



PO Box 383  
Manhattan MT 59741  
admin@goatalliance.org  
www.goatalliance.org

**To :**

US Department of the Interior,  
Bureau of Land Management

5 July, 2023

RE: Comments on the proposed Bureau of Land Management (BLM) “Conservation and Landscape Health” rule.

The Rocky Mountain Goat Alliance (RMGA) mission is to support and conserve Rocky Mountain Goat populations across North American habitats. This mission is achieved through:

- Funding and supporting science and research.
- Public engagement and education.
- Supporting sustainable hunting and non-hunting activities.
- Promoting the conservation of critical Mountain Goat habitat.

RMGA applauds the efforts of the BLM to solidify conservation of habitat, fish, and wildlife within the public lands which they manage.

While the proposed rule covers a diverse set of landscapes, RMGA believes the following changes are needed to strengthen the rule:

**Mandated partnership with state fish and wildlife departments**

Tenants of the North American Model of Wildlife Conservation are “wildlife resources are a public trust” and “allocation of wildlife is by law.” As this is a framework for fish and wildlife jurisdiction being held by a state government, RMGA believes it is important that state fish and wildlife departments are included in all management decisions.

While Section 6101.3 of the proposed rule does acknowledge the Federal Land Policy and Management Act (1976), all sections referencing management, restoration, and award of conservation leasing within the rule fail to specifically mandate a partnership in management decisions. Recognizing this mandate would fulfill the Act’s requirement to not “enlarge or diminish the responsibility and authority of the States for management of fish and resident wildlife” and work in partnership when “any regulations of the Secretary concerned relating to hunting and fishing pursuant... shall be put into effect only after consultation with the appropriate State fish and game department.” [43 U.S.C. 1732]

RMGA's concern is that without this mandated partnership, conservation leasing may interfere with established or future Rocky Mountain goat management plans administered by the state.

Additionally, further expounding "conservation" within the proposed rule to be defined in cooperation with fish and wildlife management plans will ensure guidelines for evaluation of proposed conservation leases.

### **Consideration of wildlife needs**

As mentioned in Section 6102.4(a)(3) of the proposed rule, leases may be issued for "restoration or land enhancement". A prime example of the need to strengthen this section is to specifically spell out the ability to hold seasonal or period leases throughout the year of specified lands. The position statement Commercial and Recreational Disturbance of Mountain Goats: Recommendations for Management (Northern Wild Sheep and Goat Council, 2020) outlines the potential impacts in detail and makes recommendations for restrictions to timing of recreational activities that are disruptive to wintering and kidding habitat and access to mineral sources. Section 6102.4 of the proposed rule does fall in line with one recommendation in the paper related to establishment of "management control areas for recreation activities"; however, time frames specifically listed in section 6102.4(a) (2) are vague at best. Specifically establishing flexibility not only benefits wildlife but also fits well with the goal of sustainable conservation minded multi-use management plans.

Consideration should also be made for lands immediately adjacent to development or within the disturbance envelope, particularly as it pertains to the BLM lands that the Rocky Mountain goat inhabits, adjacent habitat areas, and disturbance envelopes that can extend beyond the footprint of development.

### **Ensure all leasing rates are appropriate in preparation for additional lease planning**

Comment was requested within the proposed rule, on "how fair market value will be determined". This is a complicated question as it pertains to Rocky Mountain goat habitat which typically is alpine habitat and most routinely used by humans for recreational purposes. There are likely few comparisons of public vs. private recreation or conservation leasing beyond the current framework used by the National Forest Service lease of mountainous areas for skiing and privately held lands for fishing and hunting.

As described in the Government Accountability Office report GAO-05-869, GAO-16-559, and GAO-22-103968, fees for BLM leases have fallen behind the private land lease rates. Ensuring the collection of proper compensation for leases will allow for appropriate resources to be dedicated to planning, partnerships, and research related to proposals while reducing the potential for a backlog of project assessments. RMGA is in support of ensuring proper compensation is collected by the BLM through additional means such as creating more lease options and collecting administrative costs for assessments.



## Enforcement of appropriate lease usage

It is important that clear language is used to define how lease use parameters will be enforced. For example, should a parcel be leased to help protect Rocky Mountain goat winter range, but it is discovered that a heli-ski operation is operating on that parcel without permission or against location parameters put in place, how would the BLM enforce the rights of the lease holder? The rule change proposal is not clear on this, and conservation leases will need more hands-on enforcement by the bureau than other types. If the whole purpose of the rule change is to help protect critical wildlife habitat, enforcement of leases will likely be the most important part of the operational shift.

Rocky Mountain goats are hearty animals that reside in beautiful, but often unforgiving habitats which have shown to be attractive to the growing desire for a variety of inspirational and challenging recreational activities that inspire and challenge humans.

Conservation of this habitat, as well as many other habitats, is an important priority and RMGA is encouraged to see the BLM's willingness to consider conservation on an equal footing with other uses. We appreciate consideration of these comments and plan for the opportunity to comment in the future. These recommendations are made with the aim to fulfill the mission of the BLM "to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations."

Respectfully,

*Marvin Kwiatkowski, Chair c/o*

Board of Directors

Rocky Mountain Goat Alliance

