Forest Service **Washington Office** **1400 Independence Avenue, SW**
Washington, D.C. 20250

File Code: 1570 **Date:** February 18, 2021
Route To:

Subject: Objection Response for the Identification of Species of Conservation Concern for the Helena-Lewis and Clark Plan Revision

To: Regional Forester, Northern Region

This letter documents my response to the objections filed regarding the identification of Species of Conservation Concern (SCC) for the Helena-Lewis and Clark Land Management Plan (LMP) Revision. For the identification of SCC, the regulation states that objections specific to the identification of SCC be reviewed by the Chief of the Forest Service, who delegated that authority to me in accordance with 36 CFR 219.56(e)(2). Acting Associate Deputy Chief Christine Dawe served as Reviewing Officer until her temporary assignment ended in January 2021, and I have consulted with her on the objection response to conclude this review. All objections have been consolidated and covered in the enclosed response. Several of the issues were sufficiently similar to allow consolidation as described in (36 CFR 219.57(b) (1)).

The objection process followed the 36 CFR 219 regulatory requirements for LMP revisions, which includes an objection filing period, interested person filing period, and resolution meetings. A draft Record of Decision was issued on May 20, 2020, with a notice of an opportunity to object. The objection filing period ended July 20, 2020. The inherently comprehensive and complex nature of land management planning contributed to the overall time needed for the review and the need to exercise discretion to extend the time to issue my final response (36 CFR 219.56(g)).

Two objectors and four interested persons raised objections pertaining to SCC identification. In addition to concerns over individual species there were two overarching issues raised: unclear justification for not identifying potential SCC as final SCC and not considering broad-scale concerns in determination of substantial concerns.

A virtual resolution meeting was held on September 29, 2020, where both you as Responsible Official for the identification of SCC, and Christine Dawe as Reviewing Officer, discussed key points with objectors and interested persons. I understand a variety of SCC objection topics were covered including insufficient rationale for not designating certain species as SCC, persistence in the plan area and broad scale concerns, and wolverine and bighorn sheep remedies.

I would like to thank your regional SCC specialists and the planning team whose expertise was evident in the quality of the documentation and thoughtful approach that went into the identification of SCC for the Helena-Lewis and Clark Plan Revision. I would also like to thank each objector, interested person, and member of the public who participated throughout the entire process for their dedication and passion. I appreciate the time they spent working with the Region and Forest.

The enclosure with this letter is the outcome of the extensive review of concerns raised by objectors. This response reflects findings following review of the written objections, statutory and regulatory requirements, the discussions at the resolution meeting, and follow-up discussions with you. My response contains instructions for you to implement before signing the final Record of Decision and is the final determination of the U.S. Department of Agriculture on the objections.

By copy of this letter and notification of availability on the Northern Region SCC Web site. I am notifying all parties to this objection response.

X Jennifer Eberlien

Signed by: JENNIFER EBERLIEN
JENNIFER EBERLIEN
Reviewing Officer for the Chief

Enclosure

cc: Objectors and Interested Persons, Timory Peel, Jody Spaulding

REVIEW FINDINGS: REGION 1 SPECIES OF CONSERVATION CONCERN OBJECTIONS, HELENA-LEWIS AND CLARK PLAN REVISION

Introduction:

The USDA Forest Service, Northern Region (Region 1) received 2 objection letters pertaining to the identification of Species of Conservation Concern (SCC) related to the Helena-Lewis and Clark National Forest Plan Revision, one from Defenders of Wildlife and one from Western Watersheds Project (lead objector), Alliance for the Wild Rockies, and WildEarth Guardians. There are two overarching issues that objectors raised in addition to the individual species concerns: 1) that the justification for declining to identify a potential SCC as an SCC is unclear, and 2) that the Forest Service did not consider broad-scale concerns in making a determination of "substantial concern." The specific species about which objectors raised concerns include: harlequin duck, western toad, northern bog lemming, Townsend's big-eared bat, blue sucker, Arctic grayling, common loon, chestnut-collared longspur, black rosy-finch, Clark's nutcracker, gray-crowned rosy finch, dwarf shrew, Alpine mountainsnail, carinate mountainsnail, zigzag darner, brush-tipped emerald, familiar bluet, blue-eyed darner, hudsonian emerald, ocelallated emerald, *Rhyacophila oreia,* greater sage-grouse, wolverine, and bighorn sheep.

Table 1. List of Objectors and Interested Persons

Name	Organization	Objector/Interested Person
Peter Nelson	Defenders of Wildlife	Objector
Jocelyn Leroux (lead objector)	Western Watersheds Project, Alliance for the Wild Rockies, WildEarth Guardians	Objector
James Bradley	Individual	Interested Person
Eric Sivers	Montana Bicycle Guild	Interested Person
Denny Palmer	Individual	Interested Person
Rick Kerr	Individual	Interested Person

What is Required by Law, Regulation and/or Policy?

The regulation and/or policy for SCC identification fall under 36 CFR 219 (2012 Planning Rule) and Forest Service Handbook (FSH) 1909.12, Chapters 10 and 20. The 2012 Planning Rule defines species of conservation concern as follows:

> "A species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area" (36 CFR 219.9(c)].

FSH 1909.12, Chapter 10, section 12.52c outlines ***the criteria*** [emphasis added] for identifying species of conservation concern and potential species of conservation concern:

> 1. The species is native to, and known to occur in, the plan area.
>
> A species is known to occur in a plan area if, at the time of plan development, the best available scientific information indicates that a species is established or is becoming established in the plan area. A species with individual occurrences in a plan area that are merely "accidental" or "transient," or are well outside the species' existing range at the time of plan development, is not established or becoming established in the plan area. If the range of a species is changing so

that what is becoming its "normal" range includes the plan area, an individual occurrence should not be considered transient or accidental.

2. The best available scientific information about the species indicates substantial concern about the species' capability to persist over the long term in the plan area.

If there is insufficient scientific information available to conclude there is a substantial concern about a species' capability to persist in the plan area over the long-term that species cannot be identified as a species of conservation concern.

If the species is secure and its continued long-term persistence in the plan area is not at risk based on knowledge of its abundance, distribution, lack of threats to persistence, trends in habitat, or responses to management that species cannot be identified as a species of conservation concern.

Forest Service Handbook (FSH) 1909.12, Chapter 10, section 12.52d outlines ***the species to consider*** when identifying ***potential*** species of conservation concern [emphasis added].

The 2012 Planning Rule states the Regional Forester has the responsibility to identify species of conservation concern (36 CFR 219.7(c)(3)). To be identified as a species of conservation concern the species cannot be a federally recognized threatened, endangered, proposed, or candidate species. In determining a species to be a species of conservation concern the species must 1) be native to and known to occur within the plan area, and 2) the best available scientific information indicates a substantial concern about the species' capability to persist within the plan area over the long-term (FSH 1909.12, Chapter 10, section 12.52 and Chapter 20, section 21.22a). Based on this rule the species cannot be identified as a SCC simply because there is a concern related to the species at the broader scale. Instead, there must be sufficient information related to abundance, distribution, lack of threats to persistence, trends in habitat, or responses to management to suggest the same risks to the species that occurs at the large-scale apply at the plan scale over the long-term. The identification of a species that may be at risk at a state level, or broader scale, documented in a State Heritage Program for example, does not in and of itself constitute the identification of the species as an SCC. Rather, this information, in conjunction with other best available science, shall aid the responsible official in their determination. It is also important to understand the handbook when it states "A species with individual occurrences in a plan area that are merely 'accidental' or 'transient,' or are well outside the species' existing range at the time of plan development, is not established or becoming established in the plan area."

The 2012 Planning Rule sets out requirements for Best Available Scientific Information (BASI) in planning:

> "The responsible official shall use the best available scientific information to inform the planning process required by this subpart. In doing so, the responsible official shall determine what information is the most accurate, reliable, and relevant to the issues being considered. The responsible official shall document how the best available scientific information was used to inform the assessment, the plan decision, and the monitoring program […]. Such documentation must: Identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered." (36 CFR 219.3)

Further, the planning directives (FSH 1909.12, Chapter 10, section 12.52(c)) put forth that, "If there is insufficient scientific information available to conclude there is a substantial concern about a species' capability to persist in the plan area over the long-term that species cannot be identified as a species of conservation concern."

A letter from the Deputy Chief (Leslie A. C. Weldon letter of June 6, 2016 (File Code 1920)) clarifies that, "Identification of SCC must be based on current conditions in the plan area. Species should not be eliminated from inclusion as SCC based upon existing plan standards or guidelines, proposed plan components under a new plan, or threats to persistence beyond the authority of the Agency or not within the capability of the plan area, such as climate change." The memo also reiterates "If a species is determined to be at risk across its range, but is determined to be secure within the plan area, it cannot be a SCC."

The Region outlined the process used in the identification of SCC in the process documents for both animals and plants on the Northern Region web page for SCC (link to Regional Office SCC web page). In addition, the rationale (evaluation spreadsheets) used to identify animal and plant SCCs are also found on this web page.

OBJECTION ISSUES

Preliminary SCCs to Final SCCs

Objectors claim there is insufficient justification and rationale for not identifying potential SCCs as final SCCs. Objectors contend that the change from a potential SCC to not identifying specific species as a final SCC is unclear for a number of species including:

- Harlequin duck
- Northern bog lemming
- Townsend's big-eared bat
- Western Toad

Review Response:

The process papers for animals and plants (located on the Regional Office SCC web page) are the primary methods of documenting the process utilized by the region in the identification of SCC.

At the assessment phase, the HLC planning team identified potential SCC to be further considered for SCC status by the Regional SCC team. To do this, the HLC planning team first identified all species that met the categories in Step 1 of the process, as identified in the process papers for both animals and plants. These criteria included: NatureServe rankings of 1 or 2; species delisted from the Endangered Species Act list within the last five years; SCC or PSCC on adjoining forests; State of Montana threatened or endangered species list; and several other criteria. The planning team then applied the Step 2 criteria to the list of species considered for SCC. The Step 2 criteria are as follows: whether the species is native or known to occur within the planning area; whether best available science indicates a substantial concern for the ability of the species to persist within the plan area over the long term; and whether there was sufficient information to determine if there was a substantial concern about the ability of the

species to persist within the plan area over the long term; and whether the species was secure in the plan area.

In Step 3 of the process, the Regional SCC team conducted more thorough evaluations of the criteria used in Step 2. This resulted in a list of SCCs that were then presented to the Regional Forester for review of the best available scientific information to determine if a substantial concern was present for a species' ability to persist within the plan area over the long-term.

In addition to the process papers already cited, the Regional SCC team developed a list of frequently asked questions which further explains several common questions (link to document Regional Office SCC web page). Questions such as the difference between Regional Forester Sensitive Species and Species of Conservation Concern, how NatureServe rankings are utilized, and how public expertise and input is incorporated into the list, among other items.

The region documented the criteria utilized in the identification of SCC and followed Forest Service regulation and policy. It is, however, difficult to jump back and forth between multiple documents posted on the region's website for a complete picture of the process and criteria that was used to support the rationale whether to identify a species as an SCC. In the future, it would be beneficial to organize the information or provide a comprehensive outline that "connects the dots" between multiple documents (i.e. process for animals, process for plants, and Q&A document) to improve clarity.

No Instructions

Persistence in the Planning Area and Broad-scale Concerns

Objectors assert that the Forest Service failed to consider broad-scale concerns when considering whether there is "substantial concern" about a given species. They cite an absence of rationale regarding threats "relevant to" (i.e. stemming from outside) the plan area, as opposed to threats inside the plan area.

Review Response:

The Planning Rule at 36 CFR 219.9(c) requires SCC to be within the plan area and for there to be substantial concern for persistence within the plan area.

Although in the spreadsheet the heading is "Threats relevant in or to the plan area," for the most part the threats listed include threats outside the plan area when relevant. While threats outside the plan area when relevant to persistence in the plan area were considered, there may be cases where the documentation of threats outside the plan area or at the broad scale were not clearly identified in the spreadsheet. The Regional SCC team should ensure broad-scale threats identified by NatureServe/Natural Heritage have been considered and clarify rationale to show why the threats identified at the larger scale do not translate into substantial concern for a species persistence in the plan area.

There are places where the Region can improve clarity in documentation of evaluation and rationale.

Instructions

- Change the "Threats relevant in or to the plan area" heading to clarify that threats outside the plan area when relevant to persistence in the plan area were considered. For example, the

Region could rename that column to something like "Threats to persistence in or relevant to the plan area."

- Ensure broad-scale threats identified by NatureServe/Natural Heritage have been considered and clarify rationale to demonstrate why the threats identified at the larger scale do not translate into substantial concern for a species' persistence in the plan area. Pay special attention to the Harlequin duck and Western toad.

Harlequin duck

Objectors allege that the SCC rationale concludes that the species "appears secure in the plan area." However, the rationale fails to address concerns beyond the plan area inherent in the species' State Imperiled (S2B) status that may affect persistence in the plan area.

Review Response:

The Terrestrial Vertebrate Species Evaluations spreadsheet concludes that Harlequin duck appears secure in the planning area. The Harlequin duck was not identified as SCC because, "Species appears secure in the plan area. Brood production has been observed on at least 12 streams in the plan area. Monitoring data suggest the number of brood rearing streams have been stable in the plan area. Threats are not well understood and do not appear to support substantial concern at this time."

Although the objector contends that the rationale fails to address concerns beyond the plan area, the Terrestrial Vertebrate Species Evaluations provide information on relevant threats outside the plan area to support this determination. It speaks to how "predation on coastal wintering areas by a growing bald eagle population is suspected to influence rates of mortality and return of breeding females to Montana," and also highlights that "competition with some species of fish, climate change, and hunting in wintering areas may also affect the species."

NatureServe identifies the species as S2B which indicates a State Imperiled status, and provides information on potential threats to habitat that may reach outside of the plan area, including "destruction of riparian areas" and "destruction of watershed stability and stream flow regimes by mining, roads, and timber harvest" (link to NatureServe pertaining to Harlequin duck). The Terrestrial Vertebrate Species Evaluations, however, describe a "likely relatively stable" trend in riparian habitat trend "due to long-standing direction that limits vegetation management activities within them."

Data suggests the harlequin duck to be secure within the planning area and its habitat is stable; though relevant threats outside the plan area have also been identified. The harlequin duck cannot be a SCC because existing direction explains that even if a species is determined to be at risk across its range but is determined to be secure within the plan area, it cannot be a SCC.

Instructions

See instructions under *Persistence in the Planning Area and Broad-scale Concerns*.

Western toad

Objectors claim that the SCC rationale only addresses "the plan area" despite documented broader scale concern inherent in the toad's S2 (at risk of extirpation in the state of Montana) ranking.

Review Response:

The Terrestrial Vertebrate Species Evaluations spreadsheet acknowledges chytrid fungus is a broad-scale threat but explains that this may not cause rapid population declines in the Rocky Mountains, but rather "may function as a low-level, chronic disease for some individuals." The spreadsheet also describes a continued long-term persistence in the plan area and provides the following rationale for not listing the western toad as a SCC. "The species is well distributed across all but three [Geographic Areas] GAs and utilizes a wide variety of habitats. At least one portion of the plan area (Rocky Mountain front) appears stable. The toad is fairly long-lived, has high reproductive capacity, and appears resilient and/or adaptable to major habitat disruptions."

While chytrid fungus is acknowledged as a relevant threat, the status of chytrid fungus is not known in the plan area, though it remains a threat outside the plan area. However, the team provided evidence that habitat is stable, and the western toad is secure in the plan area. The western toad cannot be a SCC because, as existing direction explains, if it is determined to be secure within the plan area, it cannot be an SCC.

Instructions

See instructions under *Persistence in the Planning Area and Broad-scale Concerns*.

Northern bog lemming

Objectors claim that the rationale for not including Northern bog lemming as a SCC, "insufficient information," is arbitrary because the Forest Service had sufficient information to classify the species as a Regional Forester Sensitive Species, in addition to NatureServe's S2 (at risk of extirpation in the state of Montana) ranking. They additionally assert that the Forest Service's reliance on existing management direction to reject this species as a SCC is inappropriate, since plan components are subject to change.

Review Response:

The rationale in the Terrestrial Vertebrate Species Evaluations spreadsheet for not identifying the northern bog lemming as an SCC explains that there is "little information on distribution or abundance (primarily due to low survey effort and effectiveness)" and "lack of clarity around specific habitat needs and threats." This rationale could be strengthened to support the reason for not identifying the northern bog lemming as an SCC by incorporating other information provided in the spreadsheet, as described below.

The spreadsheet cites an occurrence in 1993 and provides analysis that concludes that "there is no reason to believe the species no longer occurs in the plan area." This establishes occurrence which is one of the two criteria for identifying as a potential SCC. Then it highlights that the occurrence in the plan area was in fen and wet meadow habitat, and there is a potential threat to fen and meadow habitats from timber harvest, road building, and chronic grazing when not properly managed; "however, these are not likely a significant threat to fen and wet meadow habitats on HLC due to long-standing riparian management direction to comply with the Clean Water Act and Endangered Species Act."

Where there is long-standing non-discretionary direction that is mandated by law or act of Congress in the forest plan, it should be considered when evaluating "substantial concern". It is therefore appropriate to consider such long-standing, non-discretionary riparian management direction when making a determination of "substantial concern" about persistence. The Weldon letter (File Code 1920,

dated June 6, 2016) explains that a species should not be eliminated based on existing or proposed plan components, but compliance with the Clean Water Act supersedes any requirement of a forest plan. This contributed to the Regional Forester's conclusion that the best available scientific information does not indicate substantial concern about the species' capability to persist over the long term in the plan area.

The region appropriately did not identify the northern bog lemming as an SCC, but the rationale written up in the Terrestrial Vertebrate Species Evaluations should be modified to show that though there may be occurrence, there is no substantial concern due to long-standing non-discretionary riparian management direction.

Instructions

- Clarify the rationale for not listing the northern bog lemming as an SCC in the Terrestrial Vertebrate Species Evaluations spreadsheet to explain that though there may be occurrence, there is no substantial concern due to long-standing non-discretionary riparian management direction.

Townsend's big-eared bat

Objectors assert that the SCC rationale includes the statement that there are "No substantial threats relevant to the plan area," but only addresses monitoring in the plan area, and does not explain why the threats that led to a Regional Forester's Sensitive Species designation and listing as a potential SCC in the assessment are irrelevant.

Review Response:

The rationale in the Terrestrial Vertebrate Species Evaluations for not identifying the Townsend's big-eared bat as a SCC explains "No substantial concern; all known hibernacula have shown continued use by Townsend's bats in each year that monitoring has occurred. Habitat appears stable. No substantial threats relevant to the plan area." The spreadsheet does identify a lack of threats based on limited human access to winter hibernacula when disturbance may negatively impact the species and general observations that caves and mines tend to be too cool for use as summer maternity sites when access by humans may disturb roosting bats, but this is not in the rationale statement.

The Region provides adequate information supporting their decision not to include Townsend's big-eared bat as a SCC due to lack of substantial concern. The specific rationale statement included in the species evaluation spreadsheet, however, relies exclusively on monitoring information to support the conclusion that there is a lack of substantial concern for persistence. Though the Region identifies the limited likelihood that the primary threat of human disturbance during hibernation negatively affects the species, as well as the lack of suitable maternity cave habitat on the planning unit, it does not rely on this information in the rationale statement.

Instructions

- Modify the rationale statement to highlight the lack of substantial concern due to human disturbance and the likely unsuitability of caves for maternity roosting.

Blue sucker

Objectors claim that the Forest Service dropped the blue sucker from analysis without justification for this change. They claim the rationale that threats facing the blue sucker do not occur on the Forest does not address that threats outside the Forest could affect species within it. They also question how there can be a "lack of information" to identify this species as a SCC but nevertheless enough information for a S2 (at risk of extirpation in the state of Montana) NatureServe rank.

Review Response:

The objector points out that the blue sucker is no longer considered on the SCC rationale spreadsheet as being analyzed, and there is no rationale for such a change. However, in review of the final SCC rationale spreadsheet that is posted on the Regional Office SCC webpage along with other applicable documentation, the blue sucker is listed as being analyzed – found in row 3 of the Aquatic Vertebrate Eval tab of the spreadsheet. The spreadsheet states that while the Montana Natural Heritage Program lists the Blue Sucker population status as stable, there is not sufficient scientific information available to determine whether or not there is substantial concern for long-term persistence in the plan area. The SCC rationale spreadsheet also states that the blue sucker only rarely occurs within the National Forest plan area, with only 1 known occurrence verified by Montana Natural Heritage Program. More specifically, this species typically inhabits larger streams and rivers like the Yellowstone and Missouri. Because the blue sucker does not naturally inhabit waters within the planning area and there are no relevant threats within the plan area, the SCC rationale is merited. As such, it is appropriate that the regional forester determined the species should not be identified as an SCC.

No Instructions

Arctic grayling

Objectors assert that the Forest Service has provided no rationale for not considering the Montana Arctic grayling.

Review Response:

In 2014, the U.S. Fish & Wildlife Service (USFWS) found that the distinct population segment (DPS) of Arctic Grayling in the Upper Missouri River of Montana was not warranted for listing as endangered or threatened under the Endangered Species Act. In 2015, the agency was sued on this finding, and in 2018, the 9th Circuit Court of Appeals found that the agency erred in its finding in several ways and would reconsider its finding. During the development of the Forest Plan, the Montana Arctic grayling therefore held a proposed ESA status. Because SCC are a species that is not a federally recognized threatened, endangered, proposed, or candidate species, the Arctic grayling was not considered as a possible SCC. Accordingly, there is no documentation in the project record demonstrating review of the Arctic grayling in the determination of potential SCC.

In very recent news, however, on July 23, 2020, the USFWS declared in the Federal Register that the Montana Arctic grayling was not warranted for listing as endangered or threatened under the Endangered Species Act of 1973, therefore removing its proposed ESA status. This would make it available to consider as a possible SCC.

Because the Arctic grayling was a proposed species under the ESA at the time the SCC list was being developed, the Arctic grayling was correctly not considered as a possible SCC. However, because the

USFWS recently declared the species not warranted for listing (and therefore removing its proposed status) in July 2020, the species should now be considered as a possible SCC using the criteria set forth at FSH 1909.12, Chapter 10, section 12.52.

Instructions

- Evaluate the Montana Arctic grayling to determine if it meets the criteria (FSH 1909.12, Chapter 10, section 12.52) for SCC.

Common loon

Objectors assert that the rationale for identifying the common loon as "transient" is incomplete because it does not provide information about occurrences in the plan area or any explanation as to why it would not be expected to occur in the plan area.

Review Response:

Consideration of this species began in the Helena-Lewis and Clark Forest Plan Assessment (p. 161):

> "Considered because Potential SCC on adjoining FNF [Flathead National Forest], and MT SOC [Species of Concern] and Cons. Tier 1 rankings. No breeding has been documented in plan area, which lacks suitable breeding habitat. Recommend as Species of Interest for viewing and conservation interest. Plan area within migration corridor, recording of observations should be encouraged."

The Region then outlined the process used in the identification of SCC in the process documents. In the Terrestrial Vertebrate Species Evaluations spreadsheet, it reports observations of common loons as transitory. It states, "species is transient in the plan area. Does not breed, overwinter, or regularly migrate through plan area."

The map in the Montana Natural Heritage Program (which is cited as BASI) shows the forest is in the migratory flyway. The data presented suggests that it is likely that several common loons would migrate through and use habitat on the forest on an annual basis. However, it is unclear in the Terrestrial Vertebrate Species Evaluations spreadsheet if, and how many, occurrences of the common loon are in the plan area to support a conclusion as to whether the species would be considered transient or known to occur in the plan area. Describing observations as transient when the observations are birds that would be expected to consistently migrate through this area, even if they do not breed or overwinter on the forest, may be inconsistent with FSH 1909.12, Chapter 10, section 12.52d.

In conclusion, the Region did not provide sufficient rationale to conclude whether the common loon is known to occur in the plan area as defined under FSH 1909.12, Chapter 10, section 12.52d. It is unclear if and how many occurrences of common loon are in the plan area, and the Terrestrial Species Evaluations spreadsheet concluded that the species is transitory, which appears to be inconsistent with the data presented in the Montana Natural Heritage Program.

Instructions

- Edit the Terrestrial Vertebrate Species Evaluations spreadsheet to show the extent of occurrences of common loon in the plan area. If the species is determined to be "known to occur" in the plan area as defined under FSH 1909.12, Chapter 10, section 12.52d, apply the

other SCC criteria (and in doing so fill out the additional fields of the spreadsheet) to determine if the species should be a SCC.

Chestnut-collared longspur

Objectors point out that the eastern portions of the plan area are within the range identified in the Montana Field Guide for this species. Because of this, they assert, "thought to be a transient individual" is not a sufficient justification for excluding the species as not "known to occur."

Review Response:

The Region followed the process outlined in the identification of SCC in the process documents. In the Terrestrial Vertebrate Species Evaluations spreadsheet, it reports observations of chestnut-collared longspur as transitory.

The coarse range maps in the Montana Natural Heritage Program include part of the forest within breeding range. Mapped distributions, however, are not the same as actual distributions so this should not be taken to suggest that these birds are on the forest. However, it is unclear if, and how many, occurrences of the chestnut-collared longspur are in the plan area to support a conclusion as to whether the species would be considered transient or known to occur in the plan area.

The Region did not provide sufficient rationale to conclude whether the chestnut-collared longspur is "known to occur" as defined under FSH 1909.12, Chapter 10, section 12.52d.

Instructions

- Edit the Terrestrial Vertebrate Species Evaluations spreadsheet to more clearly document whether the chestnut-collared longspur is "known to occur" in the plan area as defined under FSH 1909.12, Chapter 10, section 12.52d. If the species is determined to be "known to occur" in the plan area, apply the other SCC criteria (and in doing so fill out the additional fields of the spreadsheet) to determine if the species should be a SCC.

Black rosy-finch

Objectors argue that the Forest Service has already recognized "threats to the species" with the S2 (at risk of extirpation in Montana) rank. They argue that the existence of habitat in the plan area does not necessarily address the status of species in the plan area.

Review Response:

Consideration of this species began in the Helena-Lewis and Clark Forest Plan Assessment (p. 160):

> "Considered because of S2 ranking, PIF [*Partners in Flight*] rankings (PIF Science Committee 2014) indicate regional conservation concern. However, in the plan area at the northern edge of their range, there is no documentation of presence in plan area for over 30 years."

The Region then outlined the process used in the identification of SCC in the process documents. In the rationale spreadsheet, it states there "was sufficient information available to determine long-term persistence." Other columns in this same table indicate this is one of the least studied birds and there is little inventory and monitoring data at the forest scale. The rationale for not identifying it as a SCC is:

> "Potential breeding habitat is remote and distributed across several GAs in plan area, physical habitat features likely stable and no special management appears required at this time."

The Regional SCC team determined there were occurrences of the black rosy-finch in the plan area and there is sufficient information. This suggests the reason not to list this species as a SCC is because the Regional SCC team did not find substantial concern for persistence in the plan area. However, this rationale is not clear and may be difficult for the public to follow within the table. For example, the rationale for answering "yes" in response to whether , "there sufficient scientific information available to determine whether or not there is substantial concern for long-term persistence in the plan area?" appears inconsistent with the statement in another column that this is "one of the least studied of the North American birds."

The region did not find substantial concern for persistence in the plan area citing that habitat is well distributed and stable. The region, however, should better explain their conclusion of sufficient scientific information given the lack of knowledge of this species in general.

Instructions

- Re-evaluate the available information and clarify the rationale for determining whether there is sufficient scientific information to make a determination about substantial concern.

Clark's nutcracker

Objectors assert that the Forest Service did not distinguish the situation in the Helena – Lewis and Clark plan area from that in the adjoining Flathead National Forest. They also note that occurrence of habitat is not necessarily indicative of the status of the species.

Review Response:

Consideration of this species as a SCC began in the Helena-Lewis and Clark Forest Plan Assessment (p.161):

> "Considered because potential SCC on adjoining FNF. Apparently widespread on HLC NFs, not identified as species of regional concern in BCR [Bird Conservation Region] 10 or 17 (PIF Science Committee 2012). Breeding Bird Surveys relatively stable in MT (Sauer et al. 2014). Declines in whitebark pine not as severe in plan area as on other NFs, also presence of ponderosa pine, limber pine and Douglas-fir for alternate forage."

The Region then outlined the process used in the identification of SCC in the process documents. In the Terrestrial Vertebrate Species Evaluations spreadsheet, the Region concludes that the species is known to occur and that "there was sufficient information available to determine long-term persistence." They found that though the species occurs on the plan unit, there is no substantial concern for persistence in the plan area. The spreadsheet elaborates the rationale as follows,

> "Habitat is fairly common and is geographically and elevationally widespread. Therefore, despite downward trends in habitat and marginally significant population declines on a portion of the plan area, food resources are expected to remain sufficiently abundant and well-distributed to ensure long-term persistence of the species."

The region did not find substantial concern for persistence. This conclusion was documented clearly in the Terrestrial Vertebrate Species Evaluations spreadsheet.

No Instructions

Gray-crowned rosy-finch

Objectors allege that the Forest Service has already recognized "threats to the species" with the S2 (at risk of extirpation at the state level) rank. They assert that the existence of habitat in the plan area does not necessarily address the status of species in the plan area.

Review Response:

Consideration of this species as a SCC began in the Helena-Lewis and Clark Forest Plan Assessment (p.161):

> "Considered because of S2B status. Not enough information regarding presence and distribution in plan area, or on potential threats, to warrant recommending as SCC."

The Region outlined the process used in the identification of SCC in the process documents. In the Terrestrial Vertebrate Species Evaluations spreadsheet, the Region states "there was sufficient information available to determine long-term persistence," but other columns in this same table note that "neither the species nor its alpine habitats are monitored well." The rationale in the spreadsheet for not identifying the gray-crowned rosy finch as a SCC is:

> "Unknown population trends, stable habitat, lack of threats. However, a component of this species' habitat (spring snowfields) may be sensitive to climate change so the species should be re-evaluated as data becomes available in the future."

The Regional SCC team determined that the species is native and known to occur within the plan area and there is sufficient information. Furthermore, it showed that climate change may pose a broad-scale threat. Because the team determined there was occurrence of the gray-crowned rosy-finch in the plan area and determined there is sufficient information, this suggests that the rationale for not listing as a SCC is because the team did not find substantial concern for persistence in the plan area. However, the rationale for concluding that there is "sufficient scientific information available to determine whether or not there is substantial concern for long-term persistence in the plan area?" is not clear given the lack of knowledge of this species.

The Region did not find substantial concern for persistence in the plan area citing that habitat is distributed and stable. However, the Region should better explain their conclusion of sufficient scientific information given the lack of knowledge of this species.

Instructions

- Re-evaluate the available information and clarify the rationale for determining whether there is sufficient scientific information to make a determination about substantial concern.

Dwarf shrew

Objectors express concern that the SCC rationale does not address the broader-scale concern associated with its S2S3 rank and how that affects the plan area. They note that presence of habitat does not necessarily indicate the species is secure.

Review Response:

For the dwarf shrew, the Terrestrial Vertebrate Species Evaluations spreadsheet states, "there was sufficient information available to determine long-term persistence" but other columns state that the distribution, abundance, population trend, and habitat trend are unknown. This information presented determined there were fewer dwarf shrew caught in traps than other species and the Montana Natural Heritage Program maps and models did reiterate that the species is known to occur on the Forest. It is unclear, however, that there was sufficient best available scientific data to indicate a substantial concern with this species' persistence over the long term in the plan area.

The Regional SCC team properly determined that the species is native and known to occur within the plan area. However, it is not clear that there was sufficient scientific information to indicate there was a substantial concern at the plan scale.

Instructions

- Re-evaluate the available information and clarify the rationale in determining whether there is sufficient scientific information to make a determination about substantial concern.

Alpine mountainsnail and carinate mountainsnail

Objectors assert that the Forest should provide further explanation regarding why threats to the species (e.g. climate change) are not relevant to populations in wilderness areas, as the Forest Service's rationale for determining that there are no threats in the plan area is, in part, that all known habitat is protected by wilderness designation.

Review Response:

The Region followed a process outlined in the identification of SCC which can be found in the process documents on the Regional Office SCC web page. In the Terrestrial Evaluation spreadsheet, it states that four populations of alpine mountainsnails and at least 100 carinate mountainsnails have been detected on the forest, so they are both known to occur. For both species, the population trends were unknown and their known habitat is in wilderness. The objector was concerned that the region did not address climate change, but in the absence of population data and a greater understanding of habitat use, this would not improve our understanding of species at risk. Although the statements in the spreadsheet indicate there is sufficient scientific information to indicate a substantial concern at the plan scale, the explanation to support these statements is not clear.

The Region properly determined that the species is native and known to occur within the plan area. Furthermore, it showed at the broad scale that there was concern about its ability to persist. What was not demonstrated, however, was that there was sufficient scientific information to indicate that there was a substantial concern at the plan scale. The region should better explain their conclusion whether there is sufficient scientific information given the lack of data on these species.

Instruction

- Re-evaluate the available information and clarify the rationale for determining whether there is sufficient scientific information to make a determination about substantial concern.

Zigzag darner, brush-tipped emerald, familiar bluet, blue-eyed darner, hudsonian emerald, ocelallated emerald, and *Rhyacophila oreia*

Objectors note that each of these species are excluded because of "insufficient information." However, all received at-risk classifications from NatureServe. Objectors assert that this warrants an explanation as to why the information used by NatureServe is not relevant to the plan area.

Review Response:

The Region followed a process outlined in the identification of SCC which can be found in the process documents. In the Terrestrial Vertebrate Species Evaluations spreadsheet, it states that there have been multiple observations of each of these species, so each of them are known to occur. Due to the lack of a more synoptic survey for these species, it is impossible to determine if there is a substantial concern with species persistence over the long-term in the plan area.

The region was correct to determine there was insufficient scientific information to determine substantial concern for persistence in the plan area.

No Instructions

Greater sage-grouse

Objectors express concern regarding the explanation for declining to identify greater sage-grouse as a SCC: that there is no evidence of sage-grouse occurring in the plan area. They assert that the Forest Service has acknowledged sagebrush-steppe vegetation on the National Forests and historic "transitory" use, and the Forest Service should provide more support for this explanation.

Review Response:

The Regional SCC team used the Montana Natural Heritage Program to document the species' historic and current presence on the Helena-Lewis and Clark National Forest. Their records indicate that the species is not established or becoming established in plan area. The only Montana Natural Heritage Program observation records originate from historic, imprecise data compilations (i.e. lacking latitude/longitude precision to know whether the sighting was on or off the Forest, and up to 100 years old).

Best available science (Montana Natural Heritage Program data) indicate that the species is not currently established within the plan area. The statement in the Helena-Lewis and Clark Forest Plan Assessment about sagebrush steppe providing habitat for sage-grouse was made in a general context and was not intended to imply that sage-grouse occur in the plan area. There is no evidence of sage-grouse occurring in the plan area.

Greater sage-grouse cannot be listed as an SCC because they are not known to occur in the planning area.

No instructions

Wolverine

Objectors assert that the regional forester should designate wolverine as a SCC if the U.S. Fish and Wildlife Service decides not to list the species as a threatened or endangered species, and it is no longer a candidate for listing, before issuance of the final revised plan.

Suggested Remedy: Designate wolverine as a species of conservation concern if the USFWS elects not to list wolverine (currently proposed for listing) as a threatened or endangered species under the ESA.

Review Response:

The definition of a species of conservation concern in the 2012 Planning Rule begins as "a species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species." Because wolverine was proposed for listing under the Endangered Species Act at the time the SCC evaluation was written, it was not evaluated as a potential SCC. However, on October 8, 2020, the USFWS withdrew the proposed listing of the wolverine.

Instructions

- Evaluate the wolverine to determine whether they should be identified as a SCC.

Bighorn Sheep

Objectors claim that the Forest Service appears to narrowly define "persist" as "not entirely extirpated," while the 2012 Planning Rule defines "persist" as "maintain; continue; sustain without diminishing." Additionally, objectors assert that in providing standards to protect bighorn sheep, it is acknowledging that there is enough concern about this species to designate it as a SCC.

Suggested Remedy: The Forest Service must designate bighorn sheep as a SCC.

Review Response:

Persist is defined in the planning rule as "continued existence" not "sustain without diminishing" (36 CFR 219.19) as the objectors suggested.

Bighorn sheep was considered when determining SCC. The Terrestrial Vertebrate Species Evaluation spreadsheet evaluates its distribution and abundance, population trend in the plan area, habitat trend in the plan area, relevant life history, and threats relevant to persistence in the plan area. It concludes that bighorn sheep was not identified as SCC because:

> "Current distribution in multiple herds, and separation from domestic sheep, particularly along Rocky Mountain front where bighorn sheep numbers are highest. While pneumonia and other factors may continue to affect bighorn sheep periodically in the plan area, the current distribution and abundance buffer against substantial concern for loss of long-term persistence in the plan area."

Despite not being listed as SCC, there are plan components that contribute to the conservation of the bighorn sheep. Even though there may be no violations of law, regulation, and/or policy, it would be helpful if the region clarified its conclusions within the context of bighorn sheep biology and species behavior. Though there may not be any active domestic sheep allotments within a number of miles, it is unclear how the determination that the current distribution of bighorn sheep may be "buffered" against any substantial concern for persistence, based upon what may be known about the distances foraying

bighorn sheep travel (relying upon the Montana Fish, Wildlife, and Park Department's telemetry data, if readily available) and the role foraying behavior may play in the potential for interspecies contact with domestic sheep or goats.

Instructions

- Explain how the determination that the current distribution of bighorn sheep may be "buffered" against any substantial concern for persistence, based upon what may be known about the distances foraying bighorn sheep travel (relying upon the Montana Fish, Wildlife, and Park Department's telemetry data, if readily available) and the role foraying behavior may play in the potential for interspecies contact with domestic sheep or goats.