MT DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Record of Decision

Forested State Trust Lands Final Habitat Conservation Plan and Environmental Impact Statement

December 19, 2011

Prepared in accordance with the Montana Environmental Policy Act [MCA 75-1-201] and the Administrative Rules of Montana [ARM 36.2.538]

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List of Acronyms and Abbreviations

ARMs	Administrative Rules of Montana for Forest Management (36.11.401-456)
BMP	best management practice
DNRC	Montana Department of Natural Resources and Conservation
EIS	environmental impact statement
ESA	Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.)
HCP	habitat conservation plan
MEPA	Montana Environmental Policy Act
NEPA	National Environmental Policy Act
Permit	incidental take permit
ROD	record of decision
RMZ	riparian management zone
Service (in text)	U.S. Fish and Wildlife Service
USFWS (references)	U.S. Fish and Wildlife Service

1 Introduction and Context

Montana's forested state trust lands are an important part of the economic, recreation, and aesthetic values of the state. State trust lands are managed by the Trust Land Management Division (TLMD) of the Montana Department of Natural Resources and Conservation (DNRC). The TLMD mission is to manage trust land resources to produce revenues for the trust beneficiaries while considering environmental factors and protecting the future income-generating capacity of the land.

DNRC's forest management activities are governed by the Administrative Rules of Montana, (ARMs) for Forest Management (ARM 36.11.401 through 456; ARM 36.11.470 and 36.11.471), and other applicable rules and laws. The ARMs identify DNRC's philosophy, provide regulatory sideboards for the design of timber harvests, and represent DNRC's policy for the protection of habitat for terrestrial and aquatic species.

State trust lands provide habitat for species that are listed as threatened through the Endangered Species Act (ESA). In the 1996 State Forest Land Management Plan (SFLMP), and subsequently in the ARMs, DNRC committed to confer with the U.S. Fish and Wildlife Service (USFWS) to develop habitat mitigation measures for these important species.

In order to ensure long term species conservation and compliance with the ESA, DNRC has voluntarily prepared a habitat conservation plan (HCP) in accordance with Section 10 of the ESA and submitted to the USFWS an application for an incidental take permit (Permit) for the State's forest management program.

An environmental impact statement (EIS) has been prepared in accordance with both the Montana Environmental Policy Act (MEPA) and the National Environmental Policy Act (NEPA). DNRC is required by ARM 36.2.538 to prepare a Record of Decision (ROD) for proposed actions for which an EIS is prepared. The ROD is a public notice of what the decision is, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

The time has come for me to select a Final HCP/EIS alternative, and to document my decision in this ROD.

2 Project Description

The HCP planning process began in 2003 and has included extensive deliberation and collaboration between staff from DNRC and USFWS. The planning process has included opportunities for public input, and the HCP Planning Team has been responsive to the public comments received throughout the process. The public involvement process and the process for consulting and coordinating with Native American tribes are described in the Final EIS (Volume 1, Chapter 6).

The primary elements of the HCP are described in the subsections below.

2.1 Species

DNRC's Permit application and HCP cover three species listed as threatened under the ESA: the grizzly bear (*Ursus arctos horribilis*); Canada lynx (*Lynx canadensis*); and bull trout (*Salvelinus confluentus*). Additionally, the HCP covers two unlisted species should these species become listed during the Permit term: westslope cutthroat trout (*Oncorhynchus clarkii lewisi*) and Columbia River (interior) redband trout[1] (*Oncorhynchus mykiss gairdneri*). These species are herein referred to as WCT and RBT, respectively.

The occurrence and habitat availability for the HCP species on the covered lands are described below as well as in detail in the Final EIS, Chapter 4 and Final HCP, Chapter 2.

2.2 Covered Lands

The covered lands, also referred to as the HCP project area, include 548,500 acres of trust lands within three DNRC land offices (Final EIS/HCP, Figure ES-1), the Northwestern Land Office, Southwestern Land Office, and Central Land Office. The HCP project area occurs on both blocked and scattered parcels across the three land offices. Blocked lands refer to the two large, mostly contiguous blocks of DNRC ownership, specifically identified as the Stillwater and Coal Creek State Forests (the Stillwater Block) and the Swan River State Forest. Scattered parcels refer to all other HCP project area lands outside of blocked lands (Final EIS/HCP, Figure ES-1). Covered lands may change over time as described in the Transition Lands Strategy in Chapter 3 of the Final HCP.

2.3 Covered Activities

The HCP covers forest management activities on forested trust lands including:

- **Timber harvest.** Timber harvest activities include commercial timber harvest, salvage harvest, and silvicultural treatments such as thinning, as well as field surveys and timber sale layout, data collection, and monitoring.
- **Other forest management activities.** Other activities to support forest management include slash disposal, prescribed burning, site preparation, reforestation, fertilization, forest inventory, and access to forested lands for weed control.
- **Roads.** Road activities include forest management road construction, reconstruction, maintenance, use, and associated gravel quarrying for forest road surface materials, as well as installation, removal, and replacement of stream crossing structures.
- **Grazing.** Grazing activities include grazing land-use licenses on classified forested trust lands.

2.4 Overview of the HCP Commitments

The HCP includes conservation strategies for the grizzly bear, lynx, and HCP aquatic species (bull trout, WCT, and RBT) that are described in detail in the Final HCP, Chapter 2. A rigorous compliance monitoring and reporting program is part of the HCP and it is described in the Final HCP, Chapter 4. The

[1] The interior redband trout is also commonly known as the Columbia River redband trout, Columbia redband trout, redband trout, and Columbia River interior redband trout.

program includes annual updates and 5-year reports on the status of HCP implementation. Chapter 4 of the HCP also addresses the adaptive management program. The chapter describes how DNRC and USFWS will evaluate uncertainties in the HCP to ensure that the conservation commitments are being implemented adequately and how we are meeting the goals and objectives of the HCP. The program identifies monitoring and thresholds to assist in determining if and when it is necessary to adjust the HCP commitments to meet objectives or to respond to monitoring and evaluation of research results. The HCP transition lands strategy, which allows for the addition to, and the removal of lands from the HCP project area, is described in the Final HCP, Chapter 3. The HCP also describes a process to address changed circumstances such as natural disturbances and changes in species status as well as climate change over the Permit term.

The primary goals of the HCP species conservation strategies and major commitments are described below for each species.

2.4.1 Grizzly Bear Strategy

The goal of the commitments for grizzly bears is to support Federal conservation efforts by providing important seasonal habitat and limitations on activities affecting bears within those habitats. The measures for accomplishing this include applying conservation commitments across a greater geographic area within DNRC's forested trust lands than where they are applied now, and increasing the level of conservation based on the importance of that habitat for bears (e.g., more commitments in recovery zones); minimizing disturbance and displacement of grizzly bears from human activities; providing for seasonal habitat use and security; and designing timber sales and applying silvicultural prescriptions to maintain important habitat features, including den sites, avalanche chutes, lush riparian zones, and locations that produce high volumes of forage.

2.4.2 Lynx Strategy

The goal of the lynx conservation commitments is to support federal lynx conservation efforts by maintaining important habitat elements for lynx and their prey at both the landscape and site-specific scales, particularly in key locations for resident populations. This goal is primarily achieved by maintaining specific amounts of suitable lynx habitat and foraging habitat in the HCP project area and managing for vegetation structure and habitat elements important for lynx and their prey.

2.4.3 Aquatic Strategy

The goal of the conservation commitments for HCP aquatic species is to manage and maintain suitable stream temperature regimes, in-stream sedimentation levels, in-stream habitat complexity, as well as stream channel stability, channel form, and channel function within the HCP project area. In addition, the commitments were designed to improve connectivity among sub-populations of the HCP species where appropriate on HCP project area lands. These commitments are expected to be achieved by applying land management prescriptions on a project-by-project basis, improving road inventory procedures, and correcting problem sediment sites and fish barriers.

3 Corrections to the Final HCP/EIS

Since publication of the Final HCP, two corrections have been made. Neither of these corrections require changes in the Final EIS analysis. The corrections are:

1. Replacing the term "abandoned" road with "reclaimed" road where applicable.
2. Correction of Table 2-2 in the Final HCP, and associated text on pages 2-22 and 2-23 describing changes in road miles by road class under the Stillwater Transportation Plan.

3.1 Correction 1

In the draft HCP, DNRC indicated that the future condition of roads may include abandoned or reclaimed roads. In the Final HCP, the term "abandoned" was replaced with "reclaimed" to demonstrate DNRC's intention to reclaim roads such that all drainage structures are removed, thereby avoiding or reducing future maintenance needs. This change, made between Draft and Final HCP, better addresses potential long-term future management needs of such roads, because abandoned roads retain drainage structures that may become maintenance issues in the future. All terms in the HCP had been revised accordingly, except for commitment GB-ST1 Transportation management, item (3) which was missed. The commitment has since been edited and now reads:

> *In addition to the permanent roads identified in the transportation plan, DNRC may maintain up to 8 miles of temporary roads at any one time. These roads will be built to a minimum standard and ~~abandoned or~~ reclaimed within one operating season following completion of project-related activity.*

This correction in the language associated with future conditions of roads also warranted a revision to the definition of temporary roads, which was missed in the revisions to the Final HCP. The definition of temporary road now reads as follows:

> *A low-standard road that is used for forest management which, following use, is treated in such a manner so as to no longer function as an open road, restricted road, or trail. Following their temporary usage, they may no longer be accessed for commercial, administrative, or public motorized use. Temporary roads will be reclaimed after use and drainage structures ~~may or may not~~ will be removed. Applicable best management practices would be implemented on these roads.*

3.2 Correction 2

In the Final HCP, Table 2-2 indicated that some roads would be subject to both spring and fall use restrictions by DNRC. However, this was an error and has been corrected to show that DNRC use would be restricted in the spring only. The revised Table 2-2 is provided below. The associated figure depicting road status under the HCP has also been revised and is included as Figure 1. The description of these changes and the potential effects on grizzly bears is provided in the Final HCP, pages 2-22 and 2-23, and revised as shown below:

> *Restriction allocations to proposed and existing road miles under the HCP reflect DNRC commitments to grizzly bear security in the Stillwater Block. All permanent routes needed but not*

yet constructed (19.3 miles) would be closed to the public year-round. There would be a ~~15~~ 16 percent reduction (~~18.3~~19.5 miles) in existing road miles open year-round to all activity categories (road class 190). This ~~18.3~~19.5 miles is in addition to approximately ~~107.2~~ 102.4 miles of existing road currently closed year-round to the public yet open year-round to commercial ~~and~~ DNRC forest management activities (road classes 120, 121) that would be managed and distributed across other road classes that would restrict DNRC from conducting commercial forest management ~~offer grizzly bears greater protection~~ during the spring period (April 1 to June 30)~~and/or the fall period (September 16 to November 30),~~ thereby reducing risk of displacement and conflicts with bears. As a part of this redistribution of road miles, an additional 47.6 miles would become seasonally available to the public in summer to access several popular destination points (road classes 130, 131). Summer tends to be the period when there is a broad range of foods and habitats available to grizzly bears.

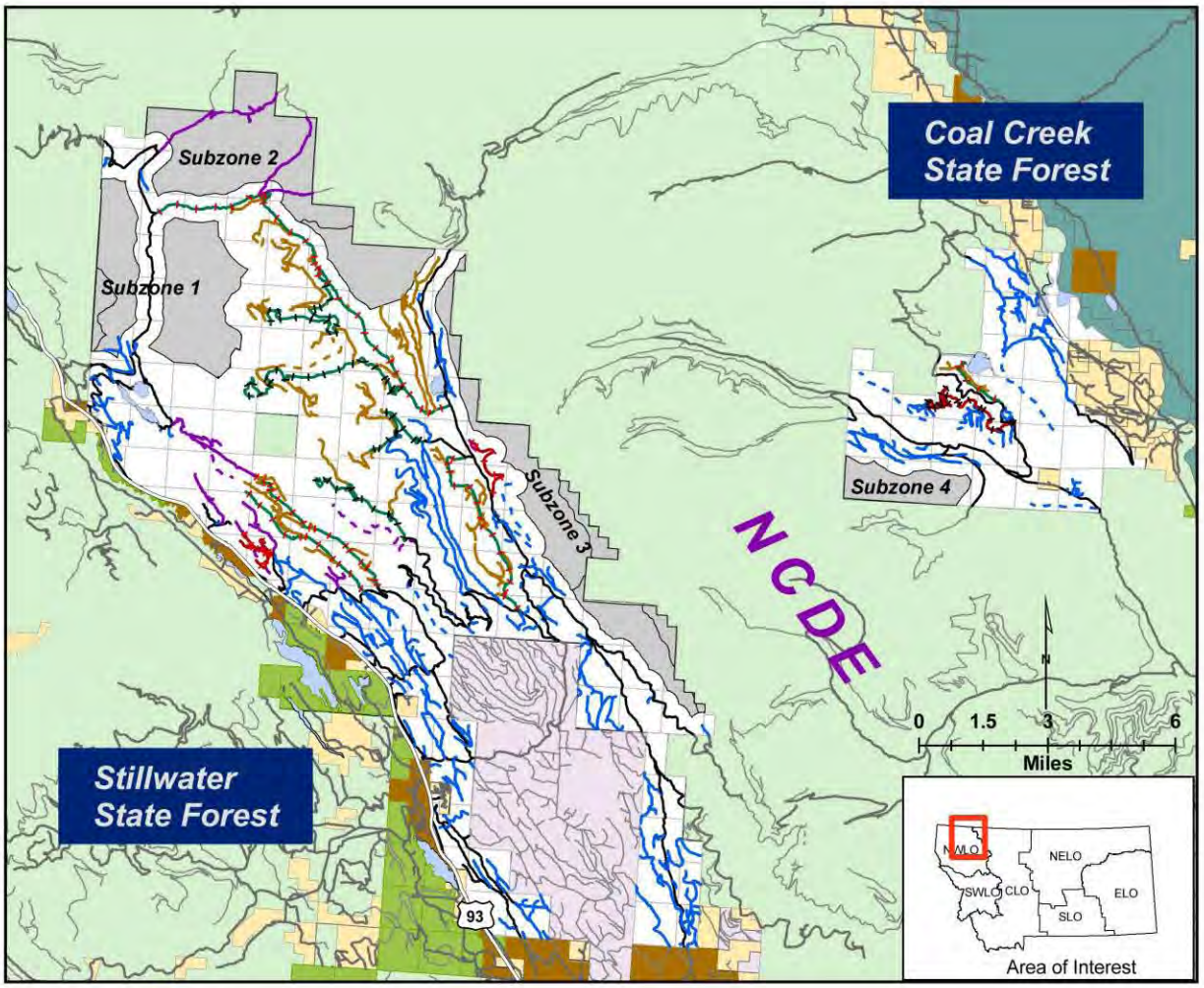
Final HCP Table 2-2 REVISED. Road miles by road class, activity category, and restriction type for the Stillwater Block under current management strategies and estimated under the proposed HCP.

	Activity Category			Road Miles	
Road Class[a]	**Motorized Public Access**	**Commercial Forest Management Activity**	**DNRC Low Intensity Forest Management Activity**	**Current**	**Proposed HCP**
Existing Roads	**Restriction Type**	**Restriction Type**	**Restriction Type**		
Open (Hwy/Cnty) − 170	Open Year-Round	Open Year-Round	Open Year-Round	1.9	1.9
Open (Forest Road) − 190	Open Year-Round	Open Year-Round	Open Year-Round	123.4	103.9
Restricted − 130	Restricted Spring	Restricted Spring	Open Year-Round	6.4†	25.7†
				−	19.2
Restricted − 131	Restricted Spring/Fall	Restricted Spring	Restricted Spring	−	5.1†
				−	5.0††
Restricted − 120, 121	Closed Year-Round	Open Year-Round	Open Year-Round	229.3	126.9
Restricted − 127, 128	Closed Year-Round	Restricted Spring	Open Year-Round	−	55.6
Restricted − 125, 126	Closed Year-Round	Restricted Spring	Restricted Spring	−	17.5
			Subtotal	361.0	360.9
Proposed Roads	**Restriction Type**	**Restriction Type**	**Restriction Type**		
Proposed – 021	Closed Year-Round	Open Year-Round	Open Year-Round	−	12.4
Proposed – 027	Closed Year-Round	Restricted Spring	Open Year-Round	−	2.6
Proposed – 025	Closed Year-Round	Restricted Spring	Restricted Spring	−	4.3
			Subtotal	0.0	19.3
			TOTAL	**361.0**	**380.2**

a. Road classes are those used in the DNRC road database and are shown in this table for organizational purposes only.

† Public Spring Restrictions April 1 through June 30.

†† Public spring/Fall Restrictions: April 1 through June 30 AND September 16 through November 30.



Restricted Roads (Non-Stillwater Block)
Open Roads (Non-Stillwater Block)
Major Lake
Stillwater Block
Class A Lands
Class B Lands
HCP Project Area (Non-Stillwater Block)
DNRC Land not included in HCP
Private Land
Plum Creek Timber Company
US Forest Service
National Park Service

STILLWATER BLOCK	ACTIVITY CATEGORY		
DNRC EXISTING ROADS	Motorized Public Access	Commercial Forest Management Activity	DNRC Low Intensity Forest Management Activity
Symbol / Road Class – No.	Restriction Type	Restriction Type	Restriction Type
Open – 170 (Hwy./County)	Open Year-Round	Open Year-Round	Open Year-Round
Open – 190 (Forest Road)	Open Year-Round	Open Year-Round	Open Year-Round
Restricted – 130	Restricted Seasonally	Restricted Spring	Open Year-Round
Restricted – 131	Restricted Seasonally	Restricted Spring	Restricted Spring
Restricted – 120, 121	Closed Year-Round	Open Year-Round	Open Year-Round
Restricted – 127, 128	Closed Year-Round	Restricted Spring	Open Year-Round
Restricted – 125,126	Closed Year-Round	Restricted Spring	Restricted Spring
STILLWATER BLOCK	**ACTIVITY CATEGORY**		
DNRC PROPOSED ROADS	**Motorized Public Access**	**Commercial Forest Management Activity**	**DNRC Low Intensity Forest Management Activity**
Symbol / Road Class – No.	**Restriction Type**	**Restriction Type**	**Restriction Type**
Proposed – 021	Closed Year-Round	Open Year-Round	Open Year-Round
Proposed – 027	Closed Year-Round	Restricted Spring	Open Year-Round
Proposed – 025	Closed Year-Round	Restricted Spring	Restricted Spring
PUBLIC SEASONAL RESTRICTIONS			
Symbol / Public Seasonal Restrictions ("Restricted Seasonally" Restriction Type in Road Class 130 and 131)			
Spring Restrictions (April 1-June 30)			
Spring and Fall Restrictions (April 1- June 30 AND September 16-November 30)			

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Figure 1. Stillwater Block Transportation Plan under the Proposed HCP: Existing and Proposed Roads by Road Class, Activity Category, and Restriction Type

4 Decision and Rationale

4.1 The Decision to be Made

DNRC will implement the selected HCP to provide field personnel with consistent strategies for adhering to the ESA when managing wildlife habitat for ESA-listed species on forested state trust lands. DNRC will also adhere to the other requirements of the HCP, including ensuring adequate resources are available to implement the HCP and following the processes for adaptive management and monitoring, as well as transition lands and changed circumstances.

4.2 Authority for the Decision

As the Director of the Montana Department of Natural Resources and Conservation, I have decision-making authority for the HCP. State trust lands are managed under the direction and control of the State Board of Land Commissioners (Land Board), which consists of the Governor, Superintendent of Public Instruction, Auditor, Secretary of State, and Attorney General (Article X, section 4, 1972 Montana constitution). My selected alternative will be presented to the Land Board for approval.

4.3 Decision

I have selected Alternative 2 to be the HCP for DNRC's forest management program. (I am imposing a special condition to the Decision as described below). Alternative 2 provides the best opportunity for DNRC to conserve and protect habitats of ESA-listed species while also providing reasonable management flexibility so the agency can continue to successfully implement its forest management program and generate revenue for the trust beneficiaries.

4.4 Special Condition

Per the MEPA administrative rules (ARM 36.2.538) I am imposing a special condition on the implementation of this decision. I have determined that some of the poorer growing riparian sites adjacent to Class 1 streams and lakes could have site potential tree heights not much greater than 50', which is the width of the no-harvest buffer. Therefore, with this decision I am imposing a minimum 80' RMZ adjacent to Class 1 lakes and streams, no matter the site potential tree height. This will ensure that there is always at least a 30' additional partial-harvest buffer adjacent to all of the no-harvest buffers.

This change is reflected in a revision to the HCP Commitment AQ-RM1:

> *"AQ-RM1 (1): DNRC will establish a riparian management zone with a minimum width equal to the 100-year site index tree height <u>(or 80 feet, whichever is greater)</u> for timber harvests immediately adjacent to Class 1 lakes and streams. The 100-year site index tree height will be determined...or regionally developed site index curves."*

4.5 Rationale for the Decision

4.5.1 Best Meets the Purpose and Need Identified in the EIS

The Purpose and Need section of the EIS is found in the Final EIS (Volume 1, Chapter 1, page 1-9).

From DNRC's Purpose:

The HCP would minimize take and conserve fish and wildlife species listed under the ESA while providing long-term regulatory certainty and flexibility for DNRC's forest management practices on its HCP project area lands.

From DNRC's Need:

By obtaining a Permit and managing under the HCP, DNRC seeks to benefit the forest management program by increasing regulatory certainty and ensuring greater economic viability and management flexibility.

I have reviewed the environmental and economic impact assessments for all four alternatives considered for detailed study. I believe, given the mission of DNRC's forest management program, and the purpose of Section 10 of the ESA, Alternative 2 provides the most reasonable and responsible combination of the two aspects of the DNRC's Purpose and Need: (1) minimization of take and conservation of listed species, and (2) long-term regulatory certainty and management flexibility.

4.5.2 Best Balance between Revenue Generation and Species Conservation

I believe Alternative 2 is the best alternative in terms of the balance between revenue generation and long-term commitments for the conservation of ESA-listed species for the following reasons.

- Alternative 4 would provide a higher sustainable yield and a higher present net value to the trust beneficiaries than Alternative 2, but it would be less likely to provide the habitat conservation levels necessary to meet Permit issuance criteria.
- Alternative 3 would provide a lower sustainable yield and a lower present net value to the trust beneficiaries than Alternative 2, and it would impose more restrictions on the forest management program than would be necessary to meet Permit issuance criteria.

Sustainable yield and net present value information is presented in the Final EIS (Volume 1, Chapter 4, pages 4-493 through 4-506).

4.5.3 Legal Sufficiency

Trust Mandate

The Enabling Act of 1889 (25 STAT. 679) granted the state of Montana sections 16 and 36 in each township (or other lands in lieu of those sections) "for the support of common schools". While all trust lands are considered state-owned, they may only be managed to fulfill the specific purposes for which the trust was created (i.e., the lands must be managed to provide income for the designated trust beneficiary, such as the common schools, agricultural college, mining college, asylums, reform school, or public buildings).

I believe that by implementing Alternative 2, DNRC will best meet its obligations to generate revenue in support of its trust beneficiaries. Compliance with all applicable state and federal laws is part of the planning environment in which we meet our trust mandate. As a long-term plan for complying with the

ESA that still maintains a reasonable amount of management flexibility, Alternative 2 will allow us to continue to produce short- and long-term income for the trust beneficiaries.

Other State Laws, Rules, and Policies

The Draft and Final HCP and the Draft and Final EIS were prepared to be in compliance with all applicable State laws, rules, and policies, including but not limited to:

- MEPA and its implementing rules
- The State Forest Land Management Plan
- The Administrative Rules of Montana for Forest Management
- Nongame and Endangered Species Conservation Act
- Montana Streamside Management Zone Law
- Montana Stream Protection Act
- Antidegradation Policy
- Montana Water Pollution Control Act
- Clean Air Act of Montana
- Montana Antiquities Act
- Montana Noxious Weed Control Act

Cross references between the State laws, rules, and policies that apply to the EIS and how they are addressed appear in the Final EIS (Volume 1, Chapter 1, Table 1-4).

5 Alternatives

Four alternatives were analyzed in the EIS, including a no-action alternative (Alternative 1) and three action alternatives. The three action alternatives are all HCP options that could meet the purpose and need for both the DNRC and USFWS and represent a range of reasonable alternatives. DNRC and USFWS also considered ten other alternatives. These alternatives were identified in the EIS, but were not analyzed in detail, because they did not meet the purpose and need for the project, or they did not satisfy the alternatives screening process (described in Final EIS/HCP, Chapter 3, page 3-2). The following is a brief description of the four alternatives that were analyzed in detail. The differences between the alternatives are outlined in detail in the Final EIS/HCP, Appendix E, Table E3-1 through 3-3.

5.1 Alternative 1 - No Action

Under Alternative 1 – No Action, DNRC would continue to conduct its forest management program in compliance with existing rules (ARM 36.11.401 through 36.11.456; Best Management Practices [BMPs] for Forestry in Montana [DNRC 2004; and other applicable Federal and State laws (i.e., Montana

Streamside Management Zone [SMZ] law). Under this alternative, a Permit would not be applied for or received, and conservation measures for the HCP species would not be implemented beyond those developed at the project level and/or required under ARMs and Federal and state laws and regulations.

Under the no-action alternative, collective actions under the forest management ARMs would provide long-term conservation value to grizzly bears, lynx, and native fish. ARMs and BMPs would evolve over time to address new issues. Compliance with the ESA would continue to occur through avoidance of take and implementation of ARMs that address ESA-listed species. USFWS would not receive assurances that supplemental conservation measures (beyond those described in the ARMs) would be implemented to benefit the HCP species.

This alternative addresses conservation of the HCP species through the following key measures:

- Required food storage orders for DNRC contractors.
- Identification and special management of the 39,600 acres of secure grizzly bear habitat (Stillwater Core).
- Commitments for no net increase in baseline open road densities on blocked lands in bear management subunits where densities exceed 1 mile/square mile.
- Retention of hiding cover for bears on blocked lands.
- Manage for bears in accordance with the Swan Valley Grizzly Bear Conservation Agreement, including rotation of operations so that areas of active management (limited to 3 years) are followed by 3 years of rest (typically extending to 6 years).
- No net increase in open road densities on scattered parcels in recovery zones that exceed 1 mile/square mile.
- On blocked lands, maintain 10 percent of lynx habitat as young or winter foraging habitat at the bear management unit scale.
- On blocked lands, retention of 5 percent of lynx habitat as denning habitat in patches greater than 5 acres.
- On scattered parcels, retention of minimum 5-acre patches of denning habitat.
- Delay thinning in stands of young foraging habitat for lynx.
- Application of the SMZ law during riparian timber harvest (50- to 100-foot managed buffer).
- Minimize sediment from old roads by bringing old roads up to current standards as time and projects (funding) allow, and assess and prioritize maintenance needs every 5 years on blocked lands (less frequently on scattered parcels).
- Minimize sediment from new roads by minimizing roads to the extent possible, using BMPs to design and construct new roads, and prohibiting roads in SMZ except for stream crossings. Implement measures to minimize sediment delivery from timber harvest including limits on operations of wheeled or tracked equipment and use of low impact harvest systems where needed.
- Replace culvert barriers as resources allow.
- Design grazing plans to minimize loss of riparian vegetation and reduce structural damage to stream banks.

- Inspect grazing land-use licenses on a 5- and 10-year interval including range conditions, riparian vegetation conditions, and stream back disturbance.
- Complete watershed coarse filters based on site variables and establish thresholds to comply with Federal and state water quality standards.

5.1.1 Elements Common to the Action Alternatives

The action alternatives all represent proposed HCPs to be implemented by the DNRC. Each alternative has varying levels of management flexibility and species conservation. The biological goals are the same for the HCP species. Each alternative includes: conservation strategies for the HCP species; a transition lands strategy to facilitate the addition and removal of lands within the HCP project area; a monitoring and adaptive management program; processes and tools for addressing changed circumstances; and an implementation program.

Elements of the conservation strategies common to all action alternatives include:

- Require grizzly bear awareness training and food storage orders for all DNRC staff and contractors.
- Inspect primary road closure in grizzly bear recovery zones annually and make timely repairs.
- Manage for bears in accordance with the Swan Valley Grizzly Bear Conservation Agreement.
- Upon dissolution of the Swan Valley Grizzly Bear Conservation Agreement, implement rotation of operations so that areas of active management (limited to 4 years) are followed by 8 years of rest and implement transportation plan to minimize open roads and temporary roads and restrict public and DNRC motorized access on remaining roads in key habitats during key seasons for bears.
- Prohibit any net increase in open road densities on scattered parcels in grizzly bear recovery zones at the administrative unit level.
- Prohibit commercial forest management during the grizzly bear spring period in spring habitat in non-recovery occupied habitat (NROH) and limit other motorized, low-intensity activities (more restrictions applied in the Cabinet Yaak Ecosystem [CYE]).
- Implement management and rest scenarios (4 and 8 years) in grizzly bear recovery zone and in the CYE NROH.
- Review opportunities to close open roads on grizzly bear recovery zone scattered parcels, prioritizing the CYE.
- Establish and maintain a lynx habitat map for tracking and monitoring conversion of lynx habitat in the HCP project area over the Permit term.
- Where lynx or lynx habitat is known to occur, establish lynx management areas (LMAs) in an arrangement to sustain or support future populations.
- At the LMA scale, retain required percentage of lynx winter forage habitat and suitable habitat and limit percent conversion of lynx habitat to non-suitable habitat per decade.
- In LMA thinning units, retain a percentage of total acres of the stand in an un-thinned condition.
- On scattered parcels with lynx habitat, retain a certain percentage of lynx habitat at the Land Office scale as suitable habitat.

- During riparian timber harvest along Class 1 streams, establish a riparian buffer equal to the 100-year site index tree height.
- Minimize sediment delivery from old roads by inventorying and prioritizing problem sites.
- Minimize sediment from new roads as described for the no-action alternative (implement ARMs) as well as use water resource specialist to review activities in watersheds with HCP fish species and make recommendation to minimize sediment delivery and incorporating goals of approved total maximum daily loads (TMDLs) in affected watersheds.
- Minimize sediment delivery from timber harvest as described for no-action alternative (implement ARMs) as well as water resource specialist review of large-scale timber activities and incorporating goals of approved TMDLs in affected watersheds.
- Inventory and prioritize culvert barriers.
- Implement ARMs to address grazing impacts on aquatic species as described for no-action alternative. Additionally, conduct enhanced coarse filter reviews; develop corrective actions for grazing problems and field-verify within designated timeframes; monitor and evaluate corrective actions.
- Complete watershed coarse filters as done under no-action alternative (implement ARMs) but use formal method to analyze cumulative effects and set project-level thresholds.

5.1.2 Transition Lands Strategy

DNRC considers opportunities to sell, purchase, develop, or exchange state trust land parcels to diversify land holdings, maximize the rate of return to the trusts, improve public access to state trust lands, and consolidate state trust lands for more efficient management. In order to accomplish these objectives, DNRC must be able to maintain the flexibility to move lands into and out of the HCP project area over the 50-year Permit term. The HCP describes in detail the processes for lands being removed from or added to the HCP project area (Final HCP, Chapter 3, pages 3-1 through 3-8). There are limits (caps) on the amount of lands that can be removed from the HCP project area for the purpose of development. There is a 5 percent cap on removing lands located in grizzly bear recovery zones, lynx management areas, and bull trout core habitat. There is a 10 percent cap on the remainder of HCP lands. If DNRC were to add at least 15,000 acres to the HCP project area, the 10 percent cap would increase to 15 percent.

DNRC will continue to evaluate the entire forested trust land base in western Montana to determine which lands are prudent to be considered for addition to the HCP and Permit coverage. Potential additions to the HCP include:

- Lands acquired by the State since the beginning of the HCP planning process, such as the Chamberlain Creek Acquisition, the Potomac Acquisition, and the Lolo Land Exchange parcels.
- Lands originally not included in the HCP project area due to a high likelihood of being sold or exchanged that currently remain in the trust land base.

In addition to following the requirements of the HCP transition lands strategy, DNRC will continue to follow applicable policies, laws, and rules related to land transactions, including MEPA, DNRC's Real Estate Management ARMs, DNRC's Land Banking ARMs, and other applicable laws.

5.1.3 Monitoring and Adaptive Management

The monitoring and adaptive management program provides assurances that the HCP is being appropriately and effectively implemented, and it outlines a course of action if the conservation commitments are not yielding the desired results. In the Final HCP (Chapter 4), monitoring and adaptive management are defined, and the monitoring commitments and triggers for action through adaptive management are identified. Additionally, the annual update and 5-year monitoring report requirements are summarized, and the process for adapting the HCP is outlined.

5.1.4 Changed Circumstances

Changed circumstances may occur due to natural disturbance events such as fires, insect and disease outbreaks, wind events, mass movements, floods, or climate change. Changed circumstances may also take the form of administrative changes, such as changes in a species' listing status or changes in DNRC's rules, laws, or policies. The USFWS and DNRC are required to ensure that changed circumstances are identified and planned for in the HCP. This provides both agencies with a level of conservation certainty for predictable but unplanned events. The Final HCP (Chapter 6) describes in detail the processes for addressing changed circumstances.

5.1.5 HCP Implementation

Successful implementation of the HCP requires several steps on the part of DNRC. These steps include ensuring a commitment of funding, training DNRC staff on HCP commitments, implementing the conservation commitments, implementing the comprehensive monitoring program, and reporting to DNRC and USFWS staff on the progress of the HCP. The implementation steps and schedule are described in detail in the Final HCP (Chapter 8).

5.2 Alternative 2 – Proposed HCP

Alternative 2 represents DNRC's plan to conserve listed species and their habitat and is intended to satisfy the requirements of ESA Section 10 so we can acquire a Permit authorizing incidental take of the HCP species.

The DNRC HCP builds upon existing state ARMs and supplements them with a range of conservation commitments that further avoid, minimize, or mitigate effects of incidental take from the covered forest management activities. The goals of the commitments and monitoring under the proposed HCP are described above in Section II (Project Description).

Commitments specific to this alternative include:

- In Stillwater State Forest, rotate operations in 4 subzones so that areas of active management (limited to 4 years) are followed by 8 years of rest, and implement transportation plans on blocked lands that minimize open roads and temporary roads and restrict public and DNRC motorized access on remaining roads in key habitats during key seasons for bears.
- Inspect primary road closure annually and repair within 1 year.
- At the LMA scale, retain 20 percent winter foraging habitat; 65 percent suitable habitat; and convert no more than 15 percent of lynx habitat to non-suitable habitat per decade.

- In LMA thinning units, retain 20 percent of the stand in an un-thinned condition.
- On scattered parcels, retain 65 percent of lynx habitat as suitable habitat.
- Establish riparian buffers along Class 1 streams which include a 50-foot no-harvest buffer and an adjacent partially-managed buffer.
- Complete inventory of sediment problem sites within 10 years of HCP implementation in bull trout watersheds and 20 years for WCT and RBT watersheds. Complete corrective actions of sediment problem sites in bull trout watersheds within 15 years of HCP implementation and within 25 years for WCT and RBT watersheds.
- Inventory and prioritize culvert barriers. Replace barriers in bull trout streams within 15 years of HCP implementation and within 30 years for WCT and RBT streams.
- Conduct enhanced coarse filter review at 5-year and 10-year inspections; develop corrective actions for grazing problems and field verify within designated timeframes; monitor and evaluate corrective actions within 1 year.
- Inspect grazing land-use licenses on a 5- and 10-year interval including range conditions, riparian vegetation conditions, and stream back disturbance.

5.3 Alternative 3 – Increased Conservation HCP

Alternative 3 is an HCP with levels of conservation for HCP species higher than the other alternatives. Under Alternative 3, the increased conservation for HCP species would be primarily achieved by modeling the HCP commitments more closely after Federal land management standards. Greater conservation for grizzly bears would be achieved by retaining security core habitat for grizzly bears in the Stillwater Unit. The increased conservation for lynx would be achieved by requiring higher amounts of lynx habitat retention than the other alternatives. The increased conservation for aquatic species would be primarily achieved by expanding riparian harvest buffers and shortening the timeframes for DNRC to implement certain commitments. This alternative would provide USFWS with greater assurance that the proposed conservation measures would not only conserve the HCP species but also would contribute to recovery of the species on state lands. However, this alternative provides DNRC with less assurance that it could secure a predictable income to trust beneficiaries, and carries with it a greater risk of noncompliance with the ESA if it finds it cannot secure the necessary funding or meet the timelines proposed.

Commitments specific to this alternative include:

- Required grizzly bear training as described for Alternatives 2 and food storage orders for all DNRC programs (not just forest management).
- Retention of the 39,600 acres of secure grizzly bear habitat (Stillwater Core) and baseline open road densities as for no-action alternative.
- Inspect primary road closures and repair within operating season they are discovered.
- Prohibit any net increase in baseline total road densities at the administrative unit level.
- At the LMA scale, retain winter foraging habitat and limit habitat conversion as for Alternative 2, but retain 70 percent as suitable habitat.
- In LMA thinning units, retain 20 percent of the stand in an un-thinned condition.

- On scattered parcels, retain 70 percent of lynx habitat as suitable habitat.
- No harvest for the entire width of the riparian buffer along Class 1 streams.
- Complete inventories of sediment problem sites within 5 years of HCP implementation for bull trout watersheds and within 10 years for WCT and RBT watersheds. Complete corrective actions of sediment problem sites in bull trout watersheds within 10 years of HCP implementation and within 20 years for WCT and RBT watersheds.
- Replace culvert barriers in bull trout streams within 10 years of HCP implementation and within 20 years for WCT and RBT streams.
- Inspect grazing land-use licenses annually.

5.4 Alternative 4 – Increased Management Flexibility HCP

Alternative 4 represents an HCP with more management flexibility than Alternative 2. Under Alternative 4, increased management flexibility for DNRC would be achieved by retaining fewer acres of lynx habitat, more readily accessing grizzly bear secure habitat (the Stillwater Core) for increased forest management activities, implementing a narrower riparian buffer to allow more intensive forest management in the riparian management zone (RMZ), and increasing the timelines for implementing certain aquatic commitments.

This alternative provides USFWS with less assurance that the proposed conservation measures would minimize and/or mitigate the effects of incidental take of the HCP species to the maximum extent practicable. However, under this alternative, DNRC could more readily secure the funds necessary to implement the commitments and meet the timelines proposed. DNRC would receive long-term regulatory certainty that it could manage trust lands, in accordance with the HCP, thereby minimizing the risk of noncompliance with the ESA. This alternative also provides DNRC the greatest assurance that it could secure a predictable income to trust beneficiaries.

Commitments specific to this alternative include:

- In Stillwater State Forest, manage as described for Alternative 2.
- On blocked lands, inspect primary road closure annually and on scattered lands, inspect every two years. Make necessary repairs within 1 year.
- At the LMA scale, retain winter foraging habitat and limit habitat conversion as for Alternative 2, and retain 60 percent suitable habitat.
- In LMA thinning units, retain 10 percent of the stand in an unthinned condition.
- On scattered parcels, retain 65 percent of lynx habitat as suitable habitat.
- Prohibit harvest for the entire width of the riparian buffer along Class 1 streams.
- Complete inventories of sediment problem sites within 15 years of HCP implementation for bull trout watersheds and within 25 years for WCT and RBT watersheds. Complete corrective actions of sediment problem sites as project schedules and budgets allow.
- Replace culvert barriers as project schedules and budgets allow.
- Inspect grazing land-use licenses every 10 years (at license renewal).

6 Public Participation and Outreach to Native American Tribes

Here is a summary of the public participation milestones:

- The Notice of Intent to prepare a Draft HCP/EIS was published in the Federal Register on April 28, 2003.
- A 60-day public scoping period was held in April and May of 2003 including public scoping meetings in Helena, Bozeman, Kalispell and Missoula.
- The HCP project Website was posted in 2003 as a central communications tool.
- DNRC published the draft Conservation Strategies in 2005. Public meetings were held in Missoula and Kalispell, along with a 45-day public comment period.
- The Draft HCP/EIS was published for public review in June of 2009, and a 90-day public comment period was completed.
- Open House meetings for the Draft HCP/EIS were held in July and August of 2009 in Kalispell, Missoula, and Helena, including an open-house in the Capitol Rotunda.
- The Final HCP/EIS was published for public review in September of 2010.

6.1 Native American Tribes

DNRC and USFWS contacted 10 Montana Native American tribes to invite participation in the project. The Confederated Salish and Kootenai Tribes responded and hosted an informational meeting in 2004.

In May of 2007, during preparation of the draft EIS, the USFWS and DNRC contacted the Confederated Salish and Kootenai Tribes and the Blackfeet Tribe to determine if any of the HCP project area contained traditional cultural properties or traditional use areas, or were accessed for collection of plants or hunting of animals. During this coordination effort, the USFWS and DNRC also invited additional general comments on the HCP.

In January of 2009, DNRC partnered with USFWS to establish formal government-to-government consultation with Native American Tribes to identify concerns the tribes may have with the HCP and its potential impacts on historic, cultural, ecological, and other resources of value. All 10 tribes on the original scoping list and 11 additional tribes were contacted via a mailing to notify them of the release of the draft HCP/EIS. The USFWS received requests from both the Confederated Salish and Kootenai Tribes and the Blackfeet Tribe for individual meetings to discuss the proposed HCP. These meetings were held on May 12, 2009, for the Confederated Salish and Kootenai Tribes and on August 26, 2009, for the Blackfeet Tribe.

The public involvement process and the process for consulting and coordinating with Native American tribes are described in detail in the Final EIS (Volume 1, Chapter 6).

7 Responses to Comments on the Final HCP/EIS

The Final HCP/EIS was published in September 2010, and a 45-day public comment period was completed. The names of all the individuals and organizations that sent comments on the Final HCP/EIS,

along with the responses to their comments, are provided in Attachment A to this ROD. A note to the reader: The "voice" of the responses to comments is that of the USFWS, which is the lead agency on the EIS.

7.1 Continued Public Involvement

Since the publishing of the Final HCP/EIS, a group of representatives from seven conservation organizations and one individual (Montana Conservation Voters, Defenders of Wildlife, Natural Resources Defense Council, Friends of the Wild Swan, Earth Justice, Montana Environmental Information Center, Mr. Stephen Braun, and Montana Audubon) met with and sent letters regarding the HCP to the DNRC, the USFWS, and the Montana Board of Land Commissioners. Leadership and staff from both DNRC and USFWS engaged in discussions with the groups and listened to and considered each of their concerns. I appreciate the persistence of the groups to have their voices heard, and I commend them for continuing to push for wildlife conservation.

Although responses to comments on the Final HCP/EIS are addressed in Appendix A, several topics of particular interest were brought up by the public on both the Draft and Final HCP/EIS, and, subsequent to the Final HCP/EIS, by the aforementioned groups. I want to address these topics here:

7.2 Funding for Implementation of the HCP

Some commenters were concerned that funding for implementing the HCP would be uncertain, which could impact the implementation and monitoring of the HCP.

I am confident that DNRC fully understands the funding requirements of the HCP and is committed to fund HCP implementation, including monitoring commitments, for the duration of the Permit, as explained in detail in the Final HCP (Chapter 8, pages 8-2 and 8-3). Permit issuance by the USFWS is contingent on assurances from DNRC that we will arrange adequate funding to implement all the HCP commitments. The USFWS has the ability to revoke the Permit if commitments or monitoring are not being implemented due to lack of funding.

7.3 Roads

Some commenters expressed concerns about the amount of total road miles that would be built for future forest management, and we received requests to not increase the amount of open roads. We were also urged to obliterate or reclaim roads that are not needed for management

7.3.1 Total Roads

The HCP continues and enhances the DNRC policy to plan transportation systems for the minimum number of road miles needed for current and future management objectives. The minimization approach is identified in detail in HCP commitment AQ-SD1 in the Final HCP (Chapter2, page 2-95). Under our minimization approach, several factors are considered, including:

- The need for current and future access within the planning area.
- The relationship of existing access routes and roads on adjacent parcels.
- Logging system capabilities.
- Access needed for fire protection.

- Public access.
- Cooperative planning with adjacent landowners when practicable.
- Protection of wildlife and aquatic habitat.
- The use of alternative yarding systems that minimize road needs when practicable.
- The non-use or relocation of roads in SMZs when impacts cannot be mitigated.

7.3.2 Open Roads

The HCP includes commitments that cap open road density. The commitments for scattered lands in grizzly bear recovery zones require no net increase in open roads at the administrative unit level. This means that when an open road is proposed, the same number of road miles must be restricted elsewhere on the Unit. The Swan River State Forest transportation plan results in no new open road for the purpose of forest management. The Stillwater transportation plan, while allowing some increases in roads open to the public, also imposes seasonal restrictions that benefit grizzlies.

7.3.3 Reclaiming Roads

DNRC does reclaim road in certain cases, such as (1) temporary roads intended to be reclaimed after being used for a project, (2) legacy roads, some of which are not needed for management, but more often legacy roads built to a standard or in a location that is not conducive to being brought up to BMPs, and (3) roads in an SMZ that need to be moved to minimize impacts to the stream. Along with environmental considerations, decisions on road reclamation are based on consideration of several operational factors including activities planned for the area, silviculture objectives, infrastructure needs, costs, fire protection access needs, and available financial resources.

I am confident the HCP responsibly and adequately addresses the topics of minimizing road building and minimizing the impacts of roads on the HCP species.

7.4 Climate Change

Some commenters felt the HCP did not adequately address potential effects of climate change on HCP species habitat.

The HCP includes multiple ways to incorporate potential changes to the habitat needs of HCP species due to climate change:

1) The monitoring and adaptive management program includes a process for reviewing new relevant publications together with the USFWS at our annual and 5-year reviews. This provides an opportunity to potentially change the HCP to address the impacts of climate change.

2) The changed circumstances process identifies climate change as one of the triggers. The HCP includes a specific process for the two agencies to collaboratively respond if new research shows that the effects of incidental take have increased or the HCP species are changing their habitat use, food base, or other biological needs due to climate change.

3) The stream temperature monitoring is designed to detect site-specific changes in stream temperature. If our Riparian strategy is not preserving stream temperatures adequately, we

commit to establishing RMZ prescriptions that will meet post-harvest shade levels and stream temperature requirements.

I am confident that the HCP is sufficiently adaptable to the potential impact of climate change on the HCP species and their habitat.

7.5 Permit Term

Some commenters requested that we shorten the Permit term (50 years) or have a formal review at 25 years to ensure that HCP standards remain biologically effective.

The HCP has much more frequent reviews already built in to accomplish this very purpose. The purpose of the annual and 5-year reviews is, in part, to address the (1) effectiveness of monitoring results and (2) results of new relevant research to determine whether changes need to be made to the HCP. I am confident that with the monitoring and adaptive management commitments and the added oversight of the USFWS, there are enough safeguards to justify the 50-year Permit term.

7.6 Riparian Buffers

Some commenters questioned the adequacy of the streamside buffers.

The Final HCP reflects changes we made to the aquatics strategy resulting from public comments and further deliberations with USFWS. We extended the no-harvest part of the RMZ buffer from 25 to 50 feet. We also expanded the application of the RMZ strategy to all Class 1 streams, rather than only HCP fish bearing streams. As indicated in section 4.4 of this ROD, I am also imposing a special condition on this Decision to ensure that all RMZ's are a minimum of 80', no matter the site potential tree height, upon which the width of the RMZ is based.

Attachment A to this ROD has an extensive explanation of the adequacy of our HCP riparian harvest strategies in conserving critical riparian functions. I am confident that our riparian strategies responsibly and adequately address the habitat requirements of the HCP fish species.

8 Conclusion

An HCP brings several advantages both for the State's forest management program and for wildlife and fisheries conservation:

- By committing to this long-term agreement, the State plays a pro-active role in establishing how the forest management program will be affected by the ESA for decades.
- The State will be doing its part to contribute to the conservation of ESA-listed species. For species covered by HCPs, the USFWS can leverage long-term conservation plans, like the DNRC HCP, as part of their de-listing process.
- Establishing this 548,500-acre HCP "footprint" will facilitate applications for HCP Land Acquisition Grants under Section 6 of the ESA. Since 2001, over $39 million has been awarded through that program to conserve wildlife habitat in Montana with conservation easements and

outright purchase of land. Those awards were possible because of existing HCPs, and implementing the DNRC HCP will greatly expand this conservation opportunity.

- The HCP is a "living plan" that will be monitored and adapted as new information is discovered or developed. If some aspect of the HCP does not meet the HCP goals and objectives, or an assumption behind the HCP conservation strategies is found to be incorrect, the HCP can be adjusted.
- Public participation will continue with implementation of the HCP:
  - Through the MEPA process, DNRC will continue to offer opportunities for public participation at the project level, where ID teams implement the HCP commitments,
  - Our staff will be available to answer questions about HCP implementation,
  - The HCP website will continue to be used to keep the public informed about the HCP, and
  - Our annual and 5-year HCP meetings will be open to the public, and monitoring reports will be posted on the HCP website.

DNRC is proud to put forward an HCP developed in collaboration with USFWS for our forest management program. Although we are voluntarily inviting more oversight from a federal regulatory agency, it is sensible policy-making. DNRC is responsible for providing a long-term sustainable revenue stream to the trust beneficiaries, and the HCP and the incidental take permit increase the assurances that our program will remain viable.

I appreciate the hard work done by the HCP Planning Team members from both DNRC and the USFWS. I am grateful to the members of the public, the conservation groups, and the industry representatives who took the time to read the project documents, attend public meetings and submit comments. The HCP is better as a result of public input.

The Final HCP/EIS is posted on the Montana DNRC website at www.dnrc.mt.gov/HCP. It is also available in CD format by contacting the DNRC Forest Management Bureau at (406) 542-4300.

9 References

Administrative Rules of Montana. ARMs 36.2.521 through 36.3.543.

DNRC (Montana Department of Natural Resources and Conservation). 1996. State forest land management plan: final environmental impact statement (and appendices). DNRC Forest Management Bureau, Missoula, Montana.

DNRC. 2004. Best management practices for forestry in Montana. Department of Natural Resources and Conservation. Helena, Montana.

DNRC. 2009. Montana Department of Natural Resources and Conservation Forested State Trust Lands Draft Habitat Conservation Plan and Environmental Impact Statement. June, 2009. Document available on project website: http://www.dnrc.mt.gov/HCP/Documents.asp.

DNRC. 2010. Montana Department of Natural Resources and Conservation Forested State Trust Lands Final Habitat Conservation Plan and Environmental Impact Statement. September, 2010. Document available on project website: http://www.dnrc.mt.gov/HCP/Documents.asp.

Endangered Species Act of 1973. Title 16 United States Code, §1531-§1544. Print.

Montana Constitution, Art. X, § 4, (1972)

Montana Enabling Act of 1889, Title 25, § 679.

Montana Environmental Policy Act of 1971. Montana Code Annotated §75-1-101 through §75-1-324.

National Environmental Policy Act of 1969. Title 42 United States Code, §4321 through §4347.

10 Signature of Deciding Official

Mary Sexton

Director, Department of Natural Resources and Conservation

Attachment A

Comments and Responses to the Final EIS/HCP

TABLE A-1. Commenters on Final EIS/HCP	
LETTER #	**NAME / ORGANIZATION**
1	Stephen Braun
2	Ron Buentemeier
3	Dave Gaillard / Defenders of Wildlife
4	Julie A. DalSoglio / U.S. Environmental Protection Agency
5	Arlene Montgomery/Friends of the Wild Swan/Alliance for the Wild Rockies
6	Bob Adams / Montana Conservation Voters
7	Mineral County Board of Commissioners
8	Dave Risley / Montana Fish, Wildlife, & Parks
9	Ellen Simpson / Montana Wood Products
10	Janet Ellis / MT Audubon
11	Louisa Willcox / Natural Resources Defense Council
12	Kerry Fee / Park County Environmental Council
13	Chris Riley
14	Dan Daley / Roseburg Forest Products
15	Paul R. McKenzie / F.H. Stoltze Land and Lumber Company
16	Keith Hammer / Swan View Coalition
17	Anne Carlson / The Wilderness Society
18	Guenter Heinz
19	Kayla Weins / Montana Environmental Information Center
20	Defenders-Inspired Form Letter (177 letters)
21	MEIC-Inspired Letters (67 letters)
22	NRDC-Inspired Form Letter and Variations (256 letters)
23	Steve McEvoy
24	Joe Newman
25	Teresa Shiner
26	Stu Levit
27	Ken McLean
28	Craig Tucker
29	Chris Nelson
30	John Davis
31	Starshine
32	Barbara Lancaster
33	Monishuck
34	Jim Sennett
35	Darlene L. Grove
36	Montana Department of Environmental Quality
37	Warren Kauffman

TABLE A-2. Individuals Who Submitted MEIC Form Letter on Final EIS/HCP	
Susan Barmeyer	Bruce Hunner
Eugene Beckes	Shirley Jacobs
Kim Birck	Mollie Kieran
Russell Blalack	Ellen Knight
Ed Blackler	Curtis Kruer
D.L. Blank	Richard Landini
A. Lee Boman	Patty Mayne
Arleen Boyd	Suzanna McDougal
Virginia & Catlin Caplette	Carol and Larry McEvoy
Linda Christensen	Laurenda Messer
Mike Clancey	Bob Oset
Catherine Clow	James Paulsen
Mark S. Connell	Jane Ragsdale
Linda Coolidge	Randpat
Catherine Cooper	Catherine H. Ream
Sheila Coy	Joan Rysharry
Tom and Sarah Crane	Julia M. Saylor
Charlie Donnes	Patricia Sharp
Mac Donofrio	Roger Sherman
Chris Duam	Gonnie Siebel
John Dunkhum	Pat Simmons
Holly Einess	Jeffrey J. Smith
Rayna Eyster	Eugene Souther
Mary E. Fay	Steve Swanson
Jackie Foster	Jennifer Swearingen
Brenda Frey	Jay Van Alstyne
Lydia Garvey	Jil Van Alstyne
Ronda Gagnon	Mark Van Alstyne
Laurie. S. Gilleon	Kristen Walser
Joseph Gutkoski	Jacquinst Weisenback
Deborah Hanson	Dr. O Alan Weltzien
Pam Hillery	Zack Winestine
George Holton	Kathryn Hiestand / Neal Miller
Kathleen, Ronn, and Karen Gessaman	

TABLE A-3. Individuals Who Submitted NRDC Form Letter On Final EIS/HCP

Anthony Aasen	Nancy Cook	Ralph Famularo	L. Horne
Ellie Akins	Diana Cooksey	Monica Fella	Annie Hossefros
Yvonne Allen	Keith & Barbara Cooksey	Ron Fenex	Peter Ingrassia
Janet Allison	Sheila Coy	Rene Ferretti	Melanie Ippolito
Arlene Alvarado	C. Cramer	Jim Fiddler	Parris ja Young
Sarah Bagg	Vicky Crampton	Tammy Filliater	Rob Justin
Albert Banwart	Jennifer Cripe	Connie Fisher	Jerome Kalur
Colleen Barcus	Michael Cropper	Dick Forehand	Ann Karp
Lowry Bass	Todd Cross	Brandon Francis	Deborah Kindrick
Donald Baumgartner	Stephanie Cunningham	Donna Fraser	Ann King
Marc Beaudin	Page Dabney	Ronda Gagnon	Deb Kirkwood
Al Beaver	Herb Davis	Devon Gainer	Stacy Kiser
James & Evelyn Bentley	Jaimie Davis	Julie Gandulla	Anna Klene
Troy Bertelsen	Debra De Bode	Lee Gautier	A. Kovats
Eric Bindseil	Linda de Kort	Eva Gilliam	Richard Kraman
Joan Birch	Marit de Vries	Rabdall Gloege	Jim Kraus
Robert Bloyer	Julie Debruyne	Bev Glueckert	Jeffrey Kreidler
Kris Bodean	Meichael Denchak	Miles Glynn	Lora Lachelt
Linda Borton	Gary Denny	Nancy Grabowski	Mary Lake
Misty Bowen	Sahara Devi	Rhyan Grech	Susan LaMere
Pat Bowers	Pat Dewar	Brent Greenwell	Vicka Lanier
Jan Brocci	KD Dickinson	Barbara Grimes	Tonya Lauriski
Jan Brooks	Michele Dieterich	Ivana Grmoja	Margaret Lehmann
Dona Brown	Hester Dillon	Louise Grout	Whitney Leonard
Leesa Brown	Caryn DiMarco	Po Hall	Kyle Locke
Richard Brown	Steve Dober	Marlene Harrell	Kim Lockwood
Shannon Brown	Eric Drissell	Joshua Harteis	Victoria Lockwood

TABLE A-3. Individuals Who Submitted NRDC Form Letter On Final EIS/HCP

Jim Bryan	Lorie Dulemba	Daniela Hartl-Heisan	Rande Mack
Kathy Burgener	Janet Dunham	Terry Helton	Peggy Macki
Brooke Buttgen	John Dunkum	Theresa Helus	Peter Manka
Robert Byron	Lee & Susan Eakins	John Heminway	Lynne Marko
Christine Carbo	Linda Eichwald	Cheryl Hensley	Frances Markovic
Heath Carey	David Elden	Rita Hickey	Lisa Anne Marshall
Larry Carter	Steve Elie	Brenda Hixenbaugh	Kathleen Martin
Genny Chopourian	David Ellenberger	Carol Hoffmann	David Marx
Steven Cieslawski	Elizabeth Eriksson	Suzanne Hollingsworth	Thelma Matt
Carl Clark	Renee Evanoff	Jet Holoubek	Susan Mavor
Adam Collins	Shaney Evans	Laura Holtz	Patricia Mayne
Krissy Mazur	Pamela Poulsen	John Shier	Rosanna Vallor
Molly McCabe	Joyce Pritchard	Jodie Shoupe	Joel Vignere
Shawn McGlynn	Krista Putnam	Patricia Simmons	Beverly Villinger
Leslie Millar	Gretchen Randolph	Darryl Slattengren	Robin Vogler
Sara Mintz	Penni Raymond	Leda Slattery	Mari Von Hoffmann
Debbie Moon	Deb Regele	Karen Slobod	Sean Weas
Sherry Morgan	Cathy Reich	Alex Smith	Krystal Weilage
Gregory Morse	Karen Renne	Annick Smith	Topher Weiss-Lehman
Kay Morter	Douglas Reno	Jennifer Smith	Kasey Welles
Cilla Moseley	Jena Reno	Karin Stallard	Jack Welscott
Jennifer Nitz	Gail Richardson	Lida Stanton	Tim Wenthe
Christopher Nixon	Melissa Riviere	Gery Stearns	Sara Wilcox
Kaye Norris	Frederick Robbins	Jennifer Stevens	Pat Willaman
Michael O'Connell	Pete Rorvik	Kaite Stevens	Michael Williams
Susanne O'Connor	PJ Rose	Kenley Stone	Sharon Winnett
Sierra Oja	Lorene Rowland	Laura Strong	Peggy Wood
Jane Olson	Karen Salo	Janet Tatz	Barbara Wooley
Maureen O'Mara	Scott Samuels	Joel Tatz-Morey	Mary Wulff

TABLE A-3. Individuals Who Submitted NRDC Form Letter On Final EIS/HCP			
Karen Ososki	Lucca Scariano	Ambrose Taylor	Charles Wynn
Brenda Oviatt	Tracy Schiess	Elizabeth Taylor	Joyce Yeung
James Pahre	Laurie Schlueb	Kimberley Taylor	Grace Young
Carole Parker	Louis Schmidt	Linda Teren	Aimee Zupicich
Catherine Pawsat	Wm Schultz	Carol Thomas	Maryln Zupicich
Ann Perez	Ruth Scott	Alan Thompson	
Sandy Pidgeon	Sheldon Scrivner	Melissa Trauth	
Douglas Pinto	Robert Seibert	Frederick Turk	
John Potter	Duke Sharp	Christine Valentine	

TABLE A-4. Individuals Who Submitted the Defenders of Wildlife Form Letter on Final EIS/HCP

Ellie Akins	Jim Davis	Ken Granby	Attila Kovats	Christine Nilsson	Kathy Spritzer
Deborah Arndt	Bartley Deason	Rhyan Grech	Helena Kozlowski	Robert Obeid	Bonnie Stelzenmuller
Tara Ashmore	LeeRoy DeJohn	Yvonne Gritzner	Tess Kreofsky	Susanne O'Connor	Jennifer Stevens
Michael Bailey	Robert Dennis	Louise Grout	Daniel Kreutz	Jane Olson	Shari Sutherland
Kelly Baraby	Caryn DiMarco	Jeffrey Gutierrez	Leo Leckie	Norma Parker	Chris Tanton
Lowry Bass	Michael Ditton	Lisa Hamel	F. Cramer Lees	David Parrott	Jeanette Tasey
Sharlot Battin	Eric Drissell	James Hanson	Alvin Lindeen	Jancie Pavlock	Pete Tenney
Marc Beaudin	Charisse Duchardt	Geoffrey Harold	Pam Linn	Toddy Perryman	Carol Thomas
Deborah Berry	John Dunkum	Dee Hellings	Nicole Lopez	Gloria Phillip	Jane Timmerman
Joan Birch	Sheryl Durand	Joan Herwig	Beverly Loporto	Brian Prahl	Phoebe Toland
Norman Bishop	Anna Eakins	Roger Hewitt	Janet Lyon	Joyce Pritchard	Cath Turgis
Linda Blair	Steve Elie	Jennifer Hintz	Peggy Macki	Jennifer Read	Susan Turmell
Robert Blickenstaff	Mary Elsea	Brenda Hixenbaugh	Karin MacLaurin	Karen Renne	Trent Turner
Linda Borton	Erik Englebert	Suzanne Hollingsworth	Carol Marsh	Gerry Rhoades	April Unknown
Dian Bottcher	Irene Erdie	Russell Houle	Bailey Martin	Tandy Riddle	Jerri Unknown
Barbara Brandis	Karlene Faulkner	Marty Howe	Jonathan Matthews	Vivecka Rodríguez	Joan Van Velzer
Carih Branson-Braud	Mary Fay	Eve Hunter	Graeme McDougal	Cheyenne Rose	Alan Vangemert
Robert Butts	Joslin Fields	Nancy Hyde	Sandra McKey	Lynne Haley Rose	Jess Varnado
Dakota Cannavaro	Liz Fife	Jan James	Celeste McLean	Patricia Rosenleaf	Jarl von Arlyon
Heath Carey	Lisa Flynn	Joyce Johnson	Leslie Millar	Karen Salo	Jerry Voss
Kay Carlson	Randy Fuhrmann	Donna Johnston	Bill Miller	Ellen Sanford	Mj Spitzner Weber
Ursula Carpenter	Karlene Faulkner	Brian Jones	Marlene Miller	Edie Schroedel	Krystal Weilage
H. Carpozi	Julie Gandulla	Robert Kaiser	Rob Milyko	Wm Schultz	Rebecca Whithed
Iliana Maifeld-Carucci	Bruce Gerrard	Brendan Kely	Debbie Moon	Bob Seibert	Matt Widirstky
Linda Coolidge	Terry Glase	V. Kent	Nony Morgan	Jim Sennett	Diane Wills
C. Cramer	Randall Gloege	Nancy Kessler	Cilla Moseley	Sharon Shipek	Stefan Wolowina
Marta Cramer	Steve Glow	Eugene Kiedrowski	Terrence Moyer	Alison Shives	Eric Wright
Cassandra Crnich	Daniel Goehring	Kenneth Kijewski	Harlan Mumma	Lauren Simmons	
Todd Cross	Renae Goltz	Cheryl Kindschy	Cliff Murray	Debra Smith	
Amy Cuchine	Julia Gordon	Soren Kisiel	Mirriam Myett	Ryan Smith	

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Adaptive Mgmt & Climate	17	The concept of "adaptive management" presented in the HCP is, unfortunately, incorrectly formulated both in concept & in planned implementation, & is in need of a significant revision. Of particular importance among these recommendations is the crucial role of adaptive monitoring (Lindenmayer & Likens 2009). Scientific publications that examine the effectiveness of a variety of approaches to multi-species conservation are also available for use in planning processes such as those being undertaken by the DNRC (e.g., Carroll et al. 2009). Hence, DNRC has already created a system & infrastructure for monitoring forest health, which allows staff to comprehensively evaluate the effects of climate change on forest health on a subset of these plots. We recommend that DNRC analyze this large, long-term dataset to provide the quality & quantity of information needed for the suggested revision of the Draft HCP.	USFWS & DNRC responded to similar concerns regarding adaptive management in the comments on the Draft EIS. Please see Final EIS, Appendix G, line 3, p. G-191 through line 25, p. G-192.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Grazing	3	DNRC's proposed grazing standards allow too much forage reduction: riparian forage consumed by livestock should not exceed 40% (rather than 60% proposed in the HCP), & shrub consumption should be limited to 20% light-medium (rather than 25% medium-heavy proposed in the HCP).	The Beaverhead-Deerlodge standards, cited by the commenter, are for open range lands, as opposed to forested riparian habitat. The HCP's riparian forage utilization rate of 50% (See Final HCP, Chapter 2, p. 2-119) & browse rate of 25% are appropriate for forested conditions & represent an enhanced commitment by DNRC compared to the State Forest Land Management Plan & ARMs requirements.
Aquatics – RMZ Harvest	2	Without regeneration of the no-harvest zones, shade, feed, & cover for the stream & for fish & wildlife habitat will not be provided.	The HCP commitments include provisions to allow management of the no-harvest portion of the RMZ under certain instances, see Final HCP, Chapter 2, pp. 2-79 — 2-83.
All Lands Added to HCP	3, 5, 6, 13, 19, 21	Several commenters stated that DNRC should include all of its land in the HCP. One specifically noted that the HCP excludes 1,263,900 acres. Another commenter stated that the acres slated for transfer or development should be included because land development is one of the key indicators of wildlife species survival & is crucial for DNRC to consider the cumulative effects that development activities on adjacent lands may have on wildlife populations & their habitat. Finally, one commenter stated that the recent acquisition of lands by DNRC should be added to the HCP.	USFWS & DNRC addressed concerns regarding not including certain lands in the HCP Project Area in our responses to comments on the Draft EIS/HCP. See Final EIS, Appendix G, Section 2.18 HCP Project Area, pp. G-200 — G-201. As stated in our responses to comments on Draft EIS/HCP, USFWS has informed DNRC of its support for adding lands acquired under the Montana Legacy Project to the HCP project area & Permit. Ultimately, the decision to add these lands to the HCP project area is DNRC's & it is the proponent's decision regarding which lands to include in the HCP. The Final HCP was revised to explain why DNRC did not include certain lands from the HCP (see Final HCP, Section 1.4.2, HCP Project Area). Regarding the specific statement that the HCP excludes 1,263,900 acres, we presume this value was derived from Table 1-1 in Final EIS, Chapter 1. We note that the acres of DNRC Lands in western Montana presented in that table includes nonforested lands managed under other programs within the DNRC Trust Lands Management Division. This HCP only applies to the forest management program. Lastly, the potential cumulative effects of land development in the planning area is addressed in Final EIS, Chapter 5, Cumulative Effects.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatic – Buffer Widths	10	The FEIS fails to provide any scientific basis to justify the adequacy of its small buffers. The only support for this significant policy is that the SMZ law, ARMs, BMPs & forest management policies are—generally effective at minimizing soil disturbance is a DNRC implementation monitoring report (see p. 4-116). Every 2 years audits are conducted under the SMZ program. These audits are done to determine compliance with all aspects of the law—& they do not determine if water quality is being protected adequately for fisheries. Therefore, although the SMZ program helps water quality, it is IMPOSSIBLE to say that this law protects water quality for fisheries considered by the HCP.	The literature supporting DNRC's establishment of RMZs measuring the 100-year SPTH with a 50-foot no-harvest buffer & the remainder partially managed is summarized in the Final HCP, Chapter 2, pp. 2-66 — 2-73. Since publication of the Final HCP, DNRC has modified its commitment AQ-RM1 to require an RMZ with a minimum width equal to the 100-year site index tree height (or 80 feet, whichever is greater). Additionally, this issue is again addressed in the USFWS' BO, which finds that the HCP provides a high degree of certainty that the buffer widths & associated RMZ prescriptions will likely avoid or minimize the effects on riparian functions that support the habitat needs of the HCP fish species.
Aquatics – ARMs & BMPs	5	The HCP relies heavily on existing ARMs & BMPs for aquatic mitigation. If these measures were adequate then why is there a need for the HCP? The HCP must institute more stringent measures & the EIS must contain an actual range of alternatives.	In many instances, implementation of ARMs & BMPs adequately reduce the risk of potential take of listed aquatic species. The HCP then, attempts to address those instances when the ARMs & BMPs are not adequate by requiring enhanced oversight & involvement by water resource specialists in high risk situations such as actions on hazardous slopes or sales removing high volumes of timber. Additionally, the HCP commits DNRC to a program to address legacy roads & culverts with ongoing effects on aquatic species, which is not addressed by the ARMs. Lastly, in exchange for implementing the HCP, DNRC will receive a Permit authorizing take of listed species - something it does not have under ARMs & BMPs. USFWS & DNRC have previously responded to comments that the EIS contain a range of reasonable alternatives. (see our response in Appendix G, Section 2.5).

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – BMPs	1	The BMP process is ineffective to truly identify effects from logging. The monitoring protocol is not scientific & there is no effectiveness monitoring.	We clarify that the BMP process is used to protect water quality during logging activities. DNRC employs BMP audits as well as timber sale administration inspections to document that BMPs are appropriately installed & achieving the water quality benefit they were designed for. We note that DNRC also will conduct quantitative sediment monitoring projects under the HCP to demonstrate the effectiveness of BMPs. These results will be reported to USFWS in the HCP the 5-year monitoring report.
Aquatics – Changes in No Harvest Buffer	9, 15	The change in the no-harvest buffer is disturbing for three reasons: 1) it perpetuates the misguided perception that riparian areas do not require active management & that a hands off approach will result in the best level of protection, 2) there is inadequate analysis of this change in the HCP, 3) it furthers the perceptions that the SMZ law/BMP process is inadequate to protect riparian resources.	Regarding concern 1), we agree that riparian areas can benefit from management, which is why a portion of DNRC's RMZ is a management zone & the HCP includes provisions to allow DNRC to manage in no-harvest buffers. Regarding 2), the increased buffer width is analyzed in the Final EIS as explained in Chapter 4, pp. 4-248 — 4-249. Additionally, the Final EIS includes a new calculation of the annual sustainable yield & present net value as well as the costs to HCP implementation resulting from the changes in HCP commitments between Draft & Final HCP. Regarding 3), increasing the no-harvest buffer does not imply that the SMZ law/BMP process does not protect riparian resources. Rather, we asked DNRC to do more to protect riparian resources in its HCP to minimize/mitigate impacts of take on covered species.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Climate	5	The EIS & HCP fail to account for how changes to streamside zones will result from climate change, i.e., will trees grow back at the same rate? Will trees grow back at all if they are logged in riparian areas?	Through Changed Circumstances, Final HCP, Section 6.2.4, DNRC would address changes in effects of incidental take due to climate change or the species changing its habitat use, food base, or other biological needs in response to climate change if DNRC's action are affecting these new conditions.
		The HCP moves in the opposite direction from the recommendations in Isaak et al. 2010 & Shelburg et al. 2010, which could exacerbate the effects of climate change on bull trout & other cold water fishes. It allows the construction of over 1,300 miles of roads, allows logging in riparian areas & allows grazing to continue near streams. The 50-foot streamside buffers in the HCP are riddled with exceptions that allow salvage logging & other activities in them thereby reducing the LWD available to the streams which can result in increased stream scour & loss of bull trout redds.	Shellberg et al. 2010 conclude in their management implications that “Processes that form complex habitat in association with large woody debris (LWD) (Beechie et al. 2000) may partially mitigate against unfavorable discharge regimes, water and sediment yield alterations due to land-use, or future climate change (e.g., Battin et al. 2007).” Isaak et al. 2010 concludes that “...minimizing nearstream disturbances associated with grazing, road building, and timber harvest, or facilitating rapid vegetative recovery after these disturbances, could help buffer many streams from additional warming.” The HCP is not a departure from these recommendations. In our BO, we conclude that widening the no-harvest buffer on a greater number of streams is a proactive approach to help insulate streams in harvest units against potential effects of climate change. Overall, the application of the DNRC HCP aquatic strategy commitments is expected to help buffer the effects of climate change on channel form & function in the HCP project area by maintaining healthy riparian buffers, ensuring adequate delivery of LWD, reducing sediment delivery, & addressing cumulative water effects.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Culverts	5	The HCP does not require that culverts be regularly monitored to ensure that they do not plug with debris & fail. It only requires that culverts be monitored for fish passage.	The proposed HCP includes several commitments to ensure that culverts are evaluated to ensure proper functioning & compliance with forestry BMPs. As described for commitment AQ-SD2, Final HCP, pp. 2-96 — 2-100, DNRC will complete inventories of all existing roads & stream crossing structures. AQ-SD2 includes specific timelines for completion of these inventories & corrective actions on problem sites. DNRC would continue to conduct these inventories throughout the duration of the Permit. In addition, DNRC completes additional road inventories & assessments during timber sale project planning. Watershed assessment & analysis completed for timber sale projects includes comprehensive evaluations of existing roads & culverts to determine existing conditions & maintenance needs with the project planning area.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Effects on Nutrient Loading	5	The increased logging & narrow stream buffers in the proposed HCP will further degrade aquatic ecosystems as substantiated by the Hauer et al. 2007 study of nutrient loading in streams in the Crown of the Continent.	USFWS agrees with the premise that logging activities can have an affect on nutrient dynamics on streams within the Crown of the Continent ecosystem as inferred by Hauer et al. (2007). Studies cited in this article indicate that certain nutrients (total phosphorus & total nitrogen) in higher concentrations may lead to increased algal growth. The main point of this article is to bring attention to the information (effects of logging, mining, & exurban encroachment) about pending threats to water quality & water quantity to streams in the Crown of the Continent ecosystem. However, the authors do not specifically address stream buffer widths relative to nutrient loading associated with logging practices. We note the authors acknowledge that logging practices have greatly improved on State 7 Federal lands due to best management practices, which are integral to the DNRC HCP. The riparian timber harvest conservation strategy of the DNRC HCP is expected to provide natural rates nutrient loading during the permit period. When DNRC plans a timber harvest within a RMZ of a Class 1 stream, the distance of the riparian buffer width is established based on the 100-year site index tree height which generally ranges from approximately 80-120 feet, the first 50 feet next to the stream is a no-harvest zone. This range of distance of the RMZ falls well within the range of the riparian function for input of particulate organic matter to stream channels from adjacent forest stands found in the literature (see FEMAT discussion below for example). Consequently, the 50-foot no-harvest zone of the RMZ in combination with the remaining managed buffer out to a SPTH is unlikely to have any effect on the natural rate of nutrient input from timber harvest in the RMZ. The FEMAT report (USDA et al. 1993) established a generalized set of curves based on SPTH (distance from channel) as the basis for establishing riparian buffer widths. The set of generalized curves indicate the riparian forest effect on streams as a function of buffer width for 4 principle ecological functions, which are root strength, litter fall (nutrients), shade, & coarse woody debris (USDA et al. 1993). The curves suggest that a buffer width of ½ the height of SPTH (50 feet for 100 foot SPTH) provides for natural rates of nutrient input (litter fall & other organic particulate matter).

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Fish Passage	5	If the HCP is to benefit multiple fish species then the hierarchy for corrective actions to facilitate fish connectivity should not be tiered. Furthermore, the timeframes for correcting fish passage problems – 15 to 30 years – is too long.	The hierarchy for corrective actions in necessary to ensure that the conservation needs of the bull trout, which is the aquatic species at greatest risk as indicated by its listing under ESA, is addressed first. Your preference for shorter timeframes for correcting fish passage problems is noted. USFWS concurs with the rationale for the proposed timeframes described in Final HCP, Chapter 2, pp. 2-111 — 2-112.
Aquatics – Inadequate Buffers	1, 3, 4, 5, 10, 29	Several commenters expressed concerns that the proposed riparian buffers in the Final HCP are inadequate to protect aquatic resources.	Since publication of the Final HCP, DNRC has modified its commitment AQ-RM1 to require an RMZ with a minimum width equal to the 100-year site index tree height (or 80 feet, whichever is greater). USFWS addressed this issue in the responses to comments on the Draft EIS (see Final EIS, Appendix G, Section 2.1 Streamside Buffers). Further, the BO concludes that the DNRC HCP addresses the critical riparian functions described as most important to HCP fish species through its prescribed riparian buffer as substantiated by FEMAT (1993). The analysis of the effects of the riparian timber harvest on these riparian functions in the Final EIS/HCP (USFWS & DNRC 2010) provides a high degree of certainty that the buffer widths & associated RMZ prescriptions will likely avoid or minimize the effects on riparian functions that support the habitat needs of the HCP fish species.
Aquatics – LWD	5	We referenced the Hauer et al. (1999) study in our DEIS comments as a counterpoint to DNRC's conclusion that LWD recruitment would be sufficient with 25-foot buffers. This study was not used in the FEIS. It is applicable for the proposed 50-foot buffers & should be incorporated into the analysis. It is attached.	Although Hauer et al. (1999) is not specifically cited, the EIS & HCP acknowledge the conclusions of this study - that the function of LWD can be altered if harvest occurs next to a stream. This is why the HCP implements a SPTH buffer with a 50-foot no-harvest zone next to the stream. This issue is more specifically addressed in the USFWS' BO, which includes a discussion of the negotiation & evaluations of the DNRC HCP Riparian Timber Harvest Strategy.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Multiple Entries in RMZ	1	DNRC has a high likelihood of logging in the SMZ multiple times. The responses to my questions *(on the Draft EIS/HCP)* do not clarify what baseline will be used to maintain the SMZ. If 50% of the trees are logged multiple times, the 50% retention will not be retained.	In response to concerns raised on the Draft EIS/HCP regarding multiple harvest entries in the RMZ, DNRC added a new HCP commitment limiting multiple entries (AQ-RM1[4]). The commitment does not rely on a comparison to a baseline. Multiple entries could only occur if (1) the previous harvest retained a medium- to well-stocked stand of trees in the poletimber or sawtimber size classes, or (2) the residual stand would be a medium- to well-stocked stand in the sawtimber size class.
Aquatics – Resident Fish	5	The HCP allows localized impacts over 2 years without considering that these impacts can have dire effects to resident fish populations.	The effects of the forest management program on aquatic species (including resident fish populations) are analyzed in Final EIS, Chapter 4, pp. 4-250 — 4-300. The viability of the habitat component approach vs. a species specific approach to the analysis is explained on p. 4-250.
Aquatics – RMZ	1	What effects does heavy equipment use in the RMZ have on shrubs, trees, & other ground cover?	Operation of heavy equipment along streams is acknowledged to have adverse effects on vegetation. That is why, under the SMZ Law, ground based equipment is prohibited from operating within the SMZ, which in the case of the HCP encompasses the 50-foot no-harvest buffer. However, for slopes > or =to 35% the width of the SMZ is extended to 100 feet & the SMZ boundary (& therefore the prohibition on operation of ground based equipment) is extended to include adjacent wetlands. Under ARM 36.11.425, equipment exclusions are extended for an additional 50-100 feet on sites with high erosion risks. And, when ground based equipment operates within that portion of the RMZ located beyond the normal SMZ, DNRC is required to retain shrubs & sub-merchantable trees to the fullest extent possible. Therefore, overall equipment operation within the RMZ would be minimized to the extent possible under the HCP.
Aquatics – RMZ Needs Flexibility	7	We favor your decision to extend the RMZ to perennial streams connected to all fish-bearing streams, but extending the no-harvest buffer to 50 feet is another example of “cookie-cutter” management that does not respect site-specific conditions.	The HCP commitments allow management of the no-harvest portion of the RMZ under certain circumstances, see Final HCP, Chapter 2, pp. 2-79 — 2-83.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Road Densities	4	We note that the proposed road densities under the HCP exceed USFWS road density recommendation for bull trout habitat (Bull Trout Interim Conservation Guidance, USFWS 1998).	We previously addressed this topic in the Final EIS, Appendix G, pp. G-49 — G-50, responses to Letter 9, comments 59 & 61. Additionally, this issue is further addressed in the the USFWS' BO. In that document, we describe the unique needs of the DNRC as a public agency that preclude them from further reducing road densities under the HCP. Rather, the DNRC HCP would manage specific impacts of roads by implementing a suite of measures that would reduce the potential risk of sediment delivery to a stream. As determined in our Findings (Appendix B), these collective actions are expected to adequately minimize & mitigate effects of impacts from roads on HCP fish species & their habitats. The HCP also includes sufficient adaptive management flexibility to ensure that, in those cases where the proposed approach is not as effective as necessary in conserving HCP fish species, management can be modified as appropriate.
Aquatics – Sediment	5	The HCP must contain a standard for sediment. Further, the sediment reduction scheme for problem roads over 50 years does not include new road construction which skews the analysis.	The HCP commits DNRC to a 50% reduction in sediment delivery from problem road segments over the Permit term (Final HCP, p. 7-4). Sediment production & delivery analysis included in the Draft EIS & Final EIS includes new road construction (both temporary & permanent) as well as corrective actions on existing roads.
Aquatics – SPTH	1,5	There has been a change in setbacks from SPTH to a SPTH at 100 years. This will reduce protections for water quality & temperature.	The method used to establish the streamside buffers did not change in the FEIS. In both the Draft & Final EIS, the commitments contained in AQ-RM1 specify that RMZs will be established with a minimum width equal to the 100-year site index tree height. An editorial change was made in the Final EIS in the introductory text for the Riparian Timber Harvest Conservation Strategy (Final HCP, Chapter 2, p. 2-66, line 38) to clarify the method & to make the description of this method consistent throughout the document. Rationale for the use of 100-year site index tree height is contained in Final HCP Chapter 2, p. 2-75, lines 23-30. Since publication of Final EIS/HCP, DNRC has modified its commitment AQ-RM1 to require an RMZ with a minimum width equal to the 100-year site index tree height (or 80 feet, whichever is greater). Adequacy of the proposed RMZ width was addressed in Final EIS analysis pp. 4-250 — 4-297 & in Final EIS Appendix G, Section 2.1.1 Streamside Buffers, pp. G-12 — G-14.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Stream Temperatures	1	The HCP allows 1°C *(change in water temperature)*, which is in violation of State law that allows for 1°F from all human caused effects.	This error was corrected in the Final EIS/HCP.
Aquatics – Timeframes	5	The HCP allows 15 years for corrective actions on high risk sediment sites in bull trout streams to be completed & 25 years for cutthroat & redband trout streams. If DNRC cannot correct problems on its existing road system for 25 years then they should not build any more roads.	The preference that DNRC simply not build more roads until corrective actions are completed is noted. USFWS concurs with the rationale for the proposed timeframe for corrective actions as described in Final HCP, Chapter 2, p. 2-99.
Aquatics – TMDL	36	DEQ continues to support enhancement of HCP activities, particularly commitments for sufficient restoration of historic road sediment effects to achieve substantive compliance with MT water quality standards with the near future (5 to 10 years) following TMDL completion.	The HCP requires DNRC to complete corrective actions at all sites with a high risk of sediment delivery within bull trout streams within 15 years of HCP implementation & within 25 years of HCP implementation for WCT & RBT streams. The prioritization schedule for completing corrective actions considers the goals of TMDLs in affected watersheds.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Aquatics – Water Quality	36	DEQ suggests that the HCP's sediment restoration BMPs for past actions be clearly linked to meeting Montana water quality standards, & to TMDL restoration priorities & timeframes.	The HCP requires DNRC to incorporate goals, targets, & prescriptions contained within approved TMDLs applicable to covered activities where DNRC has actively participated in development of the TMDL, & the TMDL planning area is located within a watershed containing HCP project area parcels supporting HCP fish species. The commitment is limited to situations where DNRC has actively participated in development of the TMDL. The commitment further explains that due to limited land ownership in some TMDL areas, DNRC may not have the resources to participate in development of every TMDL but that DNRC will actively participate in when 25% or more of the TMDL planning area consists of HCP project area parcels in watersheds supporting HCP fish species. Existing DNRC practices & HCP sediment delivery reduction strategy are consistent with goals of the TMDL process & meeting Montana water quality standards. Therefore, the limitations to the application of this commitment are reasonable.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Bears – Conservation & MEP	11	Some commenters questioned why the HCP failed to implement the Federal Standards for grizzly bears on State lands. One commenter stated that the HCP dismisses information on the impacts of increased roads & timber harvest on bears & undermines the State's responsibility to recover the threatened grizzly. Another commenter stated the plan does not meet a maximum extent practicable (MEP) standard for bears & ignores information, including geographically explicit data on these issues that could be applied in a practical way to improve & protect habitat in highly productive areas, & to reduce the potential for conflicts by closing roads strategically around & between remaining core habitat.	USFWS & DNRC explained why DNRC HCP did not apply USFS' standards for grizzly bears in our responses to comments on the Draft EIS. Please see Final EIS, Appendix G, p. G-82, the response to Letter 117, comment 540. Regarding the State's responsibility to recover threatened bears, please refer to our response to this issue in Final EIS, Appendix G, p. G-111. Regarding statements that we ignored information, we reiterate that the Final EIS acknowledges effects of roads & timber harvest on bears (pp. 4-321 — 4-356). We also point out that we did consider these effects in negotiating HCP strategies, which is why the commitments focus on reducing the effects of roads & potential for conflicts. This is shown through DNRC's focus on reducing open roads, closing roads & restricting activities in habitats of seasonal importance for bears, & implementing a management/rest scenario in grizzly bear habitat.
Bears – Helicopters	7,	The addition of low elevation helicopter use restrictions in grizzly bear habitat is good - litigation over this issue would otherwise be certain.	Comment noted.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Bears – Swan	5, 16	Two commenters questioned the information presented through the Swan Valley Research & Monitoring program & stated that the responses to comments on the Draft EIS/HCP misinterpreted the data by stating that "a radio-collared survey of 10 grizzly bears in the Swan Valley demonstrated broad use of the valley and tolerance of high road densities." The commenters noted that the responses to comments on the Draft EIS/HCP failed to mention that in a 2008 article in the Missoulian the USFWS stated the Swan Valley had a 33% mortality rate which was unsustainable. One commenter stated the HCP should include security core for bears on all DNRC blocked lands & the other commenter stated that the HCP should implement road & motorized route density limits/standards on the order of Amendment 19 standards applied to USFS lands.	Our statement that … "10 grizzly bears in the Swan Valley demonstrated broad use of the valley and tolerance of high road densities"… was not intended to downplay potential for elevated risks to grizzly bears associated with extensive forest road systems. The many risks associated with roads are acknowledged in Final EIS, Chapter 4, pp. 4-306 — 4-307 & 4-321 — 4-335, & in Final HCP, Chapter 7, pp. 7-21 — 7-22 & 7-25 — 7-26. However, the telemetry locations for 10 bears in the Swan (presented in Hicks et al. 2010) do clearly indicate that these bears did not promptly leave this managed landscape (i.e., were not displaced to any great distance) even though many risk factors, including roads & human activities, were present. The results also indicate that individual bears use landscapes very differently. We acknowledge & concur that bears have been dying at a high rate in the Swan Valley in recent years (average of 1 to 2 per year), but most deaths have had little to do with forest road systems & more to do with development conflicts (i.e., traffic fatalities on Highway 83, management bears removed due to garbage & unnatural foods on private land, cabin break-ins, etc.). In response to these factors, cooperators in the Swan Agreement working with the Swan Ecosystem Center, voluntarily stepped up local efforts in addition to measures contained in the Swan Agreement to help reduce mortalities associated with poaching & attainment of unnatural foods on private lands. The Swan Agreement is considered by the USFWS & DNRC to be an important conservation tool for minimizing risks to grizzly bears in this area although it was never designed or intended to address the many potential mortality factors affecting grizzly bears on neighboring private ownerships in the Swan Valley. Additionally, we note that our understanding of grizzly bears in the Northern Continental Divide ecosystem has expanded greatly since the 1997 South Fork Grizzly Study took place. Currently, there are over 765 bears in the Northern Continental Divide ecosystem & the population was growing at a rate of 3% per year from 2004-2009. Information is still being obtained from several radio-marked bears in the Swan Valley for Northern Continental Divide ecosystem population trend monitoring purposes. If relevant to the HCP, that data may be used to adapt the HCP at a future date (Final HCP Chapter 4, Section 4.2).

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Bears – Adverse Effects	35	The plan as proposed will have a very great negative impact on our surviving grizzly bears. The science we have read & that has been presented to you from others outside the agency, does not support this proposal. Again, our bears, wolves & watersheds are all great assets to the State of Montana & the nation. They are much more valuable to future generations & the schools of this State than the existing saw logs.	The effects of HCP implementation on grizzly bears, including adverse effects, are disclosed in Final EIS, Chapter 4, pp. 4-321 — 4-356 & analyzed in the USFWS' BO, which determined that implementation of the HCP would not preclude survival & recovery of the species. Our Findings (Appendix B) and Biological Opinion also include an analysis of effects to grizzly bears & determined that the HCP would minimize & mitigate impacts take of grizzly bears to the maximum extent practicable, &, in fact, result in a net conservation benefit to the species based on numerous commitments to address effects of high road density and the potential for human-bear conflicts and livestock-bear conflicts. We also note that the Northern Continental Divide ecosystem currently has over 765 grizzly bears & the population has been increasing since 2004 at a rate of about 3% per year.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Bears - Core	1, 3, 5, 11, 22	Several commenters continue to express concerns relative to the need to retain security core for bears on DNRC's blocked ownership. Specifically, one commenter stated the 4-year activity/8-year rest scheme in Stillwater State Forest should be rejected for several reasons: 1) The rest period is not a surrogate for secure core because it has many loopholes that allow salvage logging & use of closed roads by DNRC. 2) DNRC is allowed to maintain up to 8 miles of temporary roads at any one time. 3) DNRC is relying on adjacent USFS core area to provide grizzly bear security yet their own ARMs do not allow them to restrict their activities to make up for deficiencies on adjacent lands. They can't have it both ways. 4) The HCP characterizes adjacent Plum Creek lands as having "efforts to avoid or minimize take." However, Plum Creek does not have an HCP for grizzly bears so is not bound by any legal measures to minimize take. 5) This scheme has not proven to protect grizzly bears in the Swan Valley under the SVCA.	USFWS & DNRC responded to concerns about grizzly bear security core in the Final EIS, Appendix G, p. G-73 in our response to Letter 12, comment 127. However, we erroneously reported that "… the proposed Stillwater transportation plan proposes reconstruction of existing roads or use of temporary roads to access timber stands and would construct only 2 miles of permanent road in the Stillwater Core over the Permit term, further minimizing effects of roads in the core area." DNRC would actually construct 12 miles of new road in the Stillwater Core over the Permit term. This difference in mileage does not affect our conclusion because the road density analysis presented in the Draft & Final EIS included 12 miles in its calculations & description of effects. In supplement to the information provided in our response to this issue in the Final EIS, we note that the Final EIS includes an analysis of secure habitat on p. 4-341, Table 4.9-15. This table shows that overall in the Stillwater Block, there would be a net reduction in secure habitat by 12% & that 3 of the 8 grizzly bear subunits would decrease in habitat availability. Additionally, because land ownership in the Swan Valley has changed from Plum Creek Timber Company to TNC, we anticipate that changes in secure habitat would be more similar to those depicted in Table 4.9-15 for the no-action alternative under the Swan Agreement. In our BO, we have determined that DNRC's program to limit open roads, restrict public & State agency access on other roads during key time of year for bears, implement a timber management/rest schedule, provide cover & screening for bears, & address potential human-bear conflicts would ensure that most bears would be provided adequate areas free from intensive disturbance associated with commercial forest management activities such that no incidental take is anticipated. In response to commenters' Reason 1, the "exceptions" in rested subzones (30 days for commercial activities per year & allowable low-intensity activities) are the same as those allowed in secure habitat on National Forest lands. Additionally, the "exceptions" for salvage harvest that extend for more than 30 days require coordination with the USFWS, which is the same practice that occurs on National Forest lands. Therefore, the HCP's approach to exceptions is not a departure from current practices & would not compromise the benefits from rested subzones. In response to reason 2, the effects of temporary roads on bears are addressed in the Final EIS, Chapter 4, Section 4.9. In response to reason 3, the HCP represents DNRC's commitments to conserve the HCP species on State trust lands & does not rely on Federal lands to compensate for impacts on State lands. In the BO's analysis to determine if the HCP would jeopardize listed species, the USFWS considered actions & conservation programs on adjacent

TABLE A-5. Responses to Comments on Final EIS/HCP			
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Bears – CYE	5, 11, 22	Three commenters stated the HCP needs stronger protections for bears in the Cabinet Yaak ecosystem & one suggested that the HCP would not improve conditions for these bears or their prospects for recovery.	We responded to similar concerns raised on the Draft EIS/HCP. See our response in Final EIS, Appendix G, p. G-121, under Letter 96, comment 391. The HCP includes enhanced commitments for the portion of the HCP project area within the CYE. In our ESA Section 7 BO, we determined that the HCP would not cause take of bears in the CYE & also would not result in jeopardy of grizzly bears. Lastly, the proposed HCP is consistent with the recovery actions by Federal land managers on lands in & adjacent to the action area.
Bears – Foods / Climate	11	Section 4.2 Climate of the Final EIS does not provide a realistic analysis of potential major changes on bear foods from climate change, so as to fully evaluate the effects of implementing the HCP. DNRC therefore could not intelligently assess the likely cumulative effects of bears from timber harvest in a changing forest arena over the next 50 years. Without such analysis, it is impossible to assess whether or not the actions taken in the HCP would meet or violate the goal of reducing impacts on endangered species to the maximum extent practicable.	The Final EIS, Chapter 4, pp. 4-318, 4-320, & 4-356 identifies potential changes attributable to climate change that may affect bears. The Final EIS, p. 4-356 states that the commitments for bears under the HCP should help reduce the effects of other stressors that may affect bears through climate changes. It also notes that through annual & 5-year reviews, the monitoring & adaptive management program, & contingencies for changed circumstances, the HCP would provide opportunities to address ongoing changes to the bears' environment & incorporate the findings of scientific research. Because grizzly bears are food generalists that exploit seasonally & locally abundant food sources when they are available, we expect that bears will respond to changing food sources readily by adjusting food habits.
Bears – Helicopters	9	There are no stated instances where the DNRC has any problem with the limited use of helicopters for timber harvesting, so why the capitulation on this use when needed? There is no explanation other than “like other motorized activities, helicopter use can affect bears.”	Recent litigation has required USFWS to more closely consider the effects of helicopter use on bears. To ensure appropriate incidental take coverage & analysis of effects, the possibility that helicopter use by DNRC could result in incidental take of bears, needs to be addressed in the HCP. The HCP commitments to address the effects of helicopters on bears are more in line with the guidance issued by USFWS on September 17, 2009.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Bears – Monitoring & Take	11	The plan includes contradictory statements about the impacts to grizzlies from implementation of the HCP, & the need for monitoring. On 4-8, the plan says "little effectiveness monitoring is required because the HCP conservation measures are based on the best available science and are understood to be effective when implemented properly." Yet this statement is contradicted elsewhere in the document, such as on 7-10, where the plan states "the displacement of grizzlies from habitat are difficult to quantify and in most cases, impossible to measure in terms of impacts of bears on harvest." The plan goes on to say that "the best available and commercial data are not sufficient to determine a specific number of grizzlies that may be affected by displacement and therefore subject to incidental take." Isn't quantification of take the purpose of the entire document? The plan must be revised to make rational sense of this complex issue.	USFWS would like to clarify that the statements in HCP Chapter 7, are pointing out the challenges associated with quantifying take of bears whereas the statements in HCP Chapter 4 are referring to the need to monitor the HCP commitments. The statement the commenter referenced on p. 7-10, might be better stated as "although we may observe displacement of grizzlies from habitat disturbed during timber harvest, the subsequent effect of that displacement on the bear is difficult to quantify and assess." The statement then, that "the best available and commercial data are not sufficient to determine a specific number of grizzlies that may be affected by displacement and therefore subject to incidental take" is true & is the reason we use habitat surrogates to quantify take of bears. The habitat surrogates are explained in Final HCP, Chapter 7, p. 7-12.
Bears – Pepper Spray	21	Require that DNRC field staff carry bear pepper spray, which has proven effective in deterring grizzlies in conflict situations.	DNRC employees are encouraged, & will continue to be encouraged to carry bear spray, particularly in areas where grizzly bears are likely to be present. Both USFWS & DNRC believe that it is appropriate & adequate to allow individual employees & DNRC contractors' discretion in determining when & where they carry bear spray. The HCP commitments include training of employees working in bear country.

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Bears – Roads	22	Redouble efforts to reduce road densities in the bear management areas where overall road densities greatly exceed biologically sound thresholds.	Presumably the biologically sound thresholds referenced by the commenter are the USFS' Amendment 19 standard that bear management subunits contain no more than 19% of its area with greater than 1 mile/square mile open road density, no more than 19% of its area with greater than 2 miles/square mile total road density, & not less than 68% of its area providing secure habitat. DNRC determined these measures were not achievable given its land base, land distribution, mission, & trust mandate (See Final HCP Chapter 2 & Final EIS, Appendix G, p. G-73 response to letter 2, comment 7). Hence, DNRC is seeking an incidental take permit to authorize take associated with its forest management program. The HCP was negotiated with the understanding that the operating environment is working forests that require capital investments for roads at densities that may be compatible, but not necessarily optimal to maintain high quality habitat for some species such as grizzly bears. To greatly reduce road densities to the degree mentioned would not be compatible with DNRC's long term management needs & fiscal obligations &, therefore, is not practicable. Therefore, DNRC's HCP strategy is aimed at minimizing roads to a level that is compatible with its allowable covered activities, as well as implementation of numerous other strategies to minimize impacts of its program on bears. To that end, the HCP focuses on reducing open road densities, closing roads & restricting activities in habitats of seasonal importance for bears, & implementing a management/rest scenario in grizzly bear habitat.
Climate – Atmospheric Gases	9	There are several areas of concern relative to climate change & the changes made to the document. There is no proven scientific basis for the assumption that timber harvest & its associate roads contribute to an increase in atmospheric gas levels.	That climate changes are attributable to human activities is highly likely, & the data suggests that certain human activities are more likely than others to contribute heat-trapping gases. The role of this project in the contribution to greenhouse gases is appropriately characterized in the Final EIS as a small fraction of Statewide emissions from all sources.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Climate – Planning	17	We would like to point out that our expectations for DNRC's planning processes are no different than those for other agencies. That is, other State & Federal agencies are already well into the process of developing plans to mitigate the effects of climate change on the forests, watersheds, & imperiled species entrusted to their care, etc.	DNRC reviewed the links provided & noted some general recommendations for conserving streams. DNRC did not identify specific strategies (or plans to develop specific strategies) to mitigate the effects of climate change on Canada lynx, aquatic species, or grizzly bear habitat because we & DNRC determined that the biological objectives & conservation strategies of this HCP fit well with the recommendations in the links provided. The HCP addresses potential changes in the habitat needs of HCP species due to effects of climate change in several ways, as described in our response (below) to the range of comments we received on climate change.
Climate – References	17	Scores of peer-reviewed scientific publications about the current impacts of climate change in the Northern Rockies are readily available to the DNRC for use in the planning process, & were provided on a CD & in the reference section of our last set of comments on the draft HCP, although not included in the Final HCP.	We reviewed the literature provided in the comments on the Draft EIS & incorporated into the Final EIS analysis the findings from 7 of the publications provided. The remaining publications were either not relevant to the proposed HCP & the resources addressed by the plan or were not considered because they were not peer-reviewed literature.

TABLE A-5. Responses to Comments on Final EIS/HCP			
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Climate - Change	10. 12. 17, 20, 21, 25, 26, 29, 32	We received a range of comments regarding climate change similar to those we received during the comment period for the Draft EIS/HCP.	USFWS & DNRC responded to all of these concerns in our responses to comments on the Draft EIS/HCP. Please see Final EIS, Appendix G, Section 2.7 Climate Change, pp. G-153 — G-162. We reiterate that this HCP addresses potential changes in the habitat needs of HCP species due to climate change in several ways: 1) The HCP has a program for reviewing new relevant publications at annual & 5-year reviews. This is an opportunity to potentially change the HCP to address species needs that may be changing due to climate change. 2) The HCP identifies climate change as one of the triggers in the Changed Circumstances section, including a specific process for the two agencies to collaboratively respond if new research shows that incidental take has increased or the HCP species are changing their habitat use, food base, or other biological needs due to climate change. 3) DNRC's stream temperature monitoring is designed to detect site-specific changes in stream temperature. If the riparian strategy is not conserving stream temperatures adequately, DNRC commits to establishing RMZ prescriptions that will meet post-harvest shade levels & stream temperature requirements.
Conservation Alternative	1, 2, 3, 4, 6, 10, 11, 12, 13, 16, 19, 20, 21, 24, 25, 26, 27, 29, 30, 31, 33	Several commenters reiterated comments we received on the Draft EIS/HCP -- that DNRC must consider a true conservation alternative that minimizes timber harvest, road densities, & grazing & maintains or improves habitat for listed species. Some commenters also stated there was no scientific basis to the proposed HCP strategies. Several also reiterated another common comment on the Draft EIS -- that the EIS did not include a reasonable range of alternatives. Two commenters expressed support for Alternative 3.	USFWS & DNRC addressed these concerns in our responses to comments on the Draft EIS/HCP. See Final EIS, Appendix G, 2.5 Alternatives, pp. G-138 — G-140. Regarding concerns that the HCP must maintain or improve habitat for listed species, please see Final EIS, Appendix G, 2.3 Function of the HCP, pp. G-111 — G-113. The BO for the covered species determined that the proposed HCP adequately conserves habitat & is consistent with the recovery of the covered species. Regarding the statement that the strategies have no scientific basis, we refer the commenters to Final HCP, Chapter 1, Section 1.3.3 Development of the Conservation Strategies. As we have stated previously, the strategies are built on Federal standards & other HCPs & programs aimed at conserving the HCP species (including DNRC ARMs -which are sustaining habitat for HCP species populations on State lands). That the strategies do not apply the exact same requirements as other plans is a reflection of the Section 10 requirements, the applicant, & the anticipated effects of take resulting from DNRC's activities.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Cost	2, 15, 23	Several commenters expressed concern with the cost of the HCP. One commenter asked if DNRC prepared a breakdown of the additional staff hours required to implement the HCP. Another commenter felt the cost of removing acreage from management due to the commitments may outweigh the benefit of any additional acres that would be managed. One commenter asked what steps have been taken to ensure that the plan can be implemented? Another asked where the funds will come from given the current poor economic times? Another asked if the HCP can be changed to improve returns to the trust if it ends up resulting in significant reductions in returns to the trust. The same commenter asked if the HCP will allow restoration of an area? Lastly, one commenter stated that DNRC should make efforts to provide for economic assessment of intangible resources (hunting, outdoor recreation, etc.) through legislative definition or amending the mandate.	USFWS & DNRC addressed concerns regarding the cost of the HCP in our responses to comments on the Draft EIS/HCP. See Final EIS, Appendix G, Section 2.19 Funding & Costs, pp. G-202 — G-203. We note that DNRC did prepare a breakdown of additional staff hours required to implement the HCP & those costs are reflected in the HCP cost estimate in Final HCP, Chapter 8, Table 8-1. Additionally, Final HCP, Chapter 8, explains what steps were taken to ensure the plan would be implemented & describes the sources of funding for the HCP. We note that the HCP is an adaptable plan & can be modified over time. The reasons & processes for adapting the HCP are described in Final HCP, Chapter 4. A reduction in the return to the trust is not identified as a reason to adapt the HCP. However, USFWS would work with DNRC to address reductions to its trust beneficiaries resulting from implementation of the HCP. We note that the HCP would not restrict DNRC from restoring an area as this is a covered activity of the forest management program.

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Subject	**Letter #**	**Comment**	**Response**
Cumulative Effects	21	Many of us who enjoy the outdoors on foot & who go there to see wildlife are finding fewer & fewer places to go. If we are driven from public lands by the presence of motorized recreation, logging operations, grazing, & even mining operations, certainly wild species experience the same pressure & need to find habitat elsewhere. A serious evaluation needs to consider developments occurring in adjacent areas & it certainly must include evaluation of all State trust land.	The Draft & Final EIS analyzed the effects of the HCP within the Planning area (encompassing all lands in western Montana) as well as all lands in the HCP project area (parcels included in the HCP). Additionally, EIS (Chapter 5) includes a cumulative effects analysis describing ongoing trends on all lands in the HCP planning area. The cumulative effects analysis also describes the disposal of Plum Creek Timber Company lands to Federal, State, & private conservation organizations & the anticipated effects on all resources in the planning area.
Economics	2	Consideration of the economic impacts is an important step required by ESA that is given very little consideration. How will you account for economic impacts?	The economic impacts of implementing the HCP were analyzed in Final EIS, Chapter 4, Section 4.13 Socioeconomics, pp. 4-481 — 4-500.
Economics	9	The document half-heartedly supports the idea of a viable timber industry with the associated jobs & benefits, but it seems clear the HCP is not in sync with the real socioeconomic issues facing Montanans. The changes in the Final HCP do not reflect the long-term goal of the stated DNRC mission.	The economic impacts of implementing the HCP were analyzed in Final EIS, Chapter 4, Section 4.13 Socioeconomics, p. 4-481 — 4-500. DNRC believes it can implement the HCP & maintain a viable forest management program on State trust lands.

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Firearms	15	The response to our previous comments on this issue is indicative of the lack of basis, science or fact in the adoption of firearms restrictions. Prohibiting employees & contractors from possessing firearms is unjustified & unnecessary.	Restrictions on firearms in the HCP are expected to reduce the risk to bears associated with misidentification or malice by anyone conducting forest management activities on trust lands.
Forest Vegetation	18	The Final EIS/HCP should address in more detail how the State intends to manage these low elevation habitat types to provide for big game hiding cover, snow intercept, & browse availability. The results of MFWP's research & findings on white-tailed winter ranges in NW Montana should be included in the discussion. Also the Final EIS/HCP needs to disclose the cumulative effects of both National Forest & State timber management activities on whitetail winter range.	No terrestrial species other than grizzly bears & lynx were proposed for coverage under the HCP. DNRC will continue to address big game habitat as it does currently through ARM 36.11.443, which requires DNRC to consult with MFWP through the project level interdisciplinary planning process. Because the Final EIS concluded that overall the HCP would not contribute to major effects on big game & their habitat, this was not an issue carried forward into the cumulative effects analysis.

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Forest Vegetation	18	The fuel reduction prescriptions in the lower elevation drier habitat types are also not sustaining long term timber production. The residual stand left will likely never release/grow enough to require thinning. The most likely long term treatment would be to regenerate the stand. So the prescription is perpetuating an open grown stand that will likely never produce more volume until the stand is regenerated. The Final EIS/HCP should disclose the expected timber volume production of these treated stands over time.	DNRC's HCP would not change the way DNRC manages fuel reduction goals in lower elevation stands. Because this issue is outside the scope of this HCP, it was not analyzed in the EIS.
Forest Vegetation	2	The requirements on pp. 4-371 — 4-373 will greatly decrease the growth rate on forest land. Where is the sustainable yield analysis that shows this reduction in growth & thus income to the trust beneficiaries?	The effect of the HCP on the Annual Sustainable Yield is analyzed in Final EIS, pp. 4-54 — 4-55.
Forest Vegetation	1	Old Growth - simple, no protections & the DNRC will remove this feature from the landscape ASAP.	DNRC will continue to manage for biologically diverse forests & apply forest management ARMs for old growth management until such time that the ARMs are revised.

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Subject	**Letter #**	**Comment**	**Response**
Forest Vegetation	18	The Final EIS/HCP should disclose how it will insure the retention of snags in light of conflicts with OSHA or the timber purchaser removing the snags for chips. I have witnessed snags fell for apparent safety reasons & then hauled out for firewood. I have also witnessed snags being legally cut because they provided a product (pulp). The Final EIS/HCP should develop a monitoring plan to determine if snag numbers were maintained.	DNRC currently monitors snag retention as a components of its State Forest Land Management Plan monitoring requirements. This effort would continue & the results will be documented in each 5-year report on HCP & State Forest Land Management Plan implementation.
HCP - Independent Review	23	DNRC should have out of agency independent land managers & biologists participate in management.	DNRC initiates a public scoping process through its MEPA procedures for timber sale projects. While not the same as the suggestion made by the commenter, this process does seek input from the public as well as other State & Federal land managers in the development of DNRC projects. Under the HCP, USFWS would provide input during key times in HCP implementation, such as changed circumstances & annual & 5-year monitoring, & would monitor the progress of the HCP through DNRC reporting both annually & at 5-year intervals.
HCP - Redds Trampling	5	Redd trampling by cattle was an issue that we raised in our EIS comments. Rather than committing to excluding cattle from streams the HCP will complete a plan for a pilot study within 2 years & initiate a plan by year 3. DNRC should ensure that cattle are removed from streams rather than studying to see if there are any effects.	There is limited data to effectively evaluate if redds trampling affects HCP covered fish across the DNRC HCP project area. The study cited in the comments on the Draft EIS/HCP (Gregory & Gamett 2009) was conducted in Lost River Drainage of central Idaho. The range sites & landscapes evaluated in that study are very different then the vast majority of the affected DNRC HCP Project Area (i.e., HCP parcels with grazing license). Neither USFWS nor DNRC know the extent of cattle trampling of redds, or if it is a substantial problem across that portion of the HCP project area where grazing licenses have been issued. The study approach included in the Final EIS/HCP was deemed necessary & reasonable in order to assess the actual baseline conditions. If redds trampling is substantiated across the HCP project area, DNRC & USFWS would work collaboratively to develop an appropriate management response under the proposed HCP.

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HCP - Soft Commitments	1	Page 4-229 of the Final EIS, line 2-3 states "...corrective actions may be modified…" Is another soft commitment to monitor & correct damages due to grazing negative effects. Please correct this by changing may to shall.	The referenced text was found on p. 4-299 & is not a specific commitment, but rather is an option DNRC might consider in the context of responding to climate change.
HCP - Take by Alternative	1, 5	The FEIS & HCP are missing a description of the current conditions of the lands & how much take will occur from the actions sanctioned under any of the alternatives. The FEIS should detail how much loss each species will incur under the HCP. Then perhaps a true conservation alternative could be developed.	For each resource analyzed in the EIS, a description of its current condition, including that of the HCP species, is provided in Chapter 4 of that document, prior to the analysis of effects on that resource. Final EIS, Chapter 4 Environmental Consequences, adequately discloses the effects from take & how they differ between the alternatives. The DNRC HCP includes an analysis of anticipated take in Chapter 7. The BO also includes quantification of anticipated take & an analysis of effects to the covered species over the permit term.
HCP - Take on Noncovered Lands	1	Can DNRC be restricted from activities on non HCP lands that have listed species without applying proposed HCP protocols? Will the USFWS restrict uses because no take permit was granted? What type of analysis will be done if or when the DNRC decides to liquidate lands?	USFWS expects DNRC to comply with the provisions of Section 9 of the ESA & other Federal & State laws addressing species protection on DNRC parcels outside the HCP project area such that we will not need to restrict uses. Should DNRC engage in activities that may result in take on lands outside the HCP project area, they may request to amend the current HCP to include those activities on those lands or develop a separate HCP to be in compliance with the ESA. Regarding the disposal of lands from DNRC ownership, DNRC would follow the process described in Final HCP Chapter 3, Transition Lands.

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Subject	**Letter #**	**Comment**	**Response**
HCP process	1	There is no real mechanism for consequences if DNRC does not (fully implement) the HCP. What would really change if the DNRC does not follow HCP commitments? If USFWS pulls the take permit, will this stop management on HCP lands? Example - will all road building & logging activities be curtailed?	Please see our response to Letter 9, comment 112 p. G-205 & Letter 90, comment 323, p. G-206 & in Appendix G of Final EIS/HCP. Additionally, we note that both the Permit & the Implementing Agreement (Final EIS, Appendix F) provide assurances that the HCP would be implemented. Should DNRC have trouble implementing the commitments, we would work with them to determine how to resolve the problem first. If it cannot be satisfactorily resolved so that DNRC is in full compliance with the HCP, we may resort to suspending and/or revoking the Permit. Should we suspend/revoke & DNRC continues with activities that result in take, they risk being in violation of the ESA.

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Subject	**Letter #**	**Comment**	**Response**
HCP recovery	5	The FEIS also does not disclose how the activities sanctioned by the HCP are consistent with recovery of the listed species. There are no biological goals in the HCP only logging & roading goals. We realize that DNRC is not obligated to "recover" listed species; however, their actions should not be inconsistent with recovery.	The biological goals for the HCP species are described in Final HCP, Chapter 2. The analysis of the consistency of the HCP with recovery goals for the HCP species is provided in the ESA Section 7 BO. Briefly, that document makes the following conclusions. The best information suggests that forest management activities managed under the conservation commitments of the DNRC HCP would not appreciably reduce the likelihood of survival & recovery of grizzly bears. Our conclusion is based on, but not limited to, the fact that where DNRC ownership occurs in recovery zones, the HCP commits to limit the number of ongoing activities in an area so that localized habitats are available for use by grizzly bears even while other nearby areas are undergoing forest management. Additionally, spring habitat actively used by bears would be restricted from certain activities in the spring. Overall, the HCP promotes the conservation of grizzly bears & adequately minimizes effects of forest management on grizzly bears to levels that are conducive to the continued recovery of the grizzly bear population. In the BO's analysis of effects on lynx, we determined that the proposed action addresses, in whole or in part, the relevant objectives for non-Federal land managers in the recovery outline for lynx. This is based in part on the fact that the HCP would apply protective provisions within areas known to be occupied by reproductive-aged female lynx. The HCP also would provide foraging habitats & connectivity for lynx within all occupied habitat on scattered parcels. This management is expected to contribute to conservation of lynx habitat & a prey base for lynx home ranges in these areas. Our analysis of effects on the aquatic species concludes that although some HCP covered activities may result in adverse effects to HCP fish species, the effects are expected to be short term & relatively minor in scope= (e.g., periods of temporary increases in sediment levels followed by a long-term beneficial habitat condition), impacting very small amounts of habitat & very few individual fish. Additionally, the HCP would result in a net reduction in sediment delivery to streams & increase access to habitat through removal of barriers. Therefore, the HCP would result in a net conservation benefit to the aquatic species over the life of the permit & is conducive to recovery of the species at the core area population level.

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Subject	**Letter #**	**Comment**	**Response**
Insects	13	I request that your analysis recognize the implications forest insect species such as mountain pine beetle spruce budworm & how such species, & others, typically erupt over long periods of time, & as a native fauna are part of the temporal changes that occur naturally - albeit in the face of recent fire suppression - in Montana & the western U.S. Please include the attached publication (Evenson & Gibson 1940) as a reference in your EIS relative to insect outbreaks & their general impact to forest resources in the State & region. Please recognize & help educate the public that such outbreaks naturally occur, & that the most recent eruption is a natural phenomenon, except only in how fire suppression may have augmented its intensity.	We reviewed the publication referenced by the commenter. Final EIS, Chapter 4, p. 4-48 adequately characterizes insect & forest diseases as endemic events in the forested landscape. Therefore, no changes in the Final EIS are required.
Land Transactions	5	The HCP transition lands strategy states that "As soon as DNRC is aware of a proposed real estate transaction involving any HCP project area lands…notice will be provided to the USFWS…" Doesn't DNRC initiate proposed real estate transactions?	In this case, the use of the term DNRC refers to the Forest Management Bureau, which does initiate transactions. However, transactions are initiated through other programs within DNRC as well, such as the Real Estate Management Bureau. Hence, the sentence is correct as stated.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Lynx - Adhere to USFS Standards	NGOs	Consider the feasibility of maintaining all lynx foraging habitat, winter & summer, similar to what is required on National Forest lands across western Montana. This is necessary to evaluate if DNRC's currently proposed loss of 3,000 acres of lynx foraging habitat each year is indeed justified.	We note that managed lynx habitat does not result in a permanent loss of habitat. Both managed & unmanaged stands undergo succession, which means stands are continuously growing into, & out of, lynx habitat. Under the Northern Rockies lynx management direction (USFS 2007), USFS standard VEGS5 essentially prohibits pre-commercial thinning projects that reduce the value of snowshoe hare summer foraging habitat unless certain conditions are met. Thinning activities are allowed within the Wildland-Urban Interface but are subject to a cap. Given that DNRC thins approximately 1,500 acres per year, Statewide, potential effects on lynx were considered minor, though adverse at times depending on site conditions & juxtaposition of habitat. Therefore, pre-commercial thinning activities are not prohibited, but DNRC is required to retain 20% of the thinned area in an un-thinned condition such that it would continue to function as summer foraging habitat until it grows to the next successional stage. Further, the draft BO analysis & incidental take statement, caps the acres the State could thin annually at no more than 1,200 acres per year within lynx habitat. As shown in Final EIS, Chapter 4, Table 4.9-20, within the LMAs, 80,576 acres are winter foraging habitat. This equates to approximately 19% of the 446,100 acres available for timber harvest under the proposed HCP. On the surface this may seem like a small amount of land on which to forgo timber harvest in order to maintain habitat for lynx. However, within the Stillwater State Forest, which yields 20% of the volume of the annual sustainable yield (derived from Table 4.2-6 Final EIS) of timber on forested trust lands, 58.6% of the total acreage within the State forest is winter foraging habitat for lynx. Avoiding all management of winter foraging habitat would require DNRC to defer management on more than half of its land base in the Stillwater In the Swan River State Forest, which yields 12.6% of the annual sustainable yield of timber on forested trust lands, 60% of the acreage is winter foraging habitat for lynx. Avoiding all management of winter foraging habitat in the Swan would require DNRC to defer timber harvest on more than half of its land base in the Swan. Additionally, deferring harvest in combination with implementation of the State's fire policy (MCA 76-13-115) would not result in maintenance of healthy & biologically diverse forests. USFWS notes that the purpose of ESA Section 10 is to authorize incidental take of listed species by private interests & States while conducting otherwise lawful activities. In this case, timber harvest is the lawful activity for which DNRC seeks ESA compliance & it is not reasonable to require deferment of harvest such that it cannot meet its trust mandate to generate funds for the trust beneficiaries.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Lynx – Big Game Winter Range	9	The lynx strategy was revised because of MFWP's concern about the exclusion of big game winter range as lynx habitat. DNRC has an excellent record of addressing both helicopter use & big game winter range, so inclusion in the HCP is unnecessary & would simply be used as a litigation tool to stop human activities. The grizzly bear helicopter & lynx sections need to be reviewed so they are based on science & not personal opinion.	Regarding the change to include big game winter range as lynx habitat, after examining our initial analysis & assumptions; the issues raised by MFWP; & recent literature, we concurred that areas previously excluded from being considered lynx habitat due to presence of big game winter range should be included as lynx habitat. This change was made because use of these areas by big game does not preclude suitability as lynx habitat. The grizzly bear helicopter analysis is based on guidance prepared by USFWS & USFS (USFS & USFWS 2009) & the available science on this topic.
Lynx - Commitment not Flexible	7	Retaining 20% of thinning units unthinned is cookie cutter & seems to provide no management flexibility that might be suggested or allowable based on site specifics as size of unit, condition & attributes of surrounding area, etc.	Both USFWS & DNRC agree that (1) the wording of the commitment & (2) the interdisciplinary planning process will provide enough management flexibility to account for factors such as unit size & conditions of the surrounding area when planning thinning activities to comply with the HCP commitments.
Lynx - Comparison to other Plans	5	The final HCP proposes to retain just 65% of its overall lynx habitat in suitable condition, when comparable plans (Washington DNR, USFS) require retaining 70% suitable habitat.	This comment was addressed in our responses to comments on the Draft EIS. Please see Final EIS, Appendix G, pp. G-95 & G-96, responses to Letter 119, comments 584 & 593.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Lynx - Exceptions	5, 10	Although DNRC added a standard in the FEIS to maintain 20% of the lynx's winter foraging habitat (mature forests where lynx hunt snowshoe hares), & to protect 20% of the lynx's summer foraging habitat from pre-commercial thinning (to help maintain cover & browse for hares in young stands), it created too many exceptions to the new standard. For example, DNRC need not maintain hare habitat where it may compete with crop trees, & insists on exemptions to the 20% standard where it conflicts with its timber objectives. These inadequacies need to be addressed.	There are no exceptions to DNRC's commitment to retain 20% winter foraging habitat or 20% of pct units in an unthinned condition. Deviations may occur under a changed circumstance & a process is described to address these deviations should they occur (see Final HCP, Chapter 6). The intent & exceptions to commitments to retain foraging habitat attributes (LY-HB4) on scattered parcels are explained in Final HCP pp. 2-50 — 2-51. USFWS believes this commitment is reasonable & would benefit lynx.
Lynx - Garnet Range	3	The State lands planned for development & in the Garnet Range important to lynx should be included in the HCP, & their transition & development should be capped at 5%. DNRC should develop a conservation alternative that contains science-based standards—such as those contained in the USFS' Northern Rockies lynx management direction (2007)—lynx habitat without exemptions in cases where they conflict with its timber harvest objectives. (Maintain 70% suitable & no exceptions to the 20% foraging).	The concerns regarding lynx were addressed in our responses to comments on the Draft EIS. Please see Final EIS, Appendix G, p. G-100, response to Letter 169, comment 703; p. G-95, response to Letter 119, comment 584; & pp. G-110 — G-111, Letter 169, comment 699. We note that there are no exceptions to DNRC's commitment to retain 20% winter foraging habitat or 20% of pct units in an unthinned condition. Deviations may occur under a changed circumstance & a process is described to address these deviations should they occur (see Final HCP, Chapter 6).
Lynx - Habitat	7	Big game winter range is not habitat that needs protection for lynx	Please see Final EIS, Appendix G, pp. G-99 — G-100, response to Letter 169, comment 702.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Lynx - Mapping data	5	If DNRC does not have the necessary data to map structural habitat conditions such as winter foraging habitat & summer foraging habitat in the Central Land Office, then the HCP should include a provision to collect it.	We note that the level of information identified by the commenter is only required within DNRC LMAs of which there are none in the Central Land Office. Nevertheless, through forest management projects & SLI re-inventory projects conducted by contractors, DNRC will systematically improve stand data & the ability to estimate both winter & summer lynx foraging habitat in the Central Land Office. For example, DNRC began a re-inventory process in the Central Land Office during the 2011 field season.
Lynx - Project Area	5	The geographic scope of the HCP for lynx is inadequate.	USFWS believes DNRC's proposal to apply the HCP commitments to all HCP parcels that support lynx habitat is appropriate.
Lynx - Understory Cover	10	The HCP does not contain clear, science-based standards to maintain understory cover in lynx habitat for snowshoe hares, the lynx's main prey. As a result, the HCP will be difficult, if not impossible to enforce. The HCP also states that DNRC will maintain small, shade-tolerant trees, but does not say how this standard will be measured. Additionally, the HCP contains a loophole, allowing DNRC to remove shade-tolerant trees wherever they compete with crop trees. And finally, the HCP proposes to retain just 65% of its lynx habitat in suitable condition, when comparable plans (Washington DNR, USFS) require retaining 70% suitable habitat.	The concerns regarding lynx were addressed in our responses to comments on the Draft EIS. Please see Final EIS, Appendix G, p. G-89, response to Letter 72, comment 234.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
MEP	3, 5, 10, 37	A few commenters stated that the HCP does not fulfill USFWS obligations under ESA & that the HCP does not fully minimize & mitigate to MEP the "taking of each of the covered species and their habitats, nor does it provide a net benefit to each of the covered species." Another commenter stated that neither the USFWS nor the DNRC created a record showing why the mitigation measures in the preferred alternative are the "maximum that can be reasonably required" of the DNRC.	DNRC has explained its justification for the preferred alternative in its Final HCP, Chapter 1, Section 1.3 Development of the HCP as well as Chapter 5, Alternatives. In the time since we responded to this issue in comments raised on the Draft EIS (see Final EIS, Appendix G, Section 2.3.1.3, pp. G-112 — G-113). USFWS has further addressed this issue in its evaluation of the permit issuance criteria in the Findings contained in its ROD which is available on the USFWS Montana Field Office website & HCP project website at <http://www.dnrc.mt.gov/HCP/default.asp>.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Monitoring - Stream Temperatures	5	The in-stream temperature & shade monitoring is drastically reduced after 10 years if in-stream temperatures are not showing any increase. Climate change dictates that temperature monitoring should continue for the life of the HCP. In addition, the HCP's adaptive management contains no timeframe for addressing increased temperature impacts. The HCP also hints that the quality & quantity of data that is being collected may not be adequate to develop alternative approaches. (See HCP at p. 4-50.) Similarly the monitoring for LWD is also reduced after 10 years if the LWD recruitment objective is met on 80% of the RMZ acres harvested & there is no timeframe for addressing inadequate LWD recruitment. (See HCP at p. 4-49.)	The HCP does allow DNRC to reduce in-stream monitoring after 10 years if certain criteria are met. However, we note that the HCP also includes a process to adapt the HCP in light of climate change. If the adaptive management process is triggered due to increased temperature impacts or inadequate LWD recruitment, the timeframe to address the issue would be developed in conjunction with DNRC's proposed approach & mutually agreed upon by both parties. If the quality & quantity of data being collected is not adequate to develop one of the alternative approaches described in the HCP, DNRC could be required to collect the data or seek another approach.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Monitoring - Sufficient Funds	18	Alternative 2 proposes more range inspections & compliance checks for related resource objectives. I strongly support these objectives, but again I do not see the State having sufficient funding or manpower to monitor & inspect range allotments. As in the previous comment, the Final EIS/HCP should develop a plan to insure that the State will have a range person that will inspect allotments & work with the permittees to protect & maintain or improve range condition & associated resources. The Final EIS/HCP should include a monitoring plan for the inspections of range allotments.	USFWS is confident that both parties developed a monitoring program that could & would be successfully implemented by DNRC. The program requires DNRC to monitor grazing licenses every 5 years at the license mid-term & renewal.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Monitoring & Adaptive Management	1, 5	One commenter stated that it appears that monitoring has been streamlined in the changes in the Final EIS. They also expressed concern that the 5-year reporting will not allow for quick adaptive management. They also stated that depending on the USFWS to monitor without secured funding is a major failure in the HCP. Another commenter noted there is no mechanism to ensure that funding will be available for the monitoring the HCP by either DNRC or USFWS. One commenter stated that without true effectiveness monitoring, it is impossible to do adaptive management. They also stated the adaptive management program lacks adequate "triggers" & decision criteria, & does not require DNRC to take any particular action at any particular time & concluded there is no assurance under the HCP that adaptive management will result in improvements to the HCP's conservation measures.	The Preface to Final EIS, pp. vi-vii, describes that nature of the changes to the HCP Chapter 4, Monitoring & Adaptive Management in the Final EIS & explains why the changes were made. Regarding the other concerns about monitoring & adaptive management, we refer the commenters to our responses to comments on the Draft EIS/HCP. See Final EIS, Appendix G, Section 2.14 Monitoring & Adaptive Management, p. G-189 — G-193.
Monitoring Availability	1,	All monitoring results should be made available to citizens as well as the USFWS.	DNRC will continue to maintain the HCP project website, & all monitoring reports will be public documents & made available through that website or by request.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Not Supporting HCP	9, 15	A few commenters expressed their concerns & inability to support the proposed HCP for a variety of reasons including that the HCP did not provide enough conservation, would not generate a significant enough return to the trust beneficiaries, provided too much speculation about climate change, & went too far in restricting DNRC's activities.	Comment Noted. The issues raised by the commenters are addressed in Final EIS, Appendix G.
Other Markets	11	The section that was added since the earlier draft on climate change does make reference to significant & major projected changes; yet this plan seems locked in on the short-term approach to maximizing profit, rather than allowing for the possibility that in the long-term, these forests may be far more valuable standing & intact.	For a response to this comment, please see Final EIS, Appendix G, Section 2.4.1.1 Timber Harvest & Alternative Markets on State Trust Lands, p. G-128.
Permit Term	1, 3, 4, 5, 6, 10, 11, 13, 17, 19, 21, 22, 36, 37	We received numerous requests to shorten the Permit Term. Most commenters felt the uncertainties associated with climate change warranted a shorter timeframe. One commenter was concerned that USFWS would have the resources to monitor a permit for a 50-year term. Others still felt there was sufficient uncertainty in the conservation measures of the HCP that a shorter permit term was warranted.	Our response to this issue is the same as that captured in our response to the issue on the Draft EIS. (See Final EIS, Appendix G, Section 2.6 Permit Term). Regarding our ability to monitor the DNRC HCP, we note that as we have previously stated, we intend to monitor the HCP as annual budgets & staffing allow.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Public Access	28	I have not read the plan. Under the access portion of the plan does it contain protections for the motorized users for year round activities? It needs to protect our rights from future lawsuits closing more areas. It needs to contain opening areas to snowmobile use that have been fire burned, like the northfork, since no damage towards rehabilitation is evident from a snowmobile & protected species are not an issue during this time. And motorized single track, all areas currently available protected? Are We protected? You have been famous for losing a lot of the lands, like 70%, to closures due to these plans. Are we going to be smart about it this time & look out for nature, safety, & EVERY person with a right to access OUR lands?	Within its forest management program, through ARM 36.11.421 (10), DNRC considers closures on all roads that are nonessential to near-term future management or where unrestricted access would cause excessive resource damage. In general, DNRC closes most roads to public motorized use, & this would continue under the HCP. For the HCP, DNRC has developed transportation plans for its blocked ownership in the Stillwater, Coal Creek, & Swan River State Forests. These plans identify the type of use & season of use for each road on DNRC's ownership. Public access & recreational use was a consideration in the development of the HCP & resulted in the permanent opening of several roads in the Stillwater State Forest that are currently closed to motorized use. An additional suite of roads in the Stillwater State Forest would be open for seasonal motorized use.
Responses to Comments on Draft EIS/HCP	1, 5, 19	I incorporate by reference my comments on the draft EIS/HCP because many of them are still relevant or were not responded to.	We thoroughly considered & addressed all comments received on the Draft EIS/HCP & refer the commenters to Table 1.1 in Appendix G, Final EIS to find the locations of responses to their comments.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Revenue	1	DNRC has a mandate to maximize revenue. Does the word maximize in this situation have the same meaning as maximum as in —maximum extent practicable? If not, could this be clarified?	The definitions of the terms “maximize” or “maximum” alone are similar in both cases. However, both statements come with a set of conditions that affect how the “maximum” is determined. In the case of DNRC’s revenue mandate, maximizing must be balanced against their mission to consider environmental factors & protect the future income-generating capacity of the land. In the case of Section 10 ESA, maximum extent practicable is not absolute but can be based on a number of considerations including biological, logistical, technical & economical factors. Please see our response to this issue in Final EIS/HCP, Appendix G, pp. G-112 — G-113.
Revenue Pver Conservation	12, 15, 20, 23, 25, 26, 27, 29, 33, 34	Several commenters expressed concern that the HCP focused on revenues versus conservation & urged DNRC to prioritize wildlife & conservation over timber harvest. One commenter stated that the EIS/HCP should focus on what is biologically necessary 7 appropriate & then calculate harvest & should NOT look to agency targets to guide habitat protections.	USFWS & DNRC previously address concerns over the prioritization of timber harvest & revenue over conservation as well as the applicants' need to generate income in the responses to comments on Draft EIS/HCP. See Final EIS, Appendix G, 2.4 Timber Harvest, pp. G-128 — G-130.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Road Closures	18	The Final EIS/HCP identifies that roads not needed for management will be closed for a variety of reasons including the need to provide habitat security reduce sediment delivery to waterways. I strongly support road closures to meet those objectives, however my past experiences both on National Forest & State lands, has identified that many closed roads have been breached by motorized vehicles (both employees & public). I don't believe, unless these roads are closed in a location that prevents the closure from being breached, that the State has sufficient funds or manpower to enforce the closures. Therefore the Final EIS/HCP needs to identify a plan to insure that roads that will be closed to motorized traffic are in fact going to prevent motorized access. And I believe the breaching of road closures is going to become more numerous before the situation gets better unless the Final EIS/HCP develops attainable management goals which include public support. The Final EIS/HCP needs to incorporate a monitoring plan to determine if road closures are effective over time.	USFWS & DNRC are aware of the issue of ineffective road closures, which is why the HCP requires more rigorous monitoring of primary road closures by DNRC as well as a commitment to repair ineffective closures within 1 year of identifying them. Hence this requires DNRC to inspect all closures on HCP lands in the grizzly bear recovery zone annually, whereas under current practices DNRC only inspects closures in the Swan & Stillwater on an annual basis. The HCP also requires DNRC to report their annual monitoring results in their 5-year HCP monitoring report.

TABLE A-5. Responses to Comments on Final EIS/HCP			
Subject	**Letter #**	**Comment**	**Response**
Road Densities	5, 22, 35	We continue to receive comments about road densities, specifically, a statement that both agencies continue to ignore the scientific evidence supporting the negative effects of road, which is reflected in the HCP, a request to revisit commitments for bear management areas where densities are already high, & a request not to invade roadless areas in order to harvest old-growth trees.	USFWS & DNRC responded to all of these road-related concerns in our responses to comments on the Draft EIS/HCP. Please see Final EIS, Appendix G, Section 2.8 Proposed Road Building Under HCP, pp. G-162 — G-171 as well as our response to Letter 72, comment 233, pp. G-75 — G-76 & Letter 109, comment 495, p. G-79.
Road Density - Take	5	The HCP must address total road densities as take.	Both the Draft & Final HCP provided a quantification of take associated with roads for bull trout & bears in HCP Chapter 7. Additionally, the BO provides a quantification of anticipated take of bears attributed to high road densities & a quantification of take of the aquatic species attributed to sediment delivery from roads.
Roads - Oblit.	22	Rely more heavily on road obliteration, rather than seasonal closures, which are often ineffective.	Please see our general response to comments concerning roads in Appendix G, Section 4.8.1 of Final EIS/HCP.
Roads - Tracking	5	The HCP indicates that DNRC is unsure of how many roads it even has on the landscape. If DNRC built these roads then how can they “encounter” an old road they didn’t know they had? (See HCP at p. 2-21)	Old legacy roads that have re-vegetated or that may exist in remote areas that are not visited frequently by managers are occasionally detected & must be acknowledged & included in forest road inventories. This occurs infrequently & ongoing improvements in road updating & monitoring procedures & technologies will help ensure that potential for this to occur in the future is minimized.
Support HCP	7, 8, 14, 18, 27, 36	Several commenters expressed support for the Final HCP or for specific components of the Final HCP, particularly those changes that address concerns raised in the review of the Draft HCP.	Comment Noted.

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