

BEFORE THE OFFICE OF THE REGIONAL FORESTER
REGION ONE – USDA FOREST SERVICE
Objection Reviewing Officer

SWAN VIEW COALITION)
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) Objector)
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v.)
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CHIP WEBER)
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FLATHEAD FOREST SUPERVISOR)
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) Responsible Official)

NOTICE OF OBJECTION
PURSUANT TO
36 CFR 218

DECISION OBJECTED TO:

Hellroaring Basin Improvements Project Draft Decision Notice and Finding of No Significant Impact (hereafter HBIP, Project, DN and FONSI)
Chip Weber, Flathead Forest Supervisor, November 25, 2019.

Objectors:



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January 8, 2020

Swan View Coalition (SVC) and Friends of the Wild Swan (FOWS) are non-profit conservation organizations dedicated to conserving water quality and quiet, secure habitats for fish, wildlife and people on the Flathead National Forest and greater Flathead River Basin. Brian Peck is an independent wildlife consultant. Our members and Brian Peck use these areas, including the Project area, for recreation, employment, wildlife viewing, photography, research, education, aesthetic enjoyment, spiritual rejuvenation, and other activities.

On 5/20/19 SVC submitted written comments on the initial HBIP EA in a combined letter that also commented on **the Taylor Hellroaring EA and discussed the potential**

cumulative impacts of the two projects in particular and other projects in general. This letter also incorporated by reference the comments submitted by Brian Peck and by FOWS. SVC also submitted further comments on HBIP and Taylor Hellroaring via email on 5/23/19, attaching and describing the relevance of two documents. On 5/31/19 FOWS submitted written comments on the initial HBIP EA and incorporated by reference the comments submitted by Brian Peck and by SVC. Brian Peck's comments on HBIP were included in his 5/23/19 comments on Taylor Hellroaring, with those relevant comments responded to in part in the HBIP DN.

The Response to Comments fails to adequately address our concerns. Even more importantly, it fails to result in the substantive and procedural changes in the Project and analyses necessary to comply with laws, regulations and a reasonable code of ethics. We remain concerned that the HBIP and DN/FONSI will harm water quality, fish, wildlife, and our members' interests.

We incorporate by reference our comment letters submitted previously for this HBIP. This Objection is submitted with a companion DVD of supporting documents, which will be referenced by DVD Folder Number and Filename. This Objection also incorporates by reference a separate joint Objection to the HBIP being submitted on our behalf by FOWS.

Executive Summary

The HBIP's Response to Comments (RTC in Appendix C of the DN) and its referenced Project File Exhibits confirm that the Flathead National Forest has no intent to "maintain on-the-ground conditions that have contributed to the growth and expansion of the NCDE grizzly bear population," as promised in its revised Forest Plan (PF Exhibit 12-19 at 127). Nor does it intend to "maintain the habitat conditions that existed . . . as of December 31, 2011 as a reasonable and conservative baseline that is expected to support a robust, stable to increasing grizzly bear population" as promised in the NCDE Grizzly Bear Conservation Strategy (PF Exhibit 12-21 at 65-66).

Astoundingly, the HBIP RTC #20 (DN at C-12) cites these same documents to claim that Forest Plan "direction does not require maintenance of [grizzly bear habitat] security levels that existed in 2011 (project file exhibits 12-19 and -21)." The only way to reconcile this contrary statement is to recognize that the Flathead's measureable 2011 Baseline habitat and security parameters, by design, omit significant planned degradation of bear habitat and habitat security.

An infinite mileage of trails can be constructed in bear habitat and have infinitely high levels of human use without reducing the grizzly bear Secure Core parameter or being limited by any Road Density or Trail Density parameter. An infinite mileage of Special Use Permit roads and logging roads can be constructed in bear habitat without increasing the Total Road Density parameter. Grizzly bear security habitat greater than 500 meters from open and gated roads can be rendered less secure through road construction or the relaxing of road closures without reducing the Secure Core parameter. Security habitat identified as essential mitigation during earlier

development projects can later be rendered less secure by new projects, without violating the 2011 Baseline parameters. (See DVD Folder 00, SVC Forest Plan Objection.pdf; Folder 04, Roads to Ruin.pdf and its 3 supplements; Folder 21 HBRC Comments; and Folder 22 SVC on NCDE CS 130720.pdf; and the remainder of this Objection).

The HBIP and this Objection demonstrate how the numeric values of the 2011 Baseline habitat parameters may be maintained while the actual on-the-ground habitat and security conditions will in fact be degraded in each of the ways described above - especially when assessed cumulatively with Taylor Hellroaring and other projects:

1. The two new Special Use Permit ski lift service roads, while located on National Forest land in grizzly bear habitat, will not be included in calculations of Total Road Density (TRD) - hence they will not increase TRD over that 2011 Baseline parameter limit. They will, however, admittedly disrupt and displace grizzly bears and render the habitat in Hellroaring Basin less effective as security habitat (PF Exhibit 12-03 BA at 23-26; EA at 79-83; PF Exhibit 12-03 BiOp). This does not maintain the on-the-ground habitat conditions that existed in 2011, as required by the Forest Plan and Conservation Strategy, and allows the degradation to remain unaccounted for in the Baseline parameters.

2. In conjunction with the Taylor Hellroaring Project, "proposed trail construction may lead to long-term displacement [of grizzly bears] cumulative to that caused by existing roads and trails . . . one section of Trail 2 would switchback down from the southern ridge into the lower [Hellroaring] drainage and has the potential to affect grizzly bear security in this area." (EA at 82-83). This long-term displacement, however, does not violate the 2011 Baseline parameters even though Fish and Wildlife Service finds "the amount and intensity of use is expected to be slightly above the existing baseline (PF Exhibit 12-03 BiOp at 18)! This does not maintain the on-the-ground habitat conditions that existed in 2011, as required by the Forest Plan and Conservation Strategy, and allows the degradation to remain unaccounted for in the Baseline parameters. We will argue later in this Objection that FWS errs in attempting to discount the significant new displacement of bears as "slight."

3. Ski lift construction, ski run clearing, glade thinning, and service road construction in Hellroaring Basin will result in 7.3 miles of new linear infrastructure routes and some 160 acres of disturbed area (DN at A-8, not counting Taylor Hellroaring impacts). As noted above, this will result in increased displacement of bears as people use the new service roads, ski runs and gladed areas for hiking, huckleberry picking, and other human uses (Exhibit 12-03 BA at 23-26; EA at 79-83; Exhibit 12-03 BiOp; presuming mountain bikers don't also violate these areas). None of this increased displacement of bears and reductions in their security, however, would negatively affect the numeric 2011 Baseline parameters, even though Fish and Wildlife Service finds "the amount and intensity of use is expected to be slightly above the existing baseline (PF Exhibit 12-03 BiOp at 18)! This does not maintain the on-the-ground habitat conditions that existed in 2011, as required by the Forest Plan and Conservation Strategy, and allows the degradation to remain unaccounted for in the Baseline parameters. We will argue later in this Objection that FWS errs in attempting to discount the significant new displacement of bears as "slight."

4. HBIP PF Exhibit 12-05 includes maps of Open Road Density (ORD), TRD and Secure Core for Existing, During and After scenarios for the Taylor Hellroaring Project. Toggling back and forth between pages 32-34 of this PDF demonstrates how Secure Core and other areas of security habitat greater than 500 meters from an open or gated road are diminished as roads are either opened for logging or changed from a permanent barrier to a gate long-term. By changing a major road's closure from a barrier to a gate long-term, one can see how the security habitat in the area below the "Lazy Creek" label is greatly reduced. This reduction in security, however, is not included in and does not negatively affect the numeric 2011 Baseline parameters because that chunk of security habitat was presumably smaller than 2,500 acres and thus does not qualify as Secure Core. This does not maintain the on-the-ground habitat conditions that existed in 2011, as required by the Forest Plan and Conservation Strategy.

5. Similarly, toggling between pages 29-31 of the Exhibit 12-05 PDF demonstrates how constructing roads or reconstructing previously decommissioned roads increases TRD, while leaving them on the landscape as "yearlong closed/impassable" roads does not - even though they of course remain a road. This demonstrates that an infinite mileage of roads can be constructed and simply closed yearlong by making the entrance impassable to motor vehicles, while not counting them as roads in TRD and without increasing the 2011 Baseline TRD parameter. Roads continue to displace and have a negative effect on bears even when closed to motor vehicles, which is why the TRD parameter was developed in addition to ORD (Open Road Density) in the first place. (See the Amendment 19 documents in DVD Folder 01, Roads to Ruin.pdf in Folder 04, and some of the key research they are based on in Folder 24, especially Mace and Manley 1993.pdf, Mace and Waller 1997.pdf, and Kasworm and Manley 1990 roads and trails.pdf). The above does not maintain the on-the-ground habitat conditions that existed in 2011, as required by the Forest Plan and Conservation Strategy, and allows the degradation to remain unaccounted for in the Baseline parameters.

The HBIP serves as but one example of numerous projects being implemented subsequent to the revised Forest Plan that collectively degrade the 2011 Baseline on-the-ground grizzly bear habitat conditions by constructing scores of miles of new roads (DVD Folder 0 and Folder 31), new ski runs, and 79 miles of recreational trails (DVD Folder 14, Bike Trails Flathead NF.pdf - which includes 12 miles of recreational trails and some new roads similarly authorized 8/15/18 in the Hungry Lion Project under the old Forest Plan) that are intentionally omitted from calculations of the 2011 Baseline numeric parameters. The HBIP and other project NEPA documents acknowledge that these developments will indeed disrupt and displace grizzly bears. However, through the wizardry of a phony numbers scheme, the additional impacts to bears are not quantified, counted in or measured against the 2011 Baseline parameters! (See our comments on and Objections to these projects in DVD Folder 0. We hereby incorporate those comments and Objections as a part of this HBIP Objection because they further explain how this phony numbers scheme began being implemented around 2011 under the old Forest Plan in order to allow previously decommissioned roads to be rebuilt and returned to the road "system" without increasing TRD, which would have violated Amendment 19).

The DN's Response to Comments (RTC) and Referenced Project File Exhibits

RTC 17: The RTC is unresponsive to Brian Peck's comments, largely by misconstruing his comments to be about reductions in Secure Core rather than about reductions in grizzly habitat security in Hellroaring Basin. Brian Peck correctly buffers the proposed ski lift service roads by 500 meters on each side to reflect the distance and acreage by which bears will be displaced by human activity on those roads, not just motorized activity. This 500-meter displacement figure comes from Amendment 19, research including Mace and Manley 1993 and Mace and Waller 1997, and the IGBC Task Force Reports on Access Management (DVD Folders 01, 24 and 17, respectively).

We appreciate that RTC 17 points to PF Exhibits 12-4 and 12-5 (even though 12-4 is in fact a Lynx Existing Condition document and the likely intended Biological Opinion for grizzly bear is actually one of the two Exhibits numbered 12-3). FWS's BiOp, however, supports the point that Brian Peck is trying to make:

The Hellroaring Basin area is not currently considered secure core, although it has long been recognized as an area that provides secure, unroaded habitat for grizzly bears (but is not large enough to count as secure core). **Thus the roads would not decrease any core, but would potentially cause displacement from habitats within 500 m of the roads.** The two access roads would have yearlong closed gates on them to restrict public access, but would not have restrictions on the number of trips that the permittee could use to access the Hellroaring Basin area for monitoring, maintenance, and other activities. Because of the unrestricted use, **the effects of these roads in terms of their potential to displace grizzly bears could be similar to either an administrative use (gated) road or a very low-use open road.** The potential for mortality would be lower than along an open public road, as contractors and permittees would not be allowed to carry firearms nor to hunt, and they would be trained in bear safety (see Conservation Measures). However, the unlimited **administrative use of the roads would likely contribute to the adverse effect of long-term displacement of a very few female grizzly bears using the area from key habitats and impair their normal ability to find food resources, breed and raise young, and find shelter.**

This displacement is in addition to the existing (baseline) motorized access condition that is likely resulting in adverse effects to grizzly bears in the action area (Werner Creek and Canyon McGinnis subunits).

(PF Exhibit 12-3 BiOp, emphasis added). PF Exhibit 12-5 provides some clarity on these points but wholly fails to graphically show the expected bear displacement from the service roads. On page 24, it explains how grizzly "security habitat" can exist because it is distant from roads but may not qualify as "Secure Core" because it is less than 2,500 acres in size. Then it explains how the service roads in Hellroaring Basin would reduce security habitat as the service roads are mapped with a "500m buffer from road:"

Maps on the subsequent pages were prepared for the Taylor Hellroaring Project. **The Hellroaring Basin Improvements Project would continue to result in the same numerical situation for the parameters as before and after implementation of Taylor Hellroaring. The [sic] mapped as “500m buffer from road” [the area >500m from roads] would get smaller due to construction of the special use permit road to Grand Junction, but this area is already too small to function as secure core.** See Appendix 2 below for how private and special use permit roads are considered in GIS analysis of motorized access effects on grizzly bears.

In other words, grizzly bear “security habitat” in Hellroaring Basin will be reduced within 500 meters of the service road that drives a stake into the heart of the currently unroaded Hellroaring Basin at Grand Junction, yet this reduction will not affect “the numerical situation for the [2011 Baseline] parameters.” This is exactly why the Forest Plan, Conservation Strategy and projects like HBIP will fail to maintain the on-the-ground habitat conditions that existed in 2011, as promised. The 2011 Baseline habitat and security parameters are so littered with loopholes that they cannot and will not quantify and maintain the on-the-ground habitat conditions that existed in 2011.

The Exhibit 12-5 map of Hellroaring Basin, on page 25 (as well as the maps on pages 32-34), then fails to graphically show the full length of the Grand Junction Service Road, let alone buffer it to show the 500-meter reduction in security habitat that is described on the previous page! It does, however, show the two Alternative 2 mountain bike trails being implemented under the Taylor Hellroaring Project as reducing security habitat by a 500-meter buffer. Again, this reduction in security habitat does not register as a reduction in Secure Core, thus making it appear numerically as though 2011 Baseline on-the-ground habitat conditions are being maintained when they in fact are not.

Maps on subsequent pages of Exhibit 12-5 demonstrate that Hellroaring Basin is not the only area where security habitat is being diminished by the construction or reconstruction of roads or the replacement of permanent road barriers with gates (see Examples 4 and 5 in the Executive Summary, above). Intentionally failing to include these admitted reductions in security habitat as reductions in adequate 2011 Baseline parameters is arbitrary, capricious, an abuse of discretion, and not in accordance with either science or law - and it will not maintain the on-the-ground habitat conditions that existed in 2011 as required by the Forest Plan and Conservation Strategy.

More truthful maps of the impacts to grizzly bear habitat and security are the DN Appendix B Proposed Action Map and EA Figure 4 on page 27. Though neither of these maps are adequate, they at least show the major infrastructure causes of impacts that include ski lifts, ski lift service roads, ski runs, and ski glades - all of which are acknowledged in the EA and BiOp to displace grizzly bears. The map that is supposed to show these cumulative reductions in “security habitat” (Exhibit 12-5 at 25) instead shows the security habitat to remain fully intact except for within 500 meters of the two Taylor Hellroaring Project bike trails.

Moreover, the EA, Exhibit 12-5, Forest Plan and the Conservation Strategy are inconsistent in not buffering Special Use Permit service roads and other infrastructure

out of “security habitat” by 500 meters while buffering such roads out of “Secure Core.” (See Exhibit 12-5 at 35).

RTC 20: The RTC is unresponsive in that it fails to indicate where the EA, BiOp or PF Exhibits quantify the acknowledged displacement of grizzly bears by developments and long-term human uses of Hellroaring Basin - before summarily and arbitrarily dismissing that reduction in security effectiveness as “slightly” (RTC 20) and before arbitrarily dismissing the lengthy list of additional impacts as “slightly above the existing baseline” (PF Exhibit 12-3 BiOp at 18). That’s because neither the assessment by the Forest Service or the assessment by FWS quantify these impacts, let alone quantify them in terms that are then included in and measured against the 2011 Baseline parameters. This is arbitrary, capricious, an abuse of discretion, and not in accordance with either science or law - and it will not maintain the on-the-ground habitat conditions that existed in 2011 as required by the Forest Plan and Conservation Strategy.

It is of little comfort that RTC 20 trots out GA-SM-MA7-Big Mtn-DC-04 as though that discretionary Forest Plan Desired Condition follows through on the 1995 promise to maintain grizzly bear security in this last unroaded (Hellroaring) basin on the south side of Big Mountain as necessary mitigation for expanding the ski are on the north side of Big Mountain. It is a slap in the face to then call this Project “Hellroaring Basin Improvement” when it admittedly reduces grizzly bear security by constructing two new ski lifts, their service roads (a total of 7.3 miles of linear infrastructure per DN at A-8), and clears or thins some 160 acres of forest hiding cover for ski runs and glades DN at A-8)! This disturbance in addition to the existing 15.6 miles / 77.7 acres of linear infrastructure disturbance (EA at 4)! Obviously, this Project proposal wasn’t proposed or written by a bear!

It is also worth noting here that the vast majority of the comments received on the initial EA are opposed to the Project; not just the comments by wildlife advocates, but also the comments by skiers that don’t want Hellroaring Basin further developed. Scoping comments were similarly shrugged off and it is certainly clear that the “purpose of this project is to respond to the Resort’s proposal” (DN at 3) rather than insure that the Basin’s essential contribution to grizzly bear habitat security is not degraded - as promised in the 1995 Big Mountain Expansion Plan, the revised Forest Plan, and the Conservation Strategy.

RCT 19: This comment is unresponsive as the Forest Service pretends to not know its own NEPA regulations, yet still insists on being the authority on dismissing cumulatively “significant” effects. 40 CFR 1508.7 clearly requires that the agency assess in a single EIS the incremental impacts of numerous actions that are cumulatively significant - which the Forest Plan EIS did not do. The EA follows in the footsteps of the EAs and lesser analyses for Hungry Lion, Crystal Cedar, Taylor Hellroaring, and various other Special Use Permits and projects. While some of them may mention other projects that may have cumulative impacts, none of them adequately quantify and display those cumulative effects before summarily dismissing them as not “significant.”

The EA deals with cumulative effects in the same way it deals with the degradation of grizzly bear security habitat: do not quantify it, do not display it graphically, and do not measure it against any adequate and enforceable standard that might limit it. To conclude that the Flathead's ski area development, road building, trail building, permitting, and promotional initiatives will not have significant cumulative impacts to bears and other aspects of the human environment is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

The revised Forest Plan is premised on the fact that it "would maintain on-the-ground conditions that have contributed to the growth and expansion of the NCDE grizzly bear population" (PF Exhibit 12-3 BA at 127). Now, projects like HBIP, Taylor Hellroaring, Crystal Cedar, and others being implemented under the revised Plan openly acknowledge they won't maintain those grizzly bear habitat "security levels that existed in 2011," the conditions found responsible for the reported growth and expansion of the bear population and necessary to conserve that population (RTC 20). Nowhere in the Plan EIS were these planned degradations in bear habitat and security quantified. And nowhere since the Plan EIS has the Flathead prepared an EIS that quantifies the cumulative degradation to bear habitat and security being inflicted by the numerous projects being implemented under the Plan. This is in violation of 40 CFR 1508.7 and the National Environmental Policy Act, not to mention the Endangered Species Act.

RTC 21: The RTC is unresponsive because it interjects a bureaucratic argument about the administrative designation of Special Use Permit roads on Forest Service land as though that should have some bearing on what roads have on-the-ground impacts to bears, bear habitat and bear security. Comments and Objectors are talking about the biological/scientific inadequacy of the Forest Plan's methods for measuring and calculating displacement and other impacts to bears. The Forest Service instead wants to argue about whether it does or does not classify a SUP road as a Forest Service "system" road. Biologically, it only matters that the road is included in TRD and buffered by 500 meters from bear "security habitat" as well as Secure Core. In fact, the protocols in Appendix 6 to the Conservation Strategy do buffer SUP roads out of Secure Core (Exhibits 12-21, and 12-5 at 35), indicating these SUP roads are treated inconsistently in terms of their impacts to grizzly bears.

We appreciate that the RTC and Project File Exhibits also point out that former Forest Plan Amendment 19 was similarly flawed in not counting roads constructed and maintained under Special Use Permits in calculations of Open Road Densities and Total Road Densities (even though these roads exist on Forest Service land and are acknowledged to disrupt and displace grizzly bears). Our comments on the revised Forest Plan, NCDE Conservation Strategy, and Fish and Wildlife Service's Habitat-Based Recovery Criteria have consistently argued that Amendment 19 needed to be improved to more fully account for the displacement of bears by non-motorized recreation and other shortcomings, rather than be discontinued.

Instead, the revised Forest Plan has discontinued Amendment 19 and has not replaced it with any adequate means to measure the displacement and harm to grizzly bears by human activities both motorized and non-motorized. Nor does it contain mandatory Forest Plan standards to limit that displacement and harm. Moreover, it has rigged the

calculation of the 2011 Baseline parameters patterned after Amendment 19 to allow Special Use Permit roads and “impassable” roads to be omitted from Total Road Density. It also allows “high-use” non-motorized trails to exist in Security / Secure Core and for non-motorized trails to not be quantified and limited by mandatory standards in any way.

This rigged phony numbers system allows an unlimited number of roads to be constructed and continue to exist on the Flathead, without being counted in and limited by Total Road Density. It also allows unlimited miles of non-motorized trails to be constructed and exist without being counted in and limited by any road or trail density standards, while also allowing them to exist without limit in grizzly bear “Secure Core.” It also allows for unlimited reductions in grizzly bear “security habitat,” including those habitats that are currently or were in 2011 greater than 500 meters from roads and trails.

RTC 22: This RTC is unresponsive in that it simply attempts to exempt the HBIP from “Forest Plan direction about [limiting] activities in spring grizzly habitat . . .”. What then is the Forest Plan for and why do its implementing regulations requiring that all “Projects and activities must be consistent with the plan” (36 CFR 219.2(b)(2) and 219.15)? The RTC tries to rationalize that allowing development activities during the spring grizzly use period may shorten the number of years in which the developer might complete the project, while not requiring that the developer do so. Regardless, the result is a violation of 36 CFR 219.2(b)(2) and 219.15, as is the reduction of grizzly security habitat in HBIP and other projects being implemented since the revised Plan was issued, as described above in this Objection.

RTC 25: While the EA provides some additional listings of how HBIP and Taylor Hellroaring activities overlap, nowhere does it adequately describe and display the cumulative effects / impacts of those activities - especially on grizzly bear. As described above, none of the maps in Exhibit 12-5 adequately buffer trails, roads and other linear infrastructure by 500 meters to illustrate the acknowledged displacement of bears and the acknowledged reduction in bear security habitat. The activities in Table 6 and on the map in Figure 4 of the EA at 25-27, while purporting to include the overlap of the HBIP and Taylor Hellroaring projects, instead limits this portion of the EA to the smaller HBIP project area only.

Hence, among other things, Table 6 and the Figure 4 map excludes the lower portions of Hellroaring Basin and the two Taylor Hellroaring bike trails therein. This provides false illustrative support for such misleading stand-alone claims like “Abandonment of the Purgatory Run and the lower portion of Hell Fire Run would increase security in the lower part of the [Hellroaring] drainage (Exhibit 12-3 BA at 24). This masks the fact that the two Taylor Hellroaring bike trails will simultaneously reduce security in the lower part of the drainage.

The Forest Service cannot rely on FWS’s BiOp (Exhibit 12-3 BiOp) to make up for the inadequate assessment of HBIP and cumulative effects. FWS, after acknowledging that non-motorized human activities do displace grizzly bears and “may disrupt normal breeding (more specifically, cub rearing) or feeding patterns (BiOp at 25) goes on to

totally dismiss non-motorized impacts from its assessment and permitting of Incidental Take. This even though both motorized and non-motorized impacts are expected to “most likely increase as human population increase are expected to increase [sic]” (EA at 70) and “proposed trail construction may lead to long-term displacement cumulative to that caused by existing roads and trails” (EA at 82).

FWS essentially admits that some female bears will be denied the opportunity to raise their cubs in Hellroaring Basin due to human impacts (the very definition of “take”), then dismisses such impacts as “slight” or “insignificant.” These conclusions and the omission of non-motorized human impacts from the Incidental Take Statement render the BiOp arbitrary, capricious, not in accordance with the science upon which the “research benchmarks” for Incidental Take of grizzly bear are based, and otherwise not in accordance with law. The FWS and FS unsuccessfully attempt to write off the significant impacts to bears in order for the HBIP, Taylor Hellroaring and other projects to proceed. The meager Terms and Conditions included in the BiOp do not remedy this flaw.

Conclusion

The revised Forest Plan and the Conservation Strategy promised to maintain on-the-ground 2011 grizzly bear habitat conditions but developed 2011 Baseline habitat and security parameters that intentionally would not do so - in spite of considerable public comment from these Objectors and others that such was the case. Now the Flathead National Forest is admitting that it will not maintain the 2011 security levels and is pointing out some of the ways in which it won't via the HBIP, Taylor Hellroaring and other permits and projects.

This Objection has shown that the Flathead can numerically maintain the 2011 Baseline parameters while actually decreasing on-the-ground grizzly habitat security in ways that include but are not necessarily limited to the following:

1. Allowing unlimited miles of non-motorized trails to be constructed with no road or trail density standard - or 2011 Baseline parameter - to limit them.
2. Allowing unlimited miles of non-motorized “high-use” trails in the Secure Core Baseline parameter by having simply redefined Amendment 19 “Security Core,” which did not allow such high-use trails, in order to allow them in “Secure Core.”
3. By allowing an unlimited mileage of roads by not including roads with the entrance rendered “impassable” to motor vehicles to be counted in Total Road Density, even though the road will be retained as a road and continue to contribute human impacts to grizzly bear habitat. This was not allowed under Amendment 19, which required that roads had to no longer function as roads or trails, motorized or non-motorized, to be omitted from TRD.
4. By not including Forest Service Special Use Permit roads that are often simply closed by gates in calculations of TRD. Apparently Amendment 19 suffered from this same

arbitrary flaw of not accounting for grizzly bear displacement from roads, based on an administrative distinction that lacks a biological distinction in effects.

5. By allowing road construction and the relaxing of road closure types to diminish the amount of “security habitat” greater than 500 meters from roads simply because that habitat does not already remain in blocks of at least 2,500 acres. This is essentially a license to further fragment already fragmented habitats and further relegate security habitat to higher elevations rather than allow it to persist in lower elevations such as Hellroaring Basin.

The HBIP serves as but one example of numerous projects being implemented subsequent to the revised Forest Plan that collectively degrade the 2011 Baseline on-the-ground grizzly bear habitat conditions by constructing scores of miles of new roads (DVD Folder 0 and Folder 31), new ski runs, and 79 miles of recreational trails (DVD Folder 14, Bike Trails Flathead NF.pdf - which includes 12 miles of recreational trails and some new roads similarly authorized 8/15/18 in the Hungry Lion Project under the old Forest Plan) that are intentionally omitted from calculations of the 2011 Baseline numeric parameters. The HBIP and other project NEPA documents acknowledge that these developments will indeed disrupt and displace grizzly bears. However, through the wizardry of a phony numbers scheme, the additional impacts to bears are not quantified, counted in or measured against the 2011 Baseline parameters! (See our comments on and Objections to these projects in DVD Folder 0. We hereby incorporate those comments and Objections as a part of this HBIP Objection because they further explain how this phony numbers scheme began being implemented around 2011 under the old Forest Plan in order to allow previously decommissioned roads to be rebuilt and returned to the road “system” without increasing TRD, which would have violated Amendment 19).

Relief Sought

1. Declare the HBIP EA and DN inadequate and withdraw them.
2. Prepare an EIS that adequately assesses the cumulative effects of the HBIP, Taylor Hellroaring, Crystal Cedar, Mid-Swan, Bug Creek, and other projects and permits currently being planned under the revised Forest Plan and implemented on the Flathead National Forest. The revised Plan EIS clearly did not assess these effects and was premised on the promised maintenance of 2011 grizzly bear habitat and security conditions that the Flathead now acknowledges it does not intend to honor.
3. Include Amendment 19 in the revised Forest Plan, with the following modifications made to render the shortcomings outlined in the Conclusion above:
 - a. Develop road and trail densities that adequately account for the displacement of bears by non-motorized human activity and include mandatory standards to limit those densities to levels of science-based and sustainable Incidental Take.
 - b. Reinstate the A19 buffering of “high-use” trails out of Security Core. Bermed roads should also be buffered out of Security Core to be more consistent with research

documented displacement of bears from closed roads and to recognize the Flathead failed to develop a single culvert-monitoring plan for the hundreds of its bermed roads left in Security Core. A19 made a political tradeoff to “prefer” roads in Core be reclaimed/decommissioned but allowed roads to instead be bermed if remaining culverts were monitored to protect water quality and fish - a discretion thoroughly abused by the Flathead and not biologically justified for bears. (See Roads to Ruin.pdf and its three supplements in DVD Folder 04 for a description of how these standards were developed, tradeoffs made, and discretion abused).

c. Make it all the more clear that A19, its EA and its response to public comments required roads to be decommissioned and removed from the Forest System in order to be omitted from TRD - not just reclaimed or rendered “impassable” to motor vehicles.

d. Include Special Use Permit and all other roads within the 500 meter influence/bear displacement zone of Forest Service lands to be included in ORD, TRD and Security Core calculations.

e. Delete the minimum size criteria from the definition of Security Core so that all grizzly bear security habitat that currently exists is maintained as security habitat/Security Core under the no net gain in ORD or TRD and no net loss in Security Core mandates of A19.

4. Place a moratorium on trail construction and the issuance of SUPs for foot and bike races until the Flathead has developed a science- and fact-based program for minimizing risks to people and bears, for limiting and numerically accounting for the displacement of bears from trails, and has adequately incorporated that program into its Forest Plan and project NEPA analyses via enforceable, mandatory standards.

5. Remove the existing chair lift from Hellroaring Basin and reclaim the ski runs without building the new ski lifts, service roads, ski runs, or glades. This would help restore the grizzly bear security habitat that was supposed to be retained in the 1995 Big Mountain Expansion decision as essential mitigation and would actually be an “improvement project.”