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**MISSOURI RIVER
CONSERVATION DISTRICTS
COUNCIL**

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October 31, 2008

Laurie Shannon, Planning Team Leader
U.S. Fish and Wildlife Service
134 Union Boulevard
Lakewood, CO 80228

RE: Charles M. Russell National Wildlife Refuge (CMR) Comprehensive Conservation Plan (CCP)

Ms. Shannon:

As you know, the Missouri River Conservation Districts Council has been actively involved in the CMR's CCP process through our one seat as a cooperating agency on the Planning Team. Additionally, many of our Council members participated in the public meetings held in January and September. Based on this participation and after careful review of the Scoping Report dated April 2008, the draft Alternatives Chart dated August 7, 2008; the various Planning Updates; information received at the public meetings; and discussions with our constituents, we submit the following comments:

Comments Regarding the CCP Process:

- Livestock grazing, as part of the CMR's federally mandated purpose, has been drastically over-looked and ignored.** The relation of livestock grazing to wildlife in the purpose of the CMR was thoroughly reviewed and validated by the October 14, 1983 Ninth Circuit decision (*Schwenke v. Secretary of the Interior*). Yet even at the public meeting held in Jordan, MT on September 4th, 2008, the presentation included no reference to livestock grazing as part of the purpose of the CMR. Barron Crawford, Refuge Leader, has stated inaccurately that grazing is an "economic use" of the CMR. In reality, grazing has a much greater priority on the CMR as it is part of the Refuge's purpose. Executive Order 7509, dated December 11, 1936 states: *"That the natural forage resources therein shall be first utilized for the purpose of sustaining in a healthy condition a maximum of four hundred thousand (400,000) sharptail grouse, and one thousand five hundred (1,500) antelope, the primary species, and such nonpredatory secondary species in such numbers as may be necessary to maintain a balanced wildlife population, but in no case shall the consumption of forage by the combined population of the wildlife species be allowed to increase the burden of the range dedicated to the primary species: Provided further, That all the forage resources within this range or preserve shall be available, except as herein provided with respect to wildlife, for domestic livestock."* By ignoring livestock grazing as a purpose of the CMR, the CMR staff drafted the Refuge Vision and Goals (completed in October 2007 without cooperating agency input) that do not follow the intent of the FWS planning process, which is for the refuge purposes and authorizing authority to become the "driving forces in the process and

Gallatin Conservation District
Broadwater Conservation District
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Cascade County Conservation District
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Blaine County Conservation District
Big Sandy Conservation District
Fergus County Conservation District
Petroleum County Conservation District
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Garfield County Conservation District
Valley County Conservation District
McCone Conservation District
Roosevelt County Conservation District
Richland County Conservation District

subsequently be reflected in the refuge vision statement, goals, objectives, and strategies in the CCP” (Section 3.4 C(1)(b), Refuge Management – Part 602 National Wildlife System Planning, Federal Register, Vol. 65, No. 102, dated May 25, 2000). In their current state, the draft Vision and Goals fail to mention livestock grazing at all. We believe that this is an egregious error that necessitates re-drafting the Vision and Goals as well as review and revision of the entire CCP process to-date.

2. We note with great concern **the lack of dedicated Range Management Specialists** on the CMR staff and CCP planning team. Given that NEPA requires the use of a fully developed interdisciplinary team, and that the majority of the CMR is rangeland, it is imperative that Range Management Specialists be an integral part of the planning team. Additionally, each of the draft alternatives directly addresses the management of livestock and other herbivores on the CMR. Those decisions will have significant implications on the local users and therefore the culture and economy of the counties within and surrounding the CMR. This issue has been mentioned by cooperating agencies and members of the public at planning team meetings, public meetings, and in direct conversations with CMR staff. Responses have generally fallen into two categories: 1) although no specific Range Management Specialist is on staff, each staff member retains a working knowledge of range issues and 2) management is headed toward ecosystem-level goals which go beyond range science. In response, the Council points out that just as you would not expect a Range Management Specialist to replace a staff biologist, you cannot replace a dedicated Range Management Specialist with other disciplines. Additionally, just as an ecosystem has many components, ecosystem-level management decisions must be made with the many components being adequately represented. The CCP process for the CMR should not move forward until dedicated Range Management Specialists are brought on board with the Planning Team and CMR Staff.

We also note the National Riparian Service Team (NRST) report titled Little Pend Oreille National Wildlife Refuge Assignment Conclusions, dated November 20, 2007. This report was requested by the Regional Director of the Pacific Region of the FWS. It asked for assessments of two factors: 1. Provide review of relevant science used to assess management actions which can best achieve fish, wildlife, plants, and habitat goals and objectives for LPO; and 2. Review FWS work from a scientific perspective and outline any other management options or variations as appropriate. Because the NRST normally does not deal with FWS policy, Andy Loranger was assigned to provide policy guidance on behalf of FWS and Mr. Loranger helped author and supported the final report. He is Chief of the Branch of Wildlife Resources at the FWS National Office. The report’s discussion includes a section on “Riparian Grazing Science” used throughout the Little Pend Oreille (LPO) planning process in which four deficiencies are cited: “1) Incomplete representation of the range of scientific literature, 2) Incomplete consideration of exclusion versus properly designed grazing systems, 3) Improper use of scientific studies and metrics, and 4) Incomplete interdisciplinary team given the issues in question.” Given the CMR planning process to-date, these same mistakes could be made again. The LPO report details serious issues raised about the way science was incorporated into the consideration of the grazing programs, both economic and prescription grazing. Further, there were examples of improperly developed and applied science specific to assessments of grazing impacts and riparian health. A major contributor to these problems was the failure of the LPO planners to include a full-time interdisciplinary team member with fully qualified expertise in range management. The report states: “Since one of the critical issues addressed was the annual economic grazing program, the NRST believes that the rigor of the analysis of grazing impacts in the CCP, and the subsequent consideration of alternative grazing systems in the HMP, would have benefited by including range

management expertise on the interdisciplinary planning and assessment teams.” Further, “Range management was an important science to have as a full member of the team in order to develop the foundational basis for formulating alternatives, analyzing the impacts, and developing final conclusions.”

Two main differences between the LPO and the CMR make the need for Range Management even more critical to the CMR planning process: 1) On the CMR, large herbivores including bison have played major roles in the development of vegetation communities and affect the pattern, health, and dispersion of plant communities across the landscape, while in the LPO large herbivores played little or no role in the evolution of landscape and vegetation communities; and 2) the LPO was established by Executive Order 1804, which contained no reference to or provision for livestock grazing; however, the CMR was established by Executive Order 7509 which clearly sets forth livestock grazing as part of its purpose. Also of note is the Ninth Circuit United States Court of Appeals decision dated October 14, 1983 (Schwenke v. Secretary of the Interior) which upheld livestock grazing as part of the purpose of the CMR ...“(1) wildlife has priority in access to the forage resources of the Range up to the limits specified in E.O. 7509; (2) beyond those limits, wildlife and livestock have equal priority in access to the resources of the Range;...”.

Therefore, the logic of an “ecosystem approach” where all disciplinary areas are adequately represented, lessons learned from previous planning processes, specifically the LPO case, and the history of grazing issues on the CMR all demonstrate the need for Range Management Specialists on the CMR’s Planning Team. Given the importance of this issue to the local communities, as well as the vastness of the CMR and its role within the FWS Refuge System, funding for Range Management Specialists on the CMR’s permanent staff and throughout the CCP process should be provided. Additionally, local range experts, such as NRCS State and District Conservationists, MSU Extension Agents, the Montana Governor’s Rangeland Resources Executive Committee, and the local Conservation Districts should be used to ensure that mistakes made during the LPO planning process do not occur on the CMR.

3. The research currently and previously done by Sam Fuhlendorf, Rangeland Ecologist from Oklahoma State University, and Cecil Frost, Landscape Fire Ecologist, represent only a small portion of the **science available on rangeland resources** and the role of fire on the landscape. Again, by using a fully functional interdisciplinary team that includes Range Management Specialists, the CMR’s planning process would benefit from the knowledge of a broader range of science. Some concerns with Dr. Fuhlendorf’s science and its applicability to the CMR are: 1) lack of similar wildlife populations in the research being used 2) the role of water available for wildlife and livestock grazing – research seems to assume that water is available throughout the areas to facilitate grazing patterns, however this is not true throughout the CMR; 3) research conducted in areas with warm season grasses may not apply to the CMR’s rangeland of cool season grasses; and 4) Montana has its own suite of invasive species that differ from other areas and will significantly impact any rangeland management changes on the CMR.

Montanans, unfortunately, have an abundance of experience with wildland fires and the landscape’s response to them. Please note that our wildland fires have created such a burden on our state’s natural and financial resources that a special Legislative Committee was created to investigate the issue further. Local research and experiences with fires and rangeland health are more applicable to the CMR and should be used in the planning process.

Additionally, to provide a truly “thorough assessment of available science” which is stated as a goal of the CCP process in Section 3.3 D., Refuge Management – Part 602 National Wildlife System Planning (Federal Register, Vol. 65, No. 102, dated May 25, 2000), the Planning Team must consider all relevant science, not just that of select researchers and select projects. The Planning Team should consider rangeland science completed by Fred King at the Montana Department of Fish, Wildlife, and Parks; Wayne Elmore, Riparian Ecologist and NRST Member; The Nature Conservancy’s work at The Matador Ranch in Phillips County, MT and at the Red Canyon Ranch at Lander, WY; research along the Missouri River by Greg Auble, Mike Merigliano, and Mike Scott with the USGS; as well as rangeland research done by the University of Idaho and Montana State University. Again, providing dedicated Range Management Specialists on the CMR staff and Planning Team, as well as utilizing the knowledge of NRCS State and District Conservationists, Montana DNRC staff, Montana’s Legislative Fire Suppression Committee, MSU Extension Agents, local Conservation Districts, and local landowners, will allow the planning process to capitalize on a broader range of research to build a more successful management plan.

4. We also note with great concern the **progress made on draft alternatives prior to a comprehensive assessment and discussion of the current state of the CMR**. Given the time and effort put into the Final Environmental Impact Statement of 1985 and the 65 subsequent Habitat Management Plans, it is illogical to discuss management changes without completing a comprehensive assessment of how well the CMR met those 1985 goals and objectives and how effective those 65 Habitat Management Plans were. The Planning Team has inappropriately jumped into draft alternatives that will lead to significant management changes without determining what needs to be changed and why it might need to be changed. In terms of understanding alternatives and consequences, which is the heart of NEPA, it is critical to understand the existing situation, and what happens if it is continued. Draft alternatives B, C, and D should be erased until alternative A, the “no action” alternative is completely described and a comprehensive assessment of where the CMR is in achieving its mandated purpose is completed.

CMR staff said at public meetings in Jordan and Great Falls, MT that “change is hard”; however, if the local communities, refuge users, refuge managers, and adjacent land managers have been involved in a process that clearly investigates where we are now and where we need to go - if they are involved in collaborative work to facilitate changes that aim at a clearly understood goal, then change is much easier and could more effectively be extended to adjacent lands, creating potential for landscape-level and ecosystem benefits that are not limited to the Refuge boundaries. Although these collaborative efforts take much more time, they are much more successful in the long term. We urge you to consider the collaborative work of The Nature Conservancy at the Matador Ranch in Phillips County, MT as a model for effecting landscape level changes while respecting the people in the landscape.

5. The **lack of and inadequacy of meeting minutes, notes, or other documentation** from Planning Team meetings as well as Public Meetings greatly concerns us and invalidates the public involvement portion of the planning process. No dedicated meeting recorder was provided at the Planning Team meetings or at the Public meetings, no verbatim testimonies were taken, and only very abbreviated summaries or categories of concerns were recorded. In fact, when meeting notes were provided, they did not even contain complete sentences and failed to document the thought processes of those participating. Without adequately recording the meetings, conversations, and comments, the Planning Team has no opportunity to learn,

review, and further explore the public's and other cooperating agencies' concerns, making it impossible to realize the true benefits of a collaborative planning process.

6. We urge you to **incorporate a balanced public advisory group** as a formal part of the planning process. Indeed, it seems incongruous to us - after spending multiple hours, days, weeks, and thousands of dollars supporting the Missouri River Recovery Implementation Committee and the Planning Group that precipitated it - that the very agency that so strongly urged the U.S. Army Corps of Engineers to incorporate stakeholder views and desires into its recovery process, doesn't itself provide any formal method for stakeholders to advise the FWS regarding their efforts on "restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans." (Section 4. Mission of the System, National Wildlife Refuge System Improvement Act of 1997). How will you ensure the benefit of present generations when their input is not clearly incorporated? We are aware that the FWS can work with state agencies without being bound by Federal Advisory Committee Act (FACA) regulations, but we see no reason why the FWS could not develop a FACA or even a non-FACA stakeholder advisory group to work on the CCP.

Additionally, a Memorandum of Understanding between the National Association of Conservation Districts and the FWS exists and is currently being updated and prepared for signing at the NACD Convention; it speaks of many lost opportunities to see that this spirit of cooperation and collaboration does not seem to extend to the local level and the CCP process. In addition to a public advisory group, the FWS should extend invitations to all Conservation Districts as well as all County and Municipal governments neighboring the CMR to participate as cooperating agencies in the CCP process - their input should in no way be limited to just one or two voices.

Comments Regarding Specific Draft Alternatives:

1. "Grazing": Given that livestock grazing is a purpose of the Refuge, each alternative should provide for well-managed grazing, yet it appears that none of them were. Alternative B references "reduce livestock grazing permits"; alternative C speaks of a "balanced reduction in livestock permit numbers and wild ungulates numbers"; and alternative D references a "shift from traditional annual permitted grazing to a prescriptive grazing regime", with prescriptive grazing being explained to mean limiting grazing to once every six years or less often. None of these alternatives provides for livestock grazing in accordance with the Refuge's purpose. Additionally, it should be noted that livestock grazing of the CMR brought nearly \$2 million to the local economies in 2007. In areas such as Petroleum and Garfield Counties, where their rural population of only 1,000 – 1,500 taxpayers severely limits their economy, the funds brought in from livestock grazing sustain their county governments, their schools, and their communities.
2. "Habitat Conditions – River Bottoms" – alternatives B, C, and D all reference fencing to exclude livestock, yet no data has been presented showing that livestock use is the cause of river bottom or riparian area habitat degradation. In fact, in a recent NRST workshop relative to the Missouri River in the Upper Missouri River Breaks National Monument just upstream from the CMR, U.S. Geological Survey studies showed that livestock enclosures had little beneficial impact on riparian areas and that the two main factors degrading riparian health were the lack of historic floods and the winter ice jams.
3. "Water Development" – only alternative C references man-made water sources for livestock. Each alternative should maintain the man-made water sources for livestock and provide for development of additional water sources, as needed, to facilitate appropriate grazing

management. Water developments will also reduce pressure on and protect essential riparian areas within the Refuge.

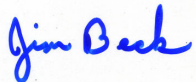
4. "Grazing" – alternatives B and D reference removal of interior fences which will severely limit grazing management, in violation of the CMR's purpose and also in contradiction to years of documented range science. Interior fences that facilitate effective grazing management should be maintained in all management alternatives.
5. "Reintroductions of Wildlife Species" – Alternative D should list each species to be considered in order to facilitate a realistic economic analysis. Some species reintroductions will prove more costly for the local economies than others. For example, reintroductions of Bighorn Sheep, Bison, and wolves would cause problems such as disease, depredation, and the spread of noxious weeds – all of which are costly for the local landowners and governments. The Refuge purpose, as proved through the Swencke case, provides forage for the primary species (sharp-tail grouse and antelope) and the "nonpredatory secondary species" necessary to maintain a "balanced wildlife population"; after that, forage resources will be made available for domestic livestock; therefore, reintroductions should be limited to those necessary nonpredatory secondary species. However, none of the alternatives provide a discussion of which species are necessary nonpredatory species or the criteria for determining them, they simply list a variety of species or reference "extirpated species". Additionally, given that wildlife depredation outside of the Refuge is a huge financial and natural resource problem for the adjoining landowners, no additional reintroductions should be considered until the current depredation problems are resolved. If bison are to be considered, full disclosure of alternative choices and consequences should be displayed in the EIS with opportunity for the public to comment on what is intended. Bison management is highly controversial in Montana and the public deserves a candid and honest presentation by the CMR staff.
6. "Wolf Management" – given the existing conflicts between wolf management and livestock in other areas of the state and given the purpose of the CMR for livestock grazing, the CMR CCP should clearly state that wolves will not be reintroduced on the Refuge and provide for management to keep wolves out of the Refuge.
7. "Invasive Species" – the CMR contains the largest salt cedar infestation in the entire state of Montana, yet there is no mention of it in any alternative! Given the fact that some infestations were noted as early as 1995, the fact that major control and restoration efforts are being undertaken by the U.S. Army Corps of Engineers below the high water mark around the reservoir, and the fact that salt cedar has already spread off the Refuge onto private land, each alternative needs to provide for aggressive salt cedar management.
8. "Fire – Prescribed and Wildfire Suppression": Only alternative C mentions using grazing to minimize fuel loads. Given the unique purity of Montana's air resources, concerns about the impact of smoke and particulate matter in the air and their impact on climate change, the dangers of fires that burn out of control or escape the prescribed area, each alternative should contain a provision for grazing followed by work crews to reduce fuels and thereby minimize the use of prescribed or wildfires. This practice proved cost-saving in the Sacramento National Wildlife Refuge – it was less expensive, didn't burn fossil fuels, and reduced the Refuge's carbon footprint. The same can and should be done on the CMR. Additionally, references to and collaboration with the State DEQ's Air Quality Program and the Northern Rockies Coordinating Group should be included in all management alternatives. Specific management actions to control erosion in burned areas need to be included in all alternatives.
9. "Access on Refuge": Public access should be increased in each alternative to facilitate more effective control of wildlife by hunting and to allow more tourism. Additionally, more administrative access must be allowed for livestock grazing management and weed control efforts. U.S. Army Corps of Engineers and their contractors should not have to limit their weed control efforts due to road closures.

10. "Wilderness": Alternative D should be the same as alternative B. Wilderness area boundaries should not be expanded and wilderness and proposed wilderness areas should not be consolidated.
11. "Wildlife Populations": Given the specificity of the CMR's purpose for sharptail grouse and antelope as the primary species, the alternatives should include actions to achieve target habitat and population numbers for those species.
12. "Water Quality / Riparian Habitat": Each alternative should consider state regulations and Total Maximum Daily Load (TMDL) work, the Clean Water Act, Source Water Protection Plans, and Montana Water Law, yet none of these are mentioned in any alternative. No assessment or monitoring process is referenced in any alternative. The CMR should use the Proper Functioning Condition (PFC) technique to assess riparian areas and should work with the State's DEQ to gather water quality samples and assessments in conjunction with the Total Maximum Daily Load (TMDL) program. Alternatives B, C, and D discuss restoration of water quality by addressing specific issues such as erosion and contamination, yet no data has been presented that quantifies or truly establishes these issues as degrading the water quality. More assessments need to be done and the true condition of the CMR's riparian areas must be documented before alternatives are drafted.
13. "Refuge Partners": Alternatives B, C, and D should specifically address how the CMR will work with neighboring landowners on depredation issues and how the CMR will work with the local Conservation Districts on cooperative management programs that enhance habitat for specific species (for example, promotion of NRCS programs that provide continuity of upland habitat from the Refuge to the private land).

Additionally, the Council supports the comments from the local Conservation Districts regarding the disparity of AUM fees and the low PILT payments to the counties. Although the Scoping Report stated that these issues are outside the CCP process, the FWS should work to address these issues immediately. Also, the counties surrounding the refuge should be assured that there will be no net gain of federally-owned property.

Thank you for your time and attention on this important matter. If you have questions or concerns regarding these comments, please contact our Coordinator, Vicki Marquis, at (406) 454-0056.

Sincerely,



Jim Beck
Chairman

cc: Steve Guertin, USFWS Regional Director
H. Dale Hall, USFWS Director
U.S. Senator Max Baucus
U.S. Senator Jon Tester
U.S. Congressman Denny Rehberg
Montana Governor Brian Schweitzer
Mary Sexton, Director MT DNRC
Jeff Hagener, Director MT FWP