



**Montana
Native
Plant
Society**

To observe - conserve - educate

P.O. Box 8783 Missoula, MT 59807

8 September 2009

Montana DNRC
Attn: Draft EIS/HCP
2705 Spurgin Road
Missoula, MT 59804-3199

Dear Montana Department of Natural Resources and Conservation:

I am writing on behalf of nearly 600 members of the Montana Native Plant Society (MNPS). MNPS is an organization dedicated to preserving, conserving and studying the flora of Montana and educating the public on the values of the native flora and its habitats. MNPS appreciates this opportunity to comment on the Draft Environmental Impact Statement for the Forested State Trust Lands Habitat Conservation Plans.

The EIS states that "Forest management activities can alter habitats essential to species listed under the ESA," but there is no mention of *Howellia aquatilis*, a plant listed under the Federal Endangered Species Act and occurring on some state lands in the Swan Valley. Timber harvest and road construction will have an effect on *Howellia* habitat, and these effects are likely to be negative. Considering only vertebrate species for the HCP is unacceptable. We are aware that plants can be taken on non-federal lands. However, State lands in the Swan Valley are embedded in federal lands and private lands that are likely to become federal lands in the near future. Actions on state lands could negatively affect *Howellia* populations on federal lands. This possibility needs to be addressed in the HCP.

Chapter 4 of the EIS states, "DNRC manages for threatened and endangered plant species under ARM 36.11.428 and for sensitive plant species under ARM 36.11.436. Both of these rules direct DNRC to give consideration to these species during project design, conduct surveys if needed to determine specific locations of plant SOC populations, and develop mitigation measures designed to avoid or minimize risk to populations present in areas where management is planned. ARM 36.11.428 also gives DNRC the discretion to participate in interagency working groups established to manage the recovery effort of listed species and requires DNRC to report sightings of listed species to respective working groups or to the MNHP." Although these rules may reduce the *Howellia* habitat degradation, they do not account for actions on state lands that may adversely affect threatened plants on adjacent federal lands.

Two studies have examined the possibility for degradation of *Howellia* habitat by forest management activities (Shapley, M. and P. Lesica. 1997. *Howellia aquatilis* (water howellia) ponds of the Swan Valley: conceptual hydrologic models and ecological implications. Report to the U.S. Fish and Wildlife Service, Denver, CO.; Reeves, D. M. 2001. Hydrologic controls on the survival of water howellia (*Howellia aquatilis*) and implications for land management, Swan

Valley. M.S. Thesis, University of Montana, Missoula) but neither were referenced in the EIS suggesting that protecting this Federally-listed species in the Swan Valley was not taken seriously.

The Federal Endangered Species Act states: “Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act, it is unlawful for any person subject to the jurisdiction of the United States to remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any state or in the course of any violation of a state criminal trespass law.” MNPS believes that the Montana Forested Trust Lands HCP should more specifically address management for *Howellia aquatilis* through analysis of activities that could harm populations and by outlining practices designed to protect this threatened species.

Sincerely,

Peter Lesica
MNPS Conservation Chair