



208.265.9565 • PO Box 2308, Sandpoint, ID 83864 • www.idahoconservation.org

Objection Reviewing Officer
USDA Forest Service, Northern Region
Building 26 Fort Missoula Road
Missoula, Montana 59804

Submitted via e-mail to: appeals-northern-regional-office@fs.fed.us

March 29, 2019

Subject: Bog Creek Road Project

To whom it may concern:

Since 1973, the Idaho Conservation League has been Idaho's voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in protecting human health and the environment.

I am writing on behalf of the Idaho Conservation League to file the attached objection to the Bog Creek Road Project. The Bog Creek Road Project is a joint venture of the Idaho Panhandle National Forests (IPNF) and U.S. Customs and Border Protection (Border Patrol). The responsible official is the Forest Supervisor, Jeanne Higgins. The Bog Creek Road Project is located on the Priest Lake and Bonners Ferry Ranger Districts.

Please let me know if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Smith".

Brad Smith
North Idaho Director
(208) 265-9565

Idaho Conservation League Objection to the Bog Creek Road Project, Priest Lake and Bonners Ferry Ranger Districts, Idaho Panhandle National Forests

Violations of the National Environmental Policy Act (NEPA)

No Action Alternative

As stated in the Idaho Conservation League's comments on the proposed action and the Draft Environmental Impact Statement (DEIS), our primary concern with Bog Creek Road Project is the impact that it will have on the recovery of the Selkirk grizzly bear population—a population that is listed as “threatened” under the Endangered Species Act (ESA). An evaluation of project impacts starts with defining existing conditions. Regulations implementing NEPA require federal agencies to include the alternative of “no action”. 40 C.F.R. § 1502.14(d). The no action alternative is a reflection of existing conditions in a project area.

The no action alternative is the foundation for analysis because it serves as the baseline from which the effects of the action alternatives are measured. The inclusion of a no action alternative is designed to aid the reader in comparing the beneficial and adverse impacts of no action against the proposed agency action and other action alternatives. A description of the environmental setting is included in the no action alternative for the purpose of providing needed background information. The level of detail regarding the affected environment must be proportionate with the complexity and importance of the relevant issues.

An accountant's job is to precisely track profits and losses. The *Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones* (hereafter referred to as the “Access Amendments”) consist of a set of standards for motorized access in the Selkirk and Cabinet-Yaak Recovery Zones. The standards prescribe limits on open motorized route densities (OMRD) and total motorized route densities (TMRD) in each bear management unit (BMU). The Access Amendments also set minimum requirements for core habitat in each BMU. Core habitat is defined as areas within BMUs that are at least 500 meters from an open motorized route. Like an account, the Forest Service is required to track reductions and increases in core habitat to ensure that Access Amendment standards are being met. By following these standards (and the best available science), the Forest Service is investing in grizzly bear recovery.

Embezzlement is the act of withholding assets for the purpose of conversion (theft) of such assets, by one or more persons to whom the assets were entrusted, either to be held or to be used for specific purposes. As we will demonstrate in this objection, the Final Environmental Impact Statement (FEIS) fails to account for all of the grizzly bear habitat that currently exists in the Blue Grass BMU (at least as far as a grizzly bear is concerned). By doing so, the Forest Service and the Border Patrol have cooked the books in an effort to convince the public that the selected Alternative (Alternative 3) will increase core habitat and decrease OMRD and TMRD.

For example, the FEIS suggests that 24.7 miles of roads will be closed under Alternative 3 (see Table 2.2.4 on page 26). However, 20.25 of these miles are presently undrivable (i.e. they are impassible and not used for motorized travel). Only 4.45 miles of roads are presently drivable and will truly be closed as far as a grizzly bear is concerned. On the other side of the ledger, there will be an increase of 5.6 miles in drivable roads as a result of rebuilding and reopening the Bog Creek Road. The balance is a net **increase of 1.15 miles** of drivable roads. Although we did not calculate functional changes in OMRD and TMRD, these numbers would also be higher than reported in the FEIS, owing to the net increase in drivable roads that will result from the project. Although the FEIS acknowledges that many of these roads are overgrown or gated (page 89), the Forest Service and the Border Patrol fail to report functional changes in drivable roads, OMRD, TMRD.

Perhaps more concerning is the failure to report functional changes in core habitat. The 20.25 miles of undrivable roads discussed above are currently classified as “seasonally restricted” in the Forest Service’s INFRA database. Due to this classification, they are treated as open roads for the purposes of calculating OMRD, TMRD, and core habitat. From a grizzly bear’s point of view, it does not matter how these roads are classified in the Forest Service database. What matters to the bear is the physical condition and use of these roads on the ground.

Table 2.4.2 (FEIS, page 43) compares figures for OMRD, TMRD, and core habitat across alternatives. The standard for core habitat in the Blue Grass BMU is 55%. The Forest Service and the Border Patrol report that 48.3% of the BMU is currently in core habitat (the No Action Alternative). By comparison, the selected alternative (Alternative 3) will purportedly boost core habitat to 55.8%. This misrepresentation of the difference between the No Action Alternative and Alternative 3 would suggest that the Bog Creek Road Project will benefit grizzly bears, when in reality, the opposite is true.

By treating the undrivable roads as closed, it is possible to easily calculate the amount of functional core habitat presently available in the BMU. Appendix A of this objection illustrates the distribution of functional grizzly bear core habitat presently available in the

Blue Grass BMU. You can compare Appendix A of this objection and our calculation of core habitat to Figure 2.2.1 in the FEIS (page 17) and Table 2.4.2 in the FEIS (page 43). From a grizzly bear's point of view, 59.5% of the BMU is currently functioning as core habitat if you take credit for the undrivable roads. Consequently, implementation of Alternative 3 would **reduce functional core habitat by 3.7%**.

Statements in the FEIS that suggest Alternative 3 will “offset” the reconstruction and reopening of the Bog Creek Road (see Table 2.4.3 on page 43) by creating contiguous core habitat in the central part of the BMU (see pages 125 and 126) are only true to the extent that the Forest Service is changing road classifications in its INFRA database. By defining the No Action Alternative in these terms, it enables the Forest Service and the Border Patrol to use creative accounting and cover up the real loss of grizzly bear habitat. By misrepresenting the No Action Alternative, the Forest Service and the Border Patrol have failed to measure the true effects of the project to grizzly bears. Therefore, the FEIS fails to meet the standards of NEPA.

Action Alternatives

The Forest Service and the Border Patrol analyzed four action alternatives. Each of the action alternatives would result in a net reduction in functional grizzly bear habitat when compared to the existing condition. Functional core habitat would decrease from 59.5% to as low as 55.3% in Alternatives 2 and 4. Functional core habitat would decrease to 55.8% in Alternative 3 (the selected alternative) and 56.1% in Alternative 4 Modified.

Throughout the planning process, the Idaho Conservation League made several recommendations to avoid or mitigate the decrease in functional core habitat and loss of habitat connectivity north and south of the Bog Creek Road. For example, we recommended that the Forest Service and the Border Patrol consider an alternative that would result in a net increase in functional grizzly bear core habitat. This option was considered but eliminated from detailed study because the agencies stated that they are “not required to exceed [Access Amendment] standards by any defined percentage.” (FEIS, page 41).

The Forest Service and the Border Patrol contradict themselves with this explanation. The agencies studied two alternatives in detail (Alternative 4 and Alternative 4 Modified) that would provide unlimited east-west public access through the Blue Grass BMU, which they are not legally required to provide. The Forest Service and the Border Patrol placated calls for more motorized access while simultaneously dismissing alternatives that would improve conditions for grizzly bears. This is a violation of NEPA because federal agencies are required to “[r]igorously explore and objectively evaluate all reasonable alternatives” to the proposed action. 40 C.F.R. § 1502.14(a). An alternative

that results in a net increase in functional grizzly bear core habitat is no more unreasonable than an alternative that creates unlimited east-west motorized access through the Blue Grass BMU—a BMU that was identified as the most important in the Selkirk Recovery Zone.

In fact, the legal mandate to recover grizzly bears is sufficient enough to warrant consideration of an alternative that increases functional grizzly bear core habitat. As noted in the following sections about violations of the National Forest Management Act and Endangered Species Act, the 2015 IPNF Forest Plan and 1993 Grizzly Bear Recovery Plan incorporate guidelines of the Interagency Grizzly Bear Committee by reference (IGBC 1986). The management direction for the Blue Grass BMU and other MS1 BMUs prioritizes “[g]rizzly habitat maintenance and improvement...when grizzly habitat and other land use values compete.” Yet, the Forest Service and Border Patrol refuse to consider an alternative in detail that would at least result in a no net difference in functional core habitat. Instead, all of the action alternatives will result in a net loss of functional grizzly bear habitat.

The Forest Service and the Border Patrol also dismissed a recommendation to maintain existing seasonal trip limits on the Bog Creek and Blue Joe Roads as apportioned in the Access Amendment. Although the seasonal trip limits were maintained in the 2016 proposed action, the Forest Service and the Border Patrol changed course. The Border Patrol explained that it would not be able to execute its statutory mission with trip limitations (FEIS, page 41). In an explanation that left us scratching our heads, the Forest Service suggested that permitting unlimited use of the Bog Creek Road and Blue Joe Road by Border Patrol agents and Continental Mine property owners “would better allow the agency to meet the Access Amendment standards.” The Forest Service concludes by tossing a bone to the Continental Mine owners by basically admitting that it would be easier to just let them have unfettered access than to enforce trip limits. Without trip limitations on the Bog Creek and Blue Joe Roads, the barrier to grizzly bear movement will only be greater.

The Idaho Conservation League also asked the Forest Service and the Border Patrol to consider closing the Blue Grass BMU to grazing. This proposal was also dismissed from detailed consideration. According to the FEIS, closing the BMU to grazing does not meet the project purpose and need because doing so would not contribute to meeting the Access Amendment standards (page 40). We disagree. As illustrated in Table 3.1.3 (FEIS, page 70), the Forest Service is derelict in its duty to enforce the seasonal trip limits in the Blue Grass BMU as required by the Access Amendment. Seasonal trips taken on roads 2546 (south of its intersection with road 1011), 1011, 636, and 1009 frequently exceed the limits. A review of trip reports obtained by ICL through a Freedom

of Information Act reveals that trips taken for grazing management contribute to these violations. Closing the Blue Grass BMU to grazing would reduce the need for trips into the BMU to manage this use, and therefore, closing the BMU to grazing would contribute to the Forest Service's ability to meet the trip limitations imposed by the Access Amendment. More importantly, closing the BMU to grazing would reduce effects to grizzly bears.

Finally, we asked the Forest Service and the Border Patrol to identify which roads would be decommissioned and which roads would be stored. This is important because decommissioning is a higher commitment to the long-term protection of grizzly bear core habitat than road storage. Unfortunately, the agencies have only committed that the method of motorized closure will "vary by site" (FEIS, page 22). We believe that it is critical to identify which roads will be permanently decommissioned as some roads are worth more in terms of the core habitat that will be created through closure. For example, road 636 would create a more significant block of core habitat in the central part of the BMU compared to all the other roads proposed for closure, and therefore, road 636 should be an ideal candidate for full obliteration.

In the preparation of environmental impact statements, agencies "shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. In the case of the Bog Creek Road Project, the Forest Service and the Border Patrol clearly brushed aside proposals that would minimize adverse impacts and, in some cases, enhance grizzly bear habitat. The FEIS is nothing more than an attempt by the agencies to arrive at a pre-determined outcome, and therefore the process fails to meet the standards of NEPA.

Violations of the National Forest Management Act

The 2015 Revised Forest Plan for the Idaho Panhandle National Forests contains standards and guidelines for the management of grizzly bear habitat within the Selkirk and Cabinet-Yaak Recovery Zones, including standard FW-STD-WL-02 and guideline FW-GDL-WL-18. Standard FW-STD-WL-02 incorporates the Access Amendment into the 2015 Revised Forest Plan, and Guideline FW-GDL-WL-18 incorporates the 1986 Interagency Grizzly Bear Committee (IGBC) Guidelines. The Access Amendment (which primarily increases habitat security) and IGBC Guidelines (which preserve habitat quality, and minimize and resolve human-bear conflicts) are complementary tools for grizzly bear recovery. The IPNF has made significant progress toward Access

Amendment compliance. In contrast, the IGBC Guidelines have been referenced infrequently.

The Blue Grass BMU is one of ten BMUs in the Selkirk Recovery Zone. Its is considered the highest priority BMU in the recovery zone by the U.S. Fish and Wildlife Service. In the IGBC Guidelines, the Blue Grass BMU is designated as “Management Situation 1” (MS1). Here is the IGBC management direction for BMUs designated as MS1:

Population and Habitat Conditions: The area contains grizzly population centers (areas key to the survival of grizzly where seasonal or year-long grizzly activity, under natural, free-ranging conditions is common) and habitat components needed for the survival and recovery of the species or a segment of its population. The probability is very great that major federal activities or programs may affect (have direct or indirect relationships to the conservation and recovery of) the grizzly.

*Management Direction: Grizzly habitat **maintenance and improvement**, and grizzly–human conflict minimization will receive the highest management priority. **Management decisions will favor the needs of the grizzly bear when grizzly habitat and other land use values compete.** Land uses which can affect grizzlies and/or their habitat will be made compatible with grizzly needs or such uses will be disallowed or eliminated. Grizzly–human conflicts will be resolved in favor of grizzlies unless the bear involved is determined to be a nuisance. Nuisance bears may be controlled through either relocation or removal but only if such control would result in a more natural free-ranging grizzly population and reasonable measures have been taken to protect the bear and/or its habitat (including area closures and/or activity curtailments).*

(emphasis added).

The Bog Creek Road Project violates the IGBC Guidelines (and thus the Forest Plan) because they require “maintenance and improvement” of grizzly bear habitat. They do not allow for a loss of habitat in BMUs designated as MS1. As we have shown in this objection, all of the action alternatives will result in a net loss of functional core habitat. Clearly the desire to enhance motorized access through the BMU in the name of national security has been placed ahead of the need for grizzly bear recovery.

While the FEIS hides the loss of functional core habitat, the Forest Service and the Border Patrol did admit that the federal government has failed to comply with the trip limitations imposed by the Access Amendment. The Amendment states that in the

Selkirk Recovery Zone “[a]dministrative use shall not exceed 57 vehicle round trips per active bear year per road, apportioned as follows: ≤19 round trips in spring (April 1 through June 15); ≤23 round trips in summer (June 16 through September 15); and ≤15 round trips in fall (September 16 through November 15).” Table 3.1.3 (FEIS, page 70) provides a qualitative review of roads where trip limit violations have occurred. These roads include Blue Joe Road 2546 (south of its intersection with road 1011), road 1011, road 636, and road 1009. Based on our own review of trip reports obtained through a Freedom of Information Act Request, not only is use often well in excess of the limits on specific roadways, but exceedance of the trip limits also occurs annually on specific roadways.

Rather than developing a strategy to ensure compliance with the trip limitations, the agencies have instead hatched a plan to allow Border Patrol agents and owners of the Continental Mine properties to have exclusive and unfettered motorized access to the Bog Creek and Blue Joe Roads. The “administrative open” designation of these roads will not only reduce grizzly bear habitat security, but it will also create a barrier to grizzly bear movement between habitats north and south of the Bog Creek and Blue Joe Roads. The agencies have elected to take the path of least resistance instead of putting grizzly bear recovery first. By doing so, the Forest Service and the Border Patrol have failed to comply with the 2015 Revised Forest Plan, and consequently, the National Forest Management Act.

Violations of the Endangered Species Act

The Grizzly Bear Recovery Plan was approved in 1982 and revised in 1993. The Recovery Plan indicates that the most important element in grizzly bear recovery is securing adequate effective habitat. This is a reflection of an area’s ability to support grizzly bears based on the quality of the habitat and the type/amount of human disturbance imposed on the area. Controlling and directing motorized access is one of the most important tools in achieving habitat effectiveness and managing grizzly bear recovery.

Federal agencies must insure that their actions are “not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat of such species.” 16 U.S.C. § 1536(a)(2)). In some cases, agencies have erroneously interpreted this as a “do no harm” clause.

But it is not enough to simply forestall the extinction of a species. Section 7(a)(1) of the ESA states that all federal agencies shall “utilize their authorities in furtherance of the

purposes of this chapter by carrying out programs for the conservation of” listed species. 16 U.S.C. § 1536(a)(1). “The key term in [this] section, ‘conservation,’ means ‘to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to [the Act] are no longer necessary.’” *Pyramid Lake Paiute Tribe of Indians v. U.S. Dep’t of Navy*, 898 F.2d 1410, 1416 (9th Cir. 1990) (quoting ESA § 3(3), 16 U.S.C. § 1532(3)).

The Forest Service and the Border Patrol have clearly failed to abide by the ESA in designing the Bog Creek Road Project. Again, as we have demonstrated in this objection, all of the action alternatives will result in a reduction in functional grizzly bear core habitat. Moreover, the two agencies admit that this project “could ultimately decrease the genetic flow between the U.S. and the Canadian portion of this population; without connectivity to Canada, the SRZ population recovery may be inhibited.” (FEIS, page 132). In a letter dated February 1, 2019 to Forest Supervisor, Jeanne Higgins, Christy Johnson-Hughes of the U.S. Fish and Wildlife Service adds:

Given the affinity grizzly bears show for the Blue-Grass BMU, we expect the Project will significantly impact grizzly bears by removing important habitat, modifying use patterns, increasing mortality risk, and reducing connectivity to Canada. Providing alternative grizzly bear habitat of comparable value, in terms of quality, security, and affinity, within the Blue-Grass BMU is essential to protect the integrity and preserve the function of the BMU.

Unfortunately, the Forest Service and the Border Patrol have failed to consider in detail any action alternatives that would improve conditions for grizzly bears in the Blue Grass BMU. In fact, none of the alternatives would even result in a “break even” scenario. In the letter referenced above, the Fish and Wildlife Service notes that “much of the habitat gained is located in proximity to existing roads or is of lower habitat quality compared to the habitat that will be lost through the repair and use of Bog Creek Road.”

The Border Patrol is clearly bent on advancing the Bog Creek Road Project despite its impacts, and the Forest Service remains complicit. The ESA and the IGBC guidelines that are incorporated into the 1993 Grizzly Bear Recovery Plan clearly require actions that will result in recovery of the species and ultimately, delisting. The functional core habitat calculations, the letter from the U.S. Fish and Wildlife Service, and even some aspects of the FEIS demonstrate that the Forest Service and the Border Patrol have failed to comply with the IGBC Guidelines, the Recovery Plan, and consequently, the ESA.

Connection between prior specific written comments and the content of the objection

The Idaho Conservation League has been engaged in the planning process for the Bog Creek Road Project since it was first scoped in 2013. Timely written comments were provided on three occasions: March 5, 2013; May 27, 2016; and July 16, 2018. In each case, ICL reiterated concerns about the potential effects of the project to grizzly bears and efforts to recover them. In fact, our comments were almost singularly focused on the issue. Over and over again we asked the Forest Service to perform an analysis of changes in functional core habitat across alternatives. We made specific recommendations for alternatives to the proposed action, and we reminded the agencies of their obligation to recover grizzly bears.

It is also worth noting that ICL attempted to meet with the Border Patrol. ICL contacted Paul Enriquez in September of 2014 in an effort to schedule a meeting with Border Patrol officials to discuss our concerns. This request was denied.

In February 2018 another attempt was made to meet with the Border Patrol. ICL approached a Border Patrol agent at a public meeting in Sandpoint held by the Forest Service to discuss the Kaniksu Winter Travel Plan. A business card was given to the agent with a request to schedule a meeting, but no follow up occurred.

Suggested Remedy

The Forest Service and the Border Patrol must take one of two actions. The agencies must either toss this plan in the garbage or they must go back to the drawing board. As we have demonstrated in this objection, all of the action alternatives will result in a net loss of functional grizzly bear core habitat. Despite repeated requests to complete a transparent analysis, the agencies opted to ignore our comments and conceal the true on-the-ground effects of this project to grizzly bears. Assuming this project is even going to move forward to implementation, it would require the Forest Service and the Border Patrol to rectify the environmental analysis and comply with NEPA. This includes calculating net changes in functional core habitat and drivable motorized route mileage.

It will not be enough to correct the environmental analysis. The Forest Service and the Border Patrol must also identify and implement an alternative that “maintains and improves” grizzly bear habitat in accordance with the IGBC Guidelines, the 2015 Revised Forest Plan, and the 1993 Grizzly Bear Recovery Plan. Such an alternative should include the closure of more drivable roads (we suggest roads 1388, 2252, and the 2258 road system). Because it is unlikely that the Bog Creek Road would ever be

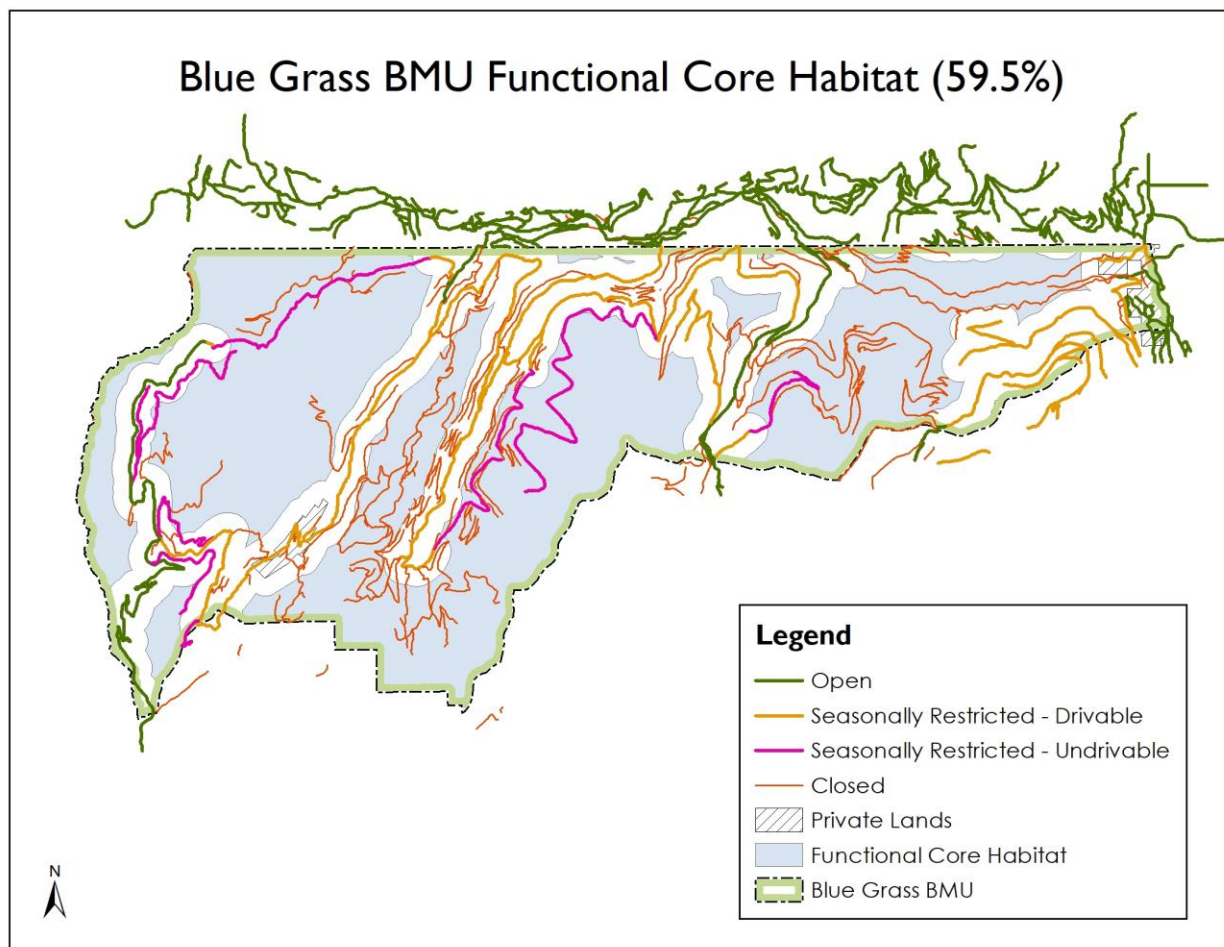
closed again, any “offsets” should be equally permanent in nature. Therefore, we believe that any roads identified for motorized closure should be fully obliterated and allowed to revert to natural conditions for the long-term benefit of grizzly bears.

In order to minimize the effects of the remaining roads to genetic flow and population connectivity, we also recommend the application of seasonal trip limits to all roads within the interior of the Blue Grass BMU as specified in the Access Amendment. Interior roads would include all roads accessed via the Bog Creek Road (1013) or road 1009. We would also suggest road 2251 and the 2213 road system.

Moreover, trip limitations must apply to all users of motorized vehicles, and trip limitations must be enforced or they are meaningless to grizzly bears. While the Forest Service, Idaho Fish and Game, and ranchers appear to be reporting their trips, it is less clear whether or not the Border Patrol has been reporting all of its trips. We know for sure that the owners of the Continental Mine properties are not reporting at all. All entities must be subject to the same limitations and reporting requirements to be effective and comply with the law.

Finally, the Forest Service and the Border Patrol should also consider closing the grazing allotments within the BMU. Closing these allotments would improvement the likelihood that seasonal trip limitations will be observed.

Appendix A





United States Department of the Interior

U.S. Fish and Wildlife Service

Idaho Fish and Wildlife Office

Spokane Field Office

11103 East Montgomery Drive
Spokane Valley, Washington 99206
Telephone (509) 891-6839



February 1, 2019

Jeanne Higgins
Forest Supervisor
Idaho Panhandle National Forest
3815 Schreiber Way
Coeur d'Alene, ID 83815

Dear Jeanne:

The U.S. Fish and Wildlife Service (Service) is responding to the U.S. Forest Service (Forest) decision to remove closure of the Forest Service Road 636 (Grass Creek Road) from the Bog Creek Road Project (Project). We understand the Forest has decided to not close Grass Creek Road and instead allow motorized access for up to six trips per year to service the existing grazing permittee's allotment. We are concerned that allowing motorized access on Grass Creek Road will degrade the current condition of the habitat and recovery value of the Blue-Grass Bear Management Unit (BMU) which may have negative impacts to grizzly bear recovery.

Despite efforts to reduce road densities and increase secure habitat within the Selkirk Recovery Zone (SRZ), the SRZ remains a compromised system in which a number of BMU's will likely never provide female grizzly bears the level of secure habitat necessary to support their life history requirements. Those BMUs that provide adequate security along with high quality habitat are essential for achieving grizzly bear recovery. Consequently, the Service continues to recommend that the capacity of these BMU's are preserved and enhanced to support grizzly bear reproduction, numbers, and distribution.

The Project is located in the Blue-Grass BMU. We believe this BMU is the most important in the SRZ because it contains high quality habitat preferred by grizzly bears and provides connectivity between the United States and Canada portions of the SRZ. This connectivity is critical for grizzly bear persistence in the United States portion of the SRZ. Moreover, the Blue-Grass BMU receives more consistent use by grizzly bears, including females with young, than any other BMU in the SRZ. Research demonstrates that high quality habitat supports higher densities of female grizzly bears with greater reproductive output (Proctor et al. 2017, 2018). Importantly, female grizzly bear survival has the greatest influence on grizzly bear population trend. In addition, there is a strong link between the viability of a grizzly bear population and having few or no roads in the most important grizzly bear habitats (Proctor et al. 2018). Given the affinity grizzly bears show for the Blue-Grass BMU, we expect the Project will significantly impact grizzly

bears by removing important habitat, modifying use patterns, increasing mortality risk, and reducing connectivity to Canada. Providing alternative grizzly bear habitat of comparable value, in terms of quality, security, and affinity, within the Blue-Grass BMU is essential to protect the integrity and preserve the function of the BMU.

We understand that management of grizzly bear habitat on the Forest is prescribed by the 2015 Revised Land and Resource Management Plan (LRMP), and that all project-level activities must meet the LRMP standards and guidelines, including standard FW-STD-WL-02 and guideline FW-GDL-WL-18. Standard FW-STD-WL-02 implements the 2011 Forest Plan Amendments for Motorized Access Management within the Selkirk Ecosystem and Cabinet-Yaak Ecosystem Grizzly Bear Recovery Zones on the Kootenai, Idaho Panhandle, and Lolo National Forests (Access Amendment). Guideline FW-GDL-WL-18 applies the 1986 Interagency Grizzly Bear Committee (IGBC) Guidelines across the grizzly bear Management Situations (MS), as delineated throughout forest. We consider the Access Amendment, which primarily increases habitat security and reduces road density, and IGBC Guidelines, which preserve habitat quality, and minimize and resolve human-bear conflicts, complementary tools for grizzly bear recovery. The Forest has made a concerted effort in the past to establish and protect secure habitat (Core habitat) and reduce mortality risk, per the Access Amendment; therefore, the IGBC Guidelines have been referenced infrequently by comparison. However, we believe the value of the Guidelines are extremely important for grizzly bear recovery.

The proposed Project design includes major repairs to Bog Creek Road to meet the operational needs of the U.S. Customs and Border Patrol (CBP) and modifications to motorized access to achieve the level of Core habitat and road density required by the Access Amendment. However, the proposed road repair will eliminate important seasonal grizzly bear habitat and reduce the availability of adjacent habitats. While Project-related road closures would increase secure habitat through the establishment of Core habitat, much of the habitat gained is located in proximity to existing roads or is of lower habitat quality compared to the habitat that will be lost through the repair and use of Bog Creek Road. The Access Amendment contains provisions that preserve habitat quality in established Core habitat and, while the Bog Creek Road was gated with the intent to establish Core habitat, it was never formally classified as Core habitat. The Bog Creek Road Project is unique in that this is the first project we are aware of that proposes to remove habitat that has been functioning as Core habitat for over 20 years, but was never “established” as Core habitat. Regardless, the IGBC Guidelines were developed for, among other things, the maintenance and improvement of habitat quality. According to the Guidelines, project or land use modifications in MS1-designated areas (such as the Blue Grass BMU) should provide compatibility between grizzly bears and other land users without degrading habitat conditions for grizzly bears.

Grizzly bears show a high affinity for the Bog Creek Road area, likely due to the availability of high quality seasonal habitat and abundant secure habitat. We anticipate Project-related habitat losses will degrade conditions within the BMU and, given the location of the BMU within the SRZ and importance of the BMU to grizzly bear recovery in the SRZ, could have serious implications for long-term recovery. In previous

discussions, the Service recommended closing Grass Creek Road to secure the drainage for grizzly bears displaced by the repair and subsequent use of Bog Creek Road in order to retain the functional capacity of the BMU. The Grass Creek drainage contains habitat of comparable quality to the Bog Creek Road area, to which grizzly bears also show a high affinity, but where use may be limited by the use of motorized vehicles on Grass Creek Road. Closing the Grass Creek Road would allow grizzly bears to utilize the drainage without the disturbance and mortality risk created by roads. In our discussions, the Forest noted that an existing grazing permittee who utilizes Grass Creek Road as part of his grazing allotment would be impacted by the closure of Grass Creek Road. It was our understanding during our calls between the Service, the Forest and CBP that the Forest, in cooperation with the CBP, discussed a possible solution that would allow the Forest to accommodate the needs of the grazing permittee and facilitate the road closure.

For the reasons listed above and as previously discussed, we continue to recommend instituting a non-motorized option for the grazing permittee and closing Grass Creek Road. This action will compensate for the loss of habitat functioning as high quality Core habitat, and be consistent with the IGBC Guidelines to protect, maintain, and improve grizzly bear habitat.

We value our positive working relationship with the Forest. Thank you for the opportunity to provide this additional information. Please feel free to contact me or Ms. Christy Johnson-Hughes, christy_johnsonhughes@fws.gov or 509-893-8000, if you have any questions about our recommendation.

Sincerely,

Patricia C. Johnson-Hughes

for Gregory M. Hughes
State Supervisor

References:

Proctor, M. F., C. T. Lamb, and A. G. MacHutchon. 2017. The grizzly dance between berries and bullets: relationships among bottom-up food resources and top-down mortality risk on grizzly bear populations in southeast British Columbia. Trans-border Grizzly Bear Project, Kaslo, British Columbia, Canada,
<<http://transbordergrizzlybearproject.ca/research/publications.html>>

Proctor, M. F., B. N. McLellan, G. B. Stenhouse, G. Mowat, C. T. Lamb, and M. S. Boyce. 2018. Resource roads and grizzly bears in British Columbia and Alberta, Canada. Canadian grizzly bear management series, resource road management. Trans-border Grizzly Bear Project, Kaslo, British Columbia, Canada,
<<http://transbordergrizzlybearproject.ca/research/publications.html>>