



File Code: 1570
Date: August 10, 2020

Timothy Bechtold, Attorney at Law
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PO Box 7051
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Dear Mr. Bechtold:

This letter is in response to your letter dated June 9, 2020 identified as a "60 Day Notice of Intent to Sue under the Endangered Species Act, Soldier Butler Project on the Lolo National Forest" (hereinafter "NOI"). The notice alleges that the decision, formal consultation process, and biological opinion:

- 1) violate the open road density and survival standards for female grizzly bears in Zone 1 of the Northern Continental Divide Ecosystem (NCDE);
- 2) used methods and information that were not based upon the "best scientific and commercial data," and excluded the best available scientific information on open road density;
- 3) violate ESA § 9 prohibitions on taking;
- 4) fail to analyze the nexus between the Ninemile DCA and strategic level grizzly bear recovery contained in the Grizzly Bear Recovery Plan and the Conservation Strategy;
- 5) ignore other important aspects of the problem by failing to consider the impact of illegal motorized use of administratively closed roads and failing to disclose the history of road closure violations including destruction of closure devices such as locks, gates, boulders and humps.

After review of the information provided in the NOI, we have decided to reinitiate consultation on the Soldier Butler Project and revise or amend the biological opinion to more clearly address these issues. No ground disturbing activities will occur until the reinitiation process is completed.

If you have any questions, please contact Allen Byrd, Lolo National Forest Environmental Coordinator, at [email: allen.byrd@usda.gov](mailto:allen.byrd@usda.gov) / p: 406-329-3791 and/or Jodi Bush, Fish and Wildlife Service, at (406) 449-5225 extension 205.

Sincerely,

CAROLYN P UPTON
Lolo Forest Supervisor



Jodi Bush
Office Supervisor
USFWS Montana Ecological Services Office

cc: Eric Tomasik