

Letter & Comment #	Comment (in <i>italics</i>) and Interdisciplinary Team Response
	<p><i>Report at 32.</i> <i>The Forest Service tries to lessen the significance of the Madison Report by claiming it was not prepared by MT FWP or the Forest Service. Review at 21. The acknowledgment page of the Madison report thanks Bob Brannon, the former head of MT Fish, Wildlife and Parks (Region III) and Kevin Suzuki and Art Rohrbacher, former wildlife biologists for the Beaverhead Deerlodge National Forest, for working on the “focal species selection, threats analysis, and reviewing models and the assessment.” Thus, while the MT FWP and Forest Service were not the leads on preparation of the report, their employees with bighorn experience did help prepare it. Moreover, the trigger for supplemental NEPA analysis is not whether the MT FWP or Forest Service prepared the report, but rather, whether there is new significant new information. 40 CFR § 1502.9(c)(1)(ii). According to the report, the domestic sheep grazing allotments in the Gravelly Mountains cause “significant habitat degradation” to potential habitat. Review at 21 (citing page 32 of Report). This raises substantial questions on the impact of the domestic sheep’s impact on bighorn sheep habitat. Thus, Cottonwood has satisfied the requirement for supplemental NEPA analysis. See League of Wilderness Defs, 752 F.3d at 760.</i></p> <p>RESPONSE: See the response to comments 8-14 concerning the discussion of Brock et al. (2006) in the Review. Further, as explained in the MT FWP comment letter (Appendix E) and response to comment 8-28, 8-29, and 8-40 closing the 7 domestic sheep allotments on the Gravelly Mountains will not sustain bighorn sheep due to habitat limitations and is unlikely to result in MFWP reintroduction of bighorn into the area. In terms of the 2006 Report’s conclusions regarding “habitat degradation” in the Gravelly Mountains, the report shows that only potential habitat exists in Gravelly Mountains with the Report making no attempt to determine if all seasonal habitat components exist to sustain a desired bighorn sheep population. More recent information from the MFWP, both in terms of modeling and specific knowledge of snow depth considerations show that habitats in the Gravelly Mountains would not be expected to sustain bighorn sheep yearround. See Appendix E.</p>
10-14	<p><i>Moreover, MT FWP prepared a conservation strategy for bighorn sheep in 2010 that seeks to introduce 5 new populations of bighorn sheep. Cite. To date, MT FWP has not introduced a single population of bighorn sheep onto public lands.</i> <i>Thus, MT FWP’s 2010 bighorn sheep conservation strategy does implicitly support the strategy that was prepared with help from the former director of MT FWP and a Forest Service biologist.</i></p>

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	<p>RESPONSE: The MFWP 2010 Bighorn Conservation Strategy provides as one objective: “6) Establish five new viable and huntable populations over the course of the next 10 years and augment existing populations where appropriate.” (2010 p. 5).</p> <p>In the state of Montana there are currently 6500 Bighorn Sheep (in 2017) and there were less than 6,000 in 2010. (Information from Domestic Sheep/Wild Sheep Symposium Feb 9-10, 2017, Helena, Montana. All videos available.)</p> <p>To date, MFWP has not met its objective to establish 5 new populations by 2020, but it should be understood that establishing new populations is not a quick process.</p> <p>To establish new populations MFWP undertakes rigorous analysis and review. The MFWP applies specific criteria to determine reintroduction locations including a Habitat Evaluation Procedure (HEP) where candidate areas are identified using a habitat suitability index map displaying potential habitats by landscape, the outer extent of potential habitat is delineated using the suitability index and their professional knowledge, and using specific habitat criteria including GIS analysis to determine if the area will support a minimum viable population. (2010, p. 60).</p>
10-15	<p><i>Pertinent new information that triggers the Forest Service’s duty to prepare supplemental NEPA on the AMPs:</i> <i>An employee of the Permit holders told Nolan Salix, spouse of Beaverhead Deerlodge National Forest Biologist Jessie Salix that the permit holders were illegally killing grizzly bears.</i></p> <p>RESPONSE: We are not aware of any recent incidents involving grizzly bears and domestic sheep grazing on Forest Service land. If you have credible information that the permittees are engaging this type of activity, please report that information to Montana FWP (either by phone at 1-800-TIP-MONT or online at http://fwp.mt.gov/enforcement/tipmont/) and to FWS’ Office of Law Enforcement for Montana (at 406-247-7356).</p>
10-16	<p><i>Pertinent new information that triggers the Forest Service’s duty to prepare supplemental NEPA on the AMPs:</i> <i>The 1991 FWS Letter of Concurrence for the Biological Assessment on the Fossil-Hell-Roaring allotment determined that domestic sheep grazing in the allotment was not likely to adversely affect grizzly bears based on</i></p>

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	<p><i>“assurances” that “any predator control conducted in the area will be non-lethal to grizzly bears.” At least one grizzly bear has been killed on the allotment. The Forest Service must re-initiate consultation and supplement the AMP for the allotment.</i></p> <p>RESPONSE: Please see response to comments 8-73, 8-74</p>
10-17	<p><i>Pertinent new information that triggers the Forest Service’s duty to prepare supplemental NEPA on the AMPs: Members of the public are scared of hiking with their dogs because they are scared the sheep guard dogs will kill their pet dogs.</i></p> <p>RESPONSE: Please refer to response to comment 8-66 on sheep dogs.</p>
10-18	<p><i>Pertinent new information that triggers the Forest Service’s duty to prepare supplemental NEPA on the AMPs: Members of the public are scared of mountain biking in the area because they are scared the guard dogs will chase them down and bite them.</i></p> <p>RESPONSE: Please refer to response to comment 8-66 on sheep dogs.</p>
10-19	<p><i>Pertinent new information that triggers the Forest Service’s duty to prepare supplemental NEPA on the AMPs: Members of the public have stated they will carry guns when hiking in the Gravelly Mountains to use as self-defense against any guard dogs that may be vicious. This has occurred in Colorado.</i></p> <p>RESPONSE: Please refer to response to comment 8-66 on sheep dogs.</p>
10-20	<p><i>Pertinent new information that triggers the Forest Service’s duty to prepare supplemental NEPA on the AMPs: Forest Service management has led to conifers colonizing areas of historic bighorn sheep habitat. Several conservation groups will support efforts by the Forest Service to restore the historic habitat to available habitat whether that be through prescribed burning and/or prescribed conifer removal.</i></p> <p>RESPONSE: A vegetation treatment proposal is being developed for the Greenhorn Mountains. Please refer to the response to Comment 3-2, 3-11 and 3-16.</p>

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	<p>grazing, FWS concluded Forest Plan management activities were not likely to jeopardize the grizzly bear.</p> <p>By 2012, monitoring revealed grizzly bears in Forest areas west and north of the Yellowstone Ecosystem, a region referred to as the “West and North Analysis Area.” In response, USFS reinitiated Section 7 consultation, see 50 C.F.R. 402.16, and FWS issued a 2013 “Supplemental Biological Opinion” (“2013 Opinion”). The 2013 Opinion incorporates the 2010 Opinion by reference, AR36:4627-28, but expands the action area to include the Analysis Area, i.e., the entire Forest. Again, FWS concluded that the Forest Plan would not jeopardize the grizzly bear.</p> <p>The 2011 and 2013 Opinions evaluated the effect of livestock grazing on grizzly bears at length. The 2013 Opinion noted that while grazing has historically posed little threat to individual grizzly bears throughout the Forest, human-bear conflicts from grazing operations consistent with the Forest Plan are likely to take up to three bears. Accordingly, FWS issued an incidental take statement allowing the take of up to three bears from grazing operations throughout the Plan’s 15-year life.</p> <p>Nothing in the record, however, indicates that grazing will “displace” or “disturb” bears. Instead, grazing may threaten bears by <i>attracting</i> the species to sheep and to “herders typically armed and protective of their flock.” See <i>Biological Opinion</i>. Because these encounters sometimes result in bear mortality or non-lethal removal, the 2013 Opinion includes an incidental take statement for two conflict-related takes within the Yellowstone Ecosystem, and one take in the Western Northern Analysis Area (noting that this area exhibits low numbers of sheep, bears, and human-bear conflicts). There has not been a management-related removal in the Gravelly Mountains due to domestic sheep depredation since 1986. See Landenburger et al. 2016.</p> <p>In response to the 2013 grizzly bear mortality, MT FWP report is in the record and this mortality was deemed legal, due to defense of life and property. The mortality was not deemed related to livestock depredation.</p>
8-73	<p><i>USFS (1992) also mentions that predator control actions can be taken, in particular in relation to the domestic sheep bands (p 101). The AMP document (USFS 2017) does not even mention predator control which is a major issue for domestic sheep grazing in grizzly bear habitat. The Gallatin National Forest, adjacent to the BNF does not have any domestic sheep</i></p>

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	<p><i>allotments. The AMP document should include all of the annual reports for the past 40 years from the Animal Damage Control/Wildlife Services to the BDNF to document the impact of predator control actions taken over the years.</i></p> <p>RESPONSE: This Review is not an Allotment Management Plan (AMP). AMPs are scheduled according to the Rescissions Act schedule. There have been seven incidents of sheep or cattle depredation in the Gravelly Mountains from grizzly bears during the period 2000 to 2014. However, there has not been a management-related removal of grizzly bears in the Gravelly Mountains due to domestic sheep depredation since 1986. See Landenburger et al. 2016.</p>
8-74	<p><i>The BDNF claims: Current predator control policy is covered under the 1982 Environmental Analysis which includes predator control on the Sheridan and Madison Ranger Districts. Basically this document allows preventative and corrective control in the Upper Ruby. Aerial gunning is allowed in designated areas as approved annually by the Forest Supervisor. The use of M44s is currently not allowed. An annual report to the Forest Service is required describing ADC activities on the Forest. (USFS 1992, p 168). These annual reports should be revealed in USFS (2017). For example, the history of black bear killing is not provided in the draft AMP document. Summation of conversations with 3 retired MFWP employees (biologists and wardens). In about 1988, ADC employee, Lee Overcast, snared and killed 9 black bears prior to turnout of the domestic sheep on the Gravelly allotments. At the time, one grizzly was snared. The only ethical/legal choice was to release grizzly. One of the FWP employees interviewed helped dart and release that bear. BNF has a legal duty to reveal the entire history of ADC documentation of activities of trapping and killing black bears on/near these allotments.</i></p> <p>RESPONSE: The domestic sheep allotment permits include the provision “All predator control will be in accordance with federal and state law, and with the Beaverhead NF Predator Control EA.” Permittees report conflicts to USDA Plant and Animal Health Inspection Service/Wildlife Services. Wildlife Service activities are carried out on public land administered by the Forest Service. All activities are conducted in accordance with the 1997 Environmental Assessments (EA) "Predator Damage Management in Eastern Montana" and "Predator Damage Management in Western Montana" and the associated Finding of No Significant Impact (FONSI) and Decision Record</p>