

September 28, 2021

Tom Darrington
Bureau of Land Management
Malta Field Office
501 South 2nd St. East
Malta, MT 59538



**RE: Comments regarding American Prairie Reserve Bison Change of Use
DOI-BLM-L010-2018-0007-EA**

Dear Mr. Darrington:

On behalf of the Montana Public Lands Council (MPLC), we appreciate the opportunity to submit these comments concerning the American Prairie Reserve (APR) application for Bison change of Use DOI-BLM-L010-2018-0007-EA.

Our organization represents the largest group of public land lessees in Montana - livestock producers who graze livestock on private, state and federal lands. Since the earliest settlement of the West, and particularly Montana, ranchers have been the caretakers and stewards of open, federal rangeland. This arrangement has been a mutually beneficial one – lessees of federal lands are responsible, environmentally-conscious land managers in partnership with the federal government. In turn, these lands, in combination with private lands, help to create many viable ranching operations for rural families, contributing to local economies and the western way of life.

Our organization has expressed concerns in past comments and remains concerned in a variety of areas regarding the draft Environmental Assessment (EA). First, the Bureau of Land Management (BLM) typically provides a preferred alternative as part of the public comment process. This was not done and it is unclear why the Bureau clearly did not provide a recommendation.

Additionally, many of our members have raised concerns regarding the third-party who drafted the EA. It was stated the analysis was done under the review of BLM staff, however, the third-party who conducted the EA was paid by the American Prairie Reserve (APR). There are significant concerns regarding the EA favoring their client's proposal and concerns with the analysis being biased.

A thorough analysis is necessary before a decision can be determined. We believe this hasn't been done and believe this draft EA is not adequate. Additional vetting and analysis should be done by the BLM, and conducted by the BLM. Moreover, with the intent of the APR regarding their larger goals and missions surrounding creating a prairie-based wildlife reserve, we request an EIS be conducted in replace of this EA. An EA is insufficient to properly evaluate the requests the APR have proposed in Alternative B.

We believe the request to change from cattle to bison is in violation of the Taylor Grazing Act (TGA). We have raised this concern in past comments, and continue to look to the BLM to directly respond to this concern. Congress passed the Taylor Grazing Act in 1934. Very few changes have followed and the Taylor Grazing Act was last amended in 1954. The Taylor Grazing Act precedes the formation of the BLM and as listed in 43 CFR 4100.0-3 (a) provides authority to execute grazing administration of public lands exclusive of Alaska. Indigenous bison are not a species included in the TGA as domestic livestock are defined as cattle, sheep, horses, burros, and goats.

Fencing continues to be a significant concern. It is our understanding many of the fencing modifications and changes that are included in the EA have already been completed by the APR and the BLM has knowledge of the changes. This does not follow the required cooperative agreement or permit process and an EA should have been conducted prior to the changes being made. It is our understanding that neither a cooperative agreement or permit were issued by the BLM and the APR has provided maps of the fencing changes to the local BLM office. The dismissal of processes being followed, raises concern that other APR requests have been granted without the processes being followed.

If Alternative B is selected in the decision and the removal and changes to fencing are allowed, we feel the BLM will have deviated from science-based standard range management practices. Specifically to fences - a range management principle in general is, if you increase fencing, or cross fences, you increase carrying capacity because you have more control over the livestock's movements. So the reverse should be true—decrease or remove fences and you lose carrying capacity because the animals will concentrate in their favorite or the best areas. This is not addressed in the EA and the BLM has not addressed why carrying capacities are not being reduced.

Fencing is recognized as a range improvement. Such improvements enhance or improve livestock grazing management, improve watershed conditions, enhance wildlife habitat, or serve similar purposes. On a BLM fact sheet regarding range improvements it states, "Improvements to grazing management infrastructure can add to the management effectiveness and efficiency of a public lands livestock operation and thus can enhance the operator's income generation abilities." If BLM recognizes range improvements as necessary to increase effectiveness and efficiency for livestock operations, it is unclear how removal of range improvements have no significant impact. Further explanation should be provided by the BLM on how the removal of improvements positively affects and improves these allotments.

Lastly, we ask that equality be in place across all permittees. There appears to be preferential treatment that has occurred towards the APR. If Alternative B is to be selected in the decision without an EIS being done, we feel the BLM should retroactively review and reconsider previous requests from cattle permittees who have asked for similar grazing changes, grazing date changes or fence removals requests.

MPLC would like to thank the BLM for the opportunity to submit these comments. Many of the requested changes in Alternative B have raised a number of resource concerns that we feel have not been fully vetted and analyzed by the BLM.

Sincerely,

A handwritten signature in black ink, appearing to read "Raylene Honeycutt". The signature is written in a cursive style with a prominent initial "R".

Montana Public Lands Council