

Summary of and response to public comments: Proposed Changes to Conservation Strategy Chapter 3 Habitat Standards and Monitoring and Appendix E 1998 Baseline for Habitat Standards.

Posted 6/6/22

After the Fall 2021 YES meeting, proposed changes to the Conservation Strategy Chapter 3 were posted online for public comment until December 31, 2021. We received 3 comments, all of which were thoughtful and substantive. A YES technical team carefully considered these comments and provided recommendations to managers on proposed changes or issues that needed more consideration. YES discussed the drafts and the issues at the April 7, 2022 meeting, and approved the final disposition of the comments. This document is intended to respond to those substantive comments and communicate the intent of YES.

We received comments from the following organizations:

- Sierra Club (SC) December 21, 2021
- Greater Yellowstone Coalition (GYC) December 30, 2021
- National Parks and Conservation Association (NPCA) December 31, 2021

Collective Summary of Favorable Response:

SC: We appreciate the level of detail provided in the draft documents as rationale for the proposed changes to the habitat standards regarding developed sites and the delineation of the proposed changes to the CS.

SC: We also appreciate the work of the Developed Sites Technical Team and other agency staff for their efforts to update and accurately reflect the current situation on the ground regarding the human footprint, including human-associated developments and motorized routes.

SC: We recognize that this work is very time-consuming and often not “sexy”, but it is critical to have an accurate understanding of human impacts on grizzly bears and their habitat.

SC supports use of the most accurate and consistent methods for representing and tracking human developments and any associated reduction in grizzly bear habitat.

GYC: We appreciate the care and detail the technical team put into this revision process and the materials provided to assist in review and evaluation of these proposed changes.

NPCA: We agree that the best available science should be utilized to ensure adequate protections for grizzly bears as required by the ESA, including the new geoprocessing tools and methodologies that accurately compare parameters via the footprint approach.

Overarching Issues

A) Relationship to Existing Forest Plans and Park Management Plans

- GYC: How do proposed changes relate to existing Forest Plan standards and management plans for Yellowstone and Grand Teton National Parks? Will these changes require

Forest Plan amendments or amendments to Park plans and if so, how will those changes be implemented?

- Response: There are multiple avenues by which the USFS can incorporate the Conservation Strategy (CS) revisions, depending on the scope of the change. The NPS can incorporate the CS through the Superintendent’s Compendium. The intent is for these standards to apply, regardless of the listed status of the grizzly bear.

B) The need to manage visitor use

- GYC, the Sierra Club, and NCPA are all concerned that accommodation for increased visitor use has limitations and does not address the larger issue. They suggest that agencies “... undertake a comprehensive up-to-date analysis of overall trends in visitor use and the growth in use in the region – where it is occurring, by how much, etc.” And that agencies use tools other than construction to deal with increased visitation, such as “... timed parking at specific sites, mitigation of increasing recreation by closing other locations, limiting the number of visitors through reservations and/or other options.”
- Response: The CS footprint approach allows managers some immediate flexibility to manage areas of concentrated human use associated with developed sites that were previously listed and counted as points on the landscape. The broader issue of increased visitor use on public lands is a challenge that GYE land managers will continue to address in many ways that may be beyond the scope of grizzly bear habitat standards.

C) The need for enhanced visitor education and enforcement

- GYC suggests the inclusion of a section in the Habitat Standard revisions that “... details enhanced outreach and education to visitors about the importance of sanitation and visitor behavior ...” with respect to the continued health of wildlife populations, particularly grizzly bears. GYC encourages the YES Subcommittee to explore opportunities for partnership with NGOs for solutions to increased visitation issues.
- Response: For the Conservation Strategy, this content is covered in Chapter 5, “Information and Education.” Beyond the Conservation Strategy, partnerships are welcome, and have been a topic addressed at meetings of the Yellowstone Ecosystem Subcommittee.

Issues Specific to Application Rules and Allowed Activities

A) “Access to power lines and/or utility corridors for occasional and necessary maintenance service and other administrative activities that do not require new route construction and is only for administrative purposes related to power line/utility maintenance.”

- The NCPA requests clarity on what is meant by “other administrative activities” cited under emergency accommodations.
- Response: As currently expressed in the CS, we believe this clearly applies only to power line/utility maintenance.

B) Overnight visitor use: increase of 10% per footprint in capacity at lodges, guest ranches, and organization camps

- Relationship to 1998 baseline
 - Sierra Club questions “... how one can increase overnight capacity by 10% but still not be above the levels that existed in 1998.”
 - Response: As discussed in Appendix E, when the 1998 baseline was developed we did not have the technology to use the footprint approach to assess visitor use. Consequently, in that earlier era, even though the footprint model was recognized as the preferred method, it was necessary to record and track the number of overnight visitors instead. The previous cap on capacity was our earlier attempt to account for visitor use in lieu of actually mapping the impact area. This could result in an increase in overnight use from 1998 levels with a 10% cap, but the affected footprint will be held constant.
 - Relationship between 10% increase for NPS lodges and Management Plan thresholds
 - The Sierra Club also questioned ‘... how much the National Park lodges have to be under their “previously-approved capacity” in order to increase their overnight capacity by as much as 10%.’
 - Response: This allows for an increase in overnight capacity at National Park lodges by 10% but not to exceed previously approved capacity (“pillow count”) as outlined in park Master Plans. meaning there would be no increase above the Master Plan levels.
 - Why 10%?
 - Sierra Club wants to know how 10% was selected as the benchmark, as opposed to 5% or 15%.
 - Response: Ten percent was selected to allow the USFS and NPS some flexibility to increase overnight use with a clear cap on the allowance.
- C) Overnight visitor use: increase in campsites within developed USFS campgrounds
- Sierra Club voiced concern about “an unlimited increase (within the footprint) in the number of sites in developed campgrounds on lands administered by the Forest Service.” They acknowledge the value of concentrating human use, but even concentrated human use must be managed and has impacts. How is the FS going to handle this?
 - Response: The size of the footprint will limit the number of sites that can be added to a campground. Ongoing efforts at campgrounds, including food storage structures and campground hosts, have minimized human-grizzly bear conflicts at campgrounds.
- D) New developments within existing footprints
- NPCA expressed concerns that the rules “could allow for a developed campground on national forest lands to be replaced by recreational cabins as long as overnight visitor use does not increase above a net 10% per footprint and mitigation steps were taken.”
 - Response: The addition of cabins to a campground would require NEPA.

E) Construction of new visitor day-use sites within primary road corridors without mitigation

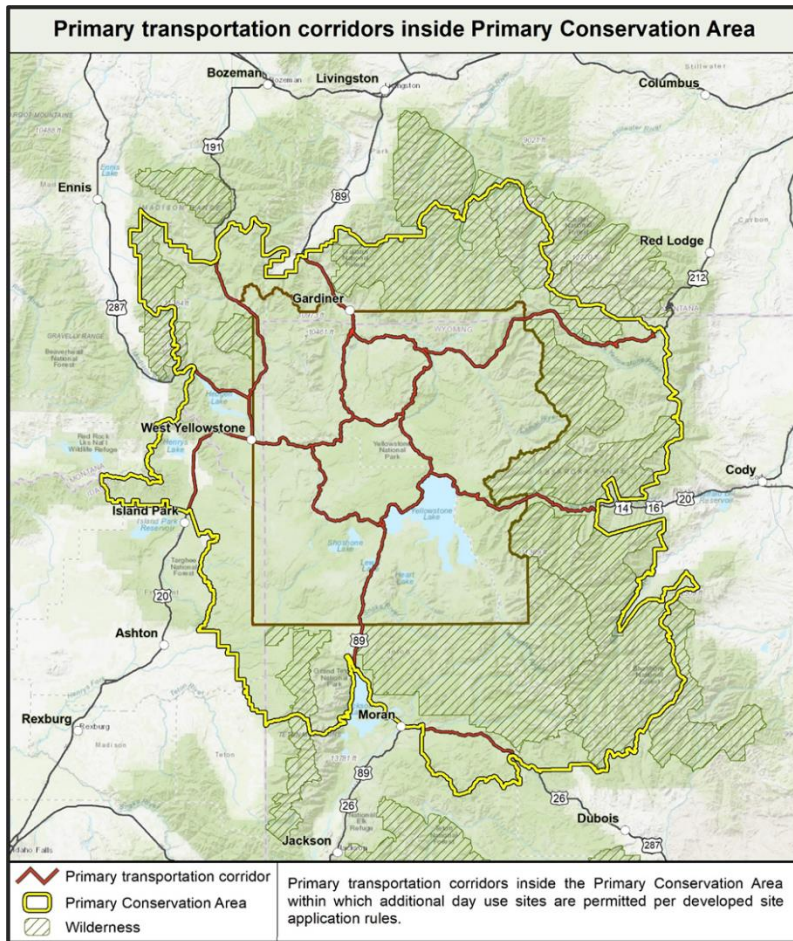


Figure 1, Appendix E Primary transportation corridors inside the grizzly bear Primary Conservation Area with special provisions for roadside development.

- 300-meter allowance
 - GYC questions the need for allowing 300 meters from existing primary road corridors for new day-use site developments; citing that "... 300 meters is an arbitrary and considerable distance off existing roads to allow additional day-use site developments." GYC suggestion that additional day-use site developments could be accommodated within 50 meters of existing travel corridors, "... and if this is not possible then there should be no new day use sites considered at these locations."
 - Response: 300 meters was identified to allow the USFS and NPS some flexibility to increase roadside day-use sites within the allowance (10% of the mapped corridor within each jurisdiction). Originally, a 500-meter buffer was proposed to be consistent with the protocol used to model road corridors to determine "secure habitat," one of the three habitat standards listed in the CS. Although the consistency of using this metric would have been practical for monitoring purposes, this buffer distance was deemed inappropriate and unnecessary by agency managers. To assess the efficacy of a 300-meter buffer, we modeled the distance needed to accommodate a number of existing

and proposed YNP roadside day-use facilities (trailheads and thermal feature parking access). This demonstrated that a 250-meter buffer would meet any identified future need and also include existing developments. Engineers also counseled that a 500-meter buffer was unnecessary and advocated for the practicality of a 250-meter buffer as sufficient space for the types of facilities being considered. This buffer distance would allow for the flexibility to design sites with sensitivity to aesthetic considerations (protecting viewsheds, screening from road corridors or high visitor use areas, and setbacks from intervening meadows, etc.). Ultimately, they advocated that a 300-meter buffer would provide the room necessary given the practicality of maneuvering construction equipment, although it is very unlikely that any developed site as a final product would extend more than 250 meters from the existing road prism.

- Designation of primary corridors – exclusion of Chief Joseph Highway 296
 - GYC wants to know “... why Chief Joseph Highway (Hwy 296) is not considered a primary transportation corridor ...”. GYC is concerned about this lack of designation because excluding this highway excludes any limitations on roadside site developments ...”
 - Response: U.S. Highway segments inside the PCA were included in the “primary transportation corridors”. Chief Joseph Highway is a State Highway and hence, does not meet the criteria. The ramification of the exclusion is that Hwy 296 is not identified as one of the highways inside the PCA for which the "exception" or special allowance to build new day-use sites applies. Therefore, the highway corridor is more protected from future development rather than less protected.
- The need for spatial and temporal constraints
 - The NCPA recommends that development of road corridors should be “... bounded not only spatially, but also temporally...”
 - Response: Managers also agree that this standard should have a temporal constraint. Therefore, “Application Rules for Developed and Dispersed Sites 1.7 States: “ the need for and efficacy of this application rule will be assessed 5 years after implementation.”

F) Mitigation “within same bear management subunit or as close as possible”

- The NCPA requests that “... the application rule for construction of new sites outside of the polygon/footprints of existing developed areas or road corridors ...” should retain the language from the 2016 Conservation Strategy which requires mitigation within that same subunit.
- Response: Adding the latitude to mitigate within the same “bear subunit or as close as possible” was added because mitigating in the same subunit is often unrealistic or impossible. The result can be mitigation efforts that are not as effective. More latitude for the location of mitigation projects can allow for more effective efforts.

G) “New emergency administrative/maintenance infrastructure is allowed outside of prescribed footprints without mitigation if such construction is necessary to reduce resource damage or potential for human-grizzly bear conflicts or increase visitor safety.”

- Sierra Club raised concern over the open-ended provision and increased visitation may necessitate more infrastructure (i.e., water, sewage, electric infrastructure). How is

“critically needed” and “emergency” defined? How does NEPA fit in? Infrastructure outside of prescribed footprints should require mitigation.

- Response: This allowance is strictly for an acute emergency-related administrative/maintenance response necessary for the continued operation of the Park or Forest. It would not include new infrastructure for the goal of accommodating increasing visitation.

H) Construction of new facilities

- NPCA points out that in the Conservation Strategy, NEPA is not explicitly required for construction of new sites within the “exceptions.”
- Response: The construction of new facilities, infrastructure, and developed sites all require NEPA.

I) Dispersed overnight campsites

- Consolidation and/or elimination of dispersed campsites
 - GYC raises concerns over the lack of limits to dispersed camping. GYC states that “... even management strategies that concentrate additional use in developed areas will result in more dispersed recreational activity in areas adjacent to those developed sites.” Sierra Club questioned if such increase in the number of front-country campsites would be mitigated for by elimination of dispersed sites.
 - Response: The previous version of the habitat standards included language about consolidation and/or elimination of dispersed campsites as adequate mitigation for increased human capacity at developed campgrounds. This language was removed in the CS revisions because the allowance for new sites in established campground footprints was presented as an exception to the standards and did not require mitigation because adding campsites to existing campgrounds does not subtract from secure habitat. Dispersed camping is already limited to road corridors where food storage orders are in affect. The CS states: “The need for and efficacy of this application rule will be assessed 5 years after implementation. Dispersed campsite monitoring is recommended to secure information to make this assessment.”
- Modification of dispersed campsites to reduce resource damage
 - They believe that the revision allowing new installation of vault toilets and bear-resistant food storage structures at existing dispersed camping sites (where no mapped footprint occurs) will “... institutionalize dispersed overnight camping along roads, particularly in National Forests ...”
 - Dispersed camping is an appropriate activity along road systems on both USFS and BLM lands. Managers consider the need for infrastructure on a case-by-case basis, consistent with management plans and strive to reduce impacts to grizzly bears and other resources.
- Confusion between dispersed sites and day-use sites along road corridors
 - Response: There was some confusion about the dispersed camping issue with the provision for additional day-use sites along primary road corridors. This confusion is emphasized by GYC’s statement “We recognize the challenges facing management agencies to limit dispersed site camping, but this revision essentially allows increased

dispersed site camping within the PCA on National Forest lands without limitations if such overnight use is not along primary road corridors.” The highway provision pertains only to day-use site development along primary road corridors. It says nothing about dispersed camping. We don’t anticipate changes in levels of dispersed sites as a result of additional day-use sites on primary road corridors (see response G above).

Issues Specific to Appendix E

A) Polygons and level of detail parameter (i.e., creating maximum size footprints for campgrounds).

- GYC raised the concern that assigning a lower detail number to a campground footprint polygon “... yields a polygon of minimal complexity and maximum area”. GYC thinks we should be up front and acknowledge that this is part of the strategy to focus human use to better manage people in bear country. They are also concerned that the resulting campground polygons may be too large and result in more loss of secure habitat than is warranted, i.e., too much habitat would be defined in the polygons at the detriment of the grizzly bear population. Moreover, GYC sees that that expanding and maximizing the campground footprints establishes a pattern of expanding campground footprints conveniently when managers need more campground space. Therefore, so that increasing campground footprint size doesn’t become a pattern, GYC requests we state in Chapter 3 that “that agencies do not foresee any need to move the goalposts in the future by changing polygon sizes or shapes.”
- Response: In an effort to ensure accuracy in defining and tracking developed sites that comprise the 1998 baseline for public lands within the PCA, national park and forest units have mapped spatial polygons or ‘footprints’ for specific categories of developed sites, including visitor overnight lodges, developed campgrounds, administrative sites, and major developments. We have provided the methodology in Appendix E.