't know if this is correct on my part, in
7 some ways, it almost sounds like it's a trust issue on
8 what we actually do at the project level from that. And
9 the ideas of if it's standards and guidelines it's a
10 little bit more where there's less discretion and
11 therefore you would have a higher confidence that we'll
12 do what we say we're going to do.

13 And that's my paraphrasing and my wording. And
14 I have a hard time from if it's a trust issue on how to
15 fix that in a forest plan. Because to me, that's a
16 relationship. And it's there but it's not part of that
17 regarding of where you put those on what you call them.
18 I may be out in left field and I may be reading too much
19 or not the right thing. So I just throw that out there
20 to get a little bit of feel. And others may have the
21 same concern. Can you help me with that from your
22 perspective.

23 MS. FOX: Yeah. A desired condition for an
24 objective in a forest plan does not have the same teeth
25 as a standard or guideline when it's implicated on the

1 project level. That is a concern. That's not our only
2 concern on bull trout and aquatics, but that is a
3 concern. And it's a concern not just on the Flathead but
4 that we're seeing on many forest plan revisions, that
5 Forests are choosing, making a very conscious decision,
6 to move away from standards and guidelines to put the
7 language in other forest plan components or monitoring to
8 avoid the restrictions that those standards and
9 guidelines might place on them in the future because they
10 do have a little more bite, not a ton, but a little more
11 when it comes to project implementation. And if, from
12 the public's point of view, if you look at a forest plan
13 as a blueprint for the Forest for fifteen, twenty, thirty
14 years down depending on resources in the future, that's
15 where the rubber's going to hit the road. That's where
16 you're going to see the on-the-ground impacts that you
17 keep asking about.

18 What's the difference? Where are you going to
19 see the difference of the impacts? A lot of times it's
20 through that project implementation phase. And if these
21 requirements are in desired conditions, it is much easier
22 for a district ranger to say That's just a desired
23 condition. It doesn't fit for this project. It's much
24 easier to explain it away than it is if the language is
25 in a standard or guideline. And that's in addition to

1 the 2012 planning rule requirements that each of those
2 diversity requirements, et cetera, require there to be
3 standards and guidelines to achieve the 2012 planning
4 rule.

5 So there's a requirement for these standards
6 and guidelines. But like on a practical implementation
7 phase, I do think they're extremely important. And it
8 not only erodes the trust of the public when you don't
9 have them as standards and guidelines, because we see it
10 happening on the forest plan revisions, that they're
11 moving away and trying specifically to create more
12 flexibility. But like there is no great build trust in
13 other arenas as well. But this is a clear way to say to
14 commit to something that's going to have a measurable
15 impact.

16 MS. MARTEN: That helps. Because one of
17 the things that it highlights for me, not that I have it
18 all figured out, is even just some of the intent and I'll
19 just say intent behind the 2012 planning rule and some of
20 the shifts that's in the 2012 planning rule, some of it
21 was not to not have standards and guidelines but not to
22 have as many standards and guidelines.

23 So there's some fundamental difference of
24 opinions, for lack of a better term, on just some of
25 those that I'm hearing. And some of that I think Paul

1 said in a little bit different terminology on the other
2 side of the spectrum there. So there's obviously that
3 spectrum. But I appreciate you being willing to dig into
4 that a little bit more for me to make sure I was
5 understanding. And when it comes to the conscience and
6 trust level, it's challenging, and it's going to continue
7 to be. But I always have optimism that as long as we
8 keep talking and working together, those things move in
9 the right direction on that.

10 Other thoughts on that?

11 MR. NELSON: Just another finer point on
12 that. This is Pete. INFISH was pretty specific about
13 measurability on RMOs. The Forest Service moves to a
14 desired condition framework, where the desired condition
15 on one of the desired conditions in question simply just
16 repeats rule requirements for NRB and integrity without
17 actually any measurability affiliated with it. And that
18 is something that the effects analysis needs to
19 recognize, moving from a measurable objective to an
20 unmeasurable desired condition, which is compounded by
21 the fact that projects merely have to not retard the
22 long-term achievement of a desired condition, meaning the
23 short-term harm is absolutely acceptable.

24 You know, you can see how people can view this
25 change to INFISH as really compounding -- all of these

1 changes together compounding the effectiveness of that as
2 a conservation strategy. And that's a real issue. And
3 we saw it and we pointed it out. I think there is room
4 to maneuver here. But we need -- if we're going to be
5 successful, we need to talk about some of these key
6 issues.

7 MS. MARTEN: Thanks, Pete. And I know
8 folks are taking a few notes. And I was just thinking in
9 my mind, and I'll have to go back and recheck, but in
10 your comments from the Defenders, you gave some specific
11 examples where you saw that disconnect where it was, more
12 or less my words, repeating what the rules said but not
13 how the effects analysis really show what that means on
14 that, if I recall. But I'm sorry, I don't recall
15 specifically and I don't have your objection right in
16 front of me. But on that part of it; correct? You have
17 some specific examples in your written objections on
18 that.

19 MR. NELSON: Oh, yeah. Just look at issue
20 number 5 in our objection on this.

21 MS. MARTEN: Yeah. And I'm sorry. Part of
22 it is I don't have it in front of me. And I'll just be
23 honest, it's later in the day and my brain isn't clicking
24 on all the examples right off the top of my head either.
25 So thank you. But issue 5, I'll make a note of that,

1 just to refresh my memory.

2 MR. NELSON: And I agree with you, now,
3 Leanne, is not the time to be -- it is late in the day to
4 be reiterating comments and objections that have already
5 been made. So I think you're on the right track.

6 MS. MARTEN: Thank you on that part of it.

7 MS. TRIBE: By the way, Marla had a phone
8 call. She told me ahead of time that she hopes she got
9 to say the things she had to say before she had to go to
10 the call. So she wasn't mad at you about the trust and
11 left.

12 MS. MARTEN: Okay.

13 MS. TRIBE: I knew she was going to go.

14 MS. MARTEN: So Pete, I don't know if you
15 heard that, but Marla had to step out for a phone call.
16 But she was able to get her voice on the remedy before
17 she had to step out on that. Ginny was just making sure
18 I didn't take it she was mad at me.

19 So other thoughts or items we want to make sure
20 we get in the room that have not been voiced? And again,
21 as Pete and I were just talking, obviously we read
22 through and I'll be refreshing my memory. I hear some
23 opportunities for some clarity. I hear some
24 opportunities and there's definitely some different
25 spectrums which I have read, but it helped me to hear a

1 little bit on the perspective of standards and guides
2 versus objectives, forest plan components, some of the
3 trust, my word, interwoven in that from that perspective.
4 There's some difference of opinion, obviously, in the
5 room on how prescriptive or not prescriptive from that.
6 I'm hearing real clear that there's lack of obvious
7 connecting of the dots between some of the conclusions on
8 some of the proposed changes compared to INFISH and the
9 effectiveness of that, and there might be some
10 opportunity not only to make sure we have that analysis
11 but also, as you mentioned, Mike, one of the
12 opportunities may be clarifying they're expanding a
13 little bit more within the decision itself on where those
14 conclusions came from and how the intent was not to, I
15 think Marla or someone said, sliding backwards from
16 INFISH but actually from the lessons learned and moving
17 forward from that perspective on that.

18 Other thoughts? Or have I just said something
19 that you're thinking That is not what I meant. By all
20 means, put it out there for me.

21 MR. NELSON: I'll mention one other thing.
22 One thing that didn't make it into the briefing paper was
23 discussion of conservation watershed. That was kind of a
24 key issue in Defenders' objection.

25 And it also leads me to think that -- you know,

1 you were asking what could be done in the ROD to improve
2 the decision. And I think there's something on
3 conservation watersheds. Because there's some ambiguity
4 in the draft ROD on whether conservation watersheds
5 actually have been designated or whether they will be
6 designated as part of a future decision. Well, that's
7 something where the ROD can actually designate the
8 conservation watersheds. If they're not yet designated
9 then you run into problems. Because the NEPA effects
10 analysis treats them as if they're an existing
11 designation. But the language in the draft ROD says it's
12 future tense, essentially. So there's things like that
13 we make probably five or six references to changes in the
14 final ROD that could help clarify. So I know you were
15 looking for things that are maybe low-hanging fruit to
16 include in the final ROD. And we make note of a few of
17 those.

18 MS. MARTEN: Thank you. And thank you for
19 bringing that up because you're right, we didn't mention
20 it in the briefing paper.

21 One of the things that was mentioned in the
22 briefing paper that I don't want to leave hanging,
23 though, is one of the proposed resolutions or remedies
24 by -- I do not recall which one but one of the
25 objectors -- was to reinstate the requirement to prepare

1 watershed analyses. And that was part of INFISH. And I
2 guess my general question was -- and I'm familiar,
3 actually worked with watershed analyses back when INFISH
4 first came in back in the '90s. I'm curious what it is
5 based on that proposed resolution, what gap that would
6 being filling if it -- what is that trying to remedy? Is
7 it -- I need some help with that. What is it -- by
8 wanting to reinstate that, what is it that you feel would
9 be met by doing that versus what's not being met
10 currently as the forest plan is for with the project
11 level implementation?

12 MR. NELSON: Well, this is Pete. I can
13 address that. I think the short answer is that
14 multi-scale analysis is a dimension of INFISH that was
15 meant to serve function in its effectiveness. And we do
16 not agree that discretionary analyses is as effective as
17 the requirement in INFISH. So that's the short answer.

18 MS. MARTEN: So -- thank you. And that
19 does help clarify for me. And just a follow-up question
20 is the effectiveness. So I'm just curious, Pete. I
21 don't know if there's a short answer to this or not.
22 You've brought up a couple times effectiveness and being
23 able to show or document effectiveness. Can you describe
24 to me how that would look to you in this process or at
25 the forest plan level to be able to document

1 effectiveness?

2 MR. NELSON: I think there's two routes to
3 it. One is effects analysis. Because effects should get
4 to effectiveness; right? You're talking about the impact
5 of making certain policy decisions by components
6 analytical requirements and the like. So when we do our
7 analysis, we're just looking at the EIS and saying Is the
8 desired effect of changing INFISH's analytical methods
9 having that effect? And that's one part of it. And that
10 needs to be clear to the reader, I think, the public, in
11 terms of so they can see that the change from the status
12 quo to the proposed action is having the desired effect.
13 We all want to improve conservation effectiveness. I
14 think we can agree on that. So let's show that.

15 And then the second piece would be in
16 monitoring an evaluation. If there are questions
17 regarding the effectiveness of actions, monitoring is a
18 good way to determine if it's true.

19 MS. MARTEN: Well, the reason you're
20 hearing laughter is because our lights just went totally
21 out so the room went pitch black. So it wasn't what you
22 were saying.

23 MR. NELSON: I know the storm down here in
24 Bozeman is wicked hard right now. I don't know what it's
25 like up there.

1 MS. MARTEN: So what I heard you saying is
2 it's a couple ways of saying effects analysis. And to
3 demonstrate that and show through that part of the
4 process. And then it's the monitoring evaluation and key
5 questions that look at it, for going into the future, how
6 effective our implementation of the new forest plan is
7 being and having a structure to that. So if it shows
8 it's not being effective, we have the processes in place
9 to be able to adjust as either are determined.

10 MR. NELSON: Yeah. And I'll just say, I'm
11 not throwing this out as a specific remedy, but as a
12 general matter, monitoring effectiveness, particularly
13 when there's been changes to the status quo, can be a
14 useful confidence-building measure to say Is it really
15 more effective? Let's see. Again, I don't have a
16 specific -- I'm not suggesting that as a specific remedy
17 for any of the points on this issue. We didn't offer
18 adaptive management and monitoring as a means of
19 evaluating the effects of the changes that the Forest
20 Service is proposing to INFISH. But as a general matter,
21 you know, it's something to think about.

22 MS. MARTEN: Fair enough. Thank you very
23 much. That helped clarify a few things in my mind on
24 when you were using "effectiveness" what your thought
25 process was there. So thank you.

1 Other comments or items? We want to make sure
2 we put in the room before we move forward for the
3 evening. I want to make sure. Doesn't look like it.

4 So really appreciate it. This has helped
5 clarify. It's helped solidify a couple of things I
6 thought I understood when I read some of the objections
7 but I wasn't quite sure either. So that just helps my
8 whole thought process just like with every other topic
9 we've gone through over the last two days.

10 Thank you, everyone. Many of you have been
11 here for two solid days. Some of you have been here in
12 and out, and just really appreciate the continued
13 dialogue and the continued patience to work through this
14 and talking amongst yourselves as well as just helping me
15 walk through these portions.

16 I know Chris French had to leave to catch an
17 airplane. But I talked to him real briefly on our break
18 and he just wanted to express his thanks as well and,
19 again, to put that out to the group and several folks I
20 know that aren't here who were here this morning. But he
21 was very appreciative, as well, to the open dialogue and
22 the willingness for folks to help him and to have that
23 time with him this morning. So I'll turn it over to
24 Ginny for the final facilitation before we call it a day,
25 and we'll go from there.

1 MS. TRIBE: For the two or three people in
2 the room, we've got big trouble again tomorrow morning.
3 We're scheduled to start the welcome and introductions at
4 9:00. But Swan Valley management area doesn't start till
5 10:00. So we're going to have to really cool our heels.
6 Because what we don't want to have is people coming in at
7 ten o'clock and expecting that they're arriving for the
8 topic and we've starting a half hour early. So if you're
9 coming for that, those of you that will be here, you know
10 the drill. And we'll probably be waiting till close to
11 9:30 before we actually get started.

12 MS. MARTEN: I guess I'd be curious just
13 from a logistical standpoint, is there a way for us to
14 email the folks for tomorrow morning, just like we did
15 the briefing papers, that we'll be starting the welcome
16 and all that around at 9:30 versus 9:00 so we don't have
17 a bunch of people sitting on the phone on that part? And
18 we'll still log in in case somebody does and they miss
19 it.

20 Pete, I don't know if you'll be on tomorrow and
21 some of the other folks, but we'll plan on starting the
22 welcome and just kind of the overview at 9:30. And
23 again, we'll log in at 9:00 to catch people who may not
24 get the messages from that standpoint. And we'll be
25 physically as well.

1 MS. TRIBE: And we'll explain it.

2 MS. MARTEN: And we'll explain it as well.

3 So is there anything else then, Ginny?

4 MS. TRIBE: No. I just want to go put my
5 pajamas on.

6 MS. MARTEN: Ginny is basically done for
7 the day.

8 Again, thank you, everyone, very much.

9 Pete, thanks for hanging out on the phone. And
10 I know there are several other folks on the phone
11 observing. So just really appreciate it.

12 And for those of you who will be here tomorrow,
13 we look forward to another full day tomorrow. I believe
14 we start out with the Swan Valley management and Krause
15 Basin and then winter travel management. So Swan Valley
16 management, Krause Basin and winter travel is on the
17 agenda tomorrow.

18 Thank you, everyone; enjoy your evening.

19 (Proceedings concluded at 4:19 p.m.)

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