

**Objection
Against a Draft Record of Decision
Forest Plan Site-Specific Amendment
Stonewall Vegetation Project**

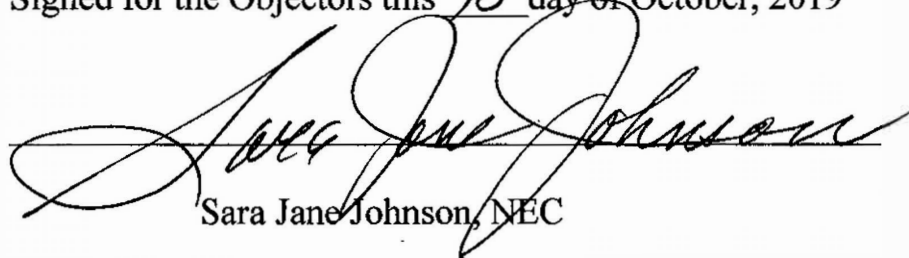
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October 15, 2019
Objection Reviewing Officer
USDA Forest Service
Northern Region
26 Fort Missoula Road
Missoula, MT 59804

Objectors Names and Addresses:

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Signed for the Objectors this 15th day of October, 2019


Sara Jane Johnson, NEC

Name of the Proposed Project and/or Plan Amendment:

Stonewall Vegetation Project and Forest Plan Site-Specific
Amendment

Responsible Official:

William Avey, Forest Supervisor, Helena-Lewis and Clark National Forest

Location where the Proposed Project and Proposed Forest Plan Site-Specific Amendment:

Lincoln Ranger District of the Helena-Lewis and Clark National Forest

Attachments to the Objection:

This Objection includes 2 appendices. Appendix A contains a Declaration by Dr. Sara Jane Johnson addressing the conservation and recovery of the threatened Canada lynx, and management of lynx critical habitat, as directed by the Northern Rockies Lynx Management Direction (2007), including specifically within the Stonewall Vegetation Project Area. Appendix B contains relevant portions of literature and/or reports cited in the Objection or Declaration that were not included in the Forest Service's literature citations for the Stonewall Vegetation Project.

Statement that Demonstrates a Connection between Prior Specific Written Comments on the Particular Proposed Plan, Plan Amendment or Activity and the Content of the Objection:

NEC and AWR provided extensive comments on the proposed project and site-specific Forest Plan Amendment on January 14, 2019 and March 25, 2019. These comments dealt primarily with the following concerns: management of the threatened Canada lynx and lynx critical habitat as is required by the Endangered Species Act (ESA); failure to amend the management area (MA) direction for MAs T-2, T-3 and T-4 along with proposed wildlife habitat standards as is required by the National Forest Management Act (NFMA); failure to complete the required National Environmental Policy Act (NEPA) requirements when completing site-specific Forest Plan amendments; failure to evaluate the direct impact of the project on old growth habitat and associated species; failure to demonstrate via Forest Plan monitoring that old growth-associated species have been maintained by Forest Plan implementation; failure to maintain wildlife

species associated with snag habitat, or to demonstrate that habitat for these species is being progressively eliminated across the Forest due to a lack of any valid mitigation; failure to acknowledge that the proposed project is not needed in order to prevent adverse wildfire effects; failure to complete informal consultation with the U.S. Fish and Wildlife Service on the wolverine, a species proposed for listing under the ESA; failure to adhere to the NEPA, the NFMA and the ESA in regards to management of the threatened grizzly bear in the project area; violation of the ESA requirements by the Forest Service and the U.S. Fish and Wildlife Service to maintain, conserve and recover the threatened lynx; failure of the Forest Plan amendment for management of the Northern Continental Divide grizzly bear population to maintain, conserve and recover this threatened species; and a failure to include the current best science for management of the wolverine. All of these comments have been rolled into this objection.

Suggested Remedies that would Resolve the Objection, and Supporting Reasons for the Reviewing Officer to Consider:

The suggested remedy is for the Forest Service to cancel the proposed activities within the Stonewall Project Area as described within the Final Supplemental Environmental Impact Statement. This project should not go forward until the various NEPA and ESA deficiencies addressed below are corrected so that vegetation and fuels management activities in this landscape, as well as landscapes in the Northern Rockies, are designed to maintain key habitat features for wildlife, including elk, grizzly bears, lynx, and nongame species associated with snags and old growth forests.

Vacating the proposed decision to implement the Stonewall Vegetation Project would many significant adverse impacts, including triggering yet additional significant environmental impacts on a management indicator species as per the Helena Forest Plan, elk, by exacerbating the displacement of elk to private lands during the hunting season due to ongoing loss of hiding cover and security caused by vegetation treatments, including those allowed by site-specific Forest Plan amendments. These impacts are exacerbated by the lack of any valid management of big game security as per the current best science. The lack of any mitigation for these serial forest plan amendments has clearly created highly significant changes of conditions predicted in the 1986 Helena Forest Plan.

Vacating the draft ROD for the Stonewall Vegetation Project would also stop progressive vegetation management actions on the Helena-Lewis

and Clark National Forest that continue to eliminate snag habitat for at least 25% of forest birds because no effective mitigation is ever implemented. Similar ongoing habitat erosion for species associated with old growth forests is occurring. The unavoidable population declines that are occurring to these species has never been acknowledged by the Forest Service due to a complete lack of monitoring of management indicator species on the Forest. Areas where suitable habitat levels for these species need to be identified and protected before any additional habitat loss occurs.

The degradation of big game winter range in the project area should also not occur. Winter ranges are not only important to elk, but to carnivores as the wolverine and grizzly bear. Simply doing a site-specific forest plan amendment to eliminate habitat standards for elk does not change the MA direction for elk, which means that the site-specific amendment is in violation of the Forest Plan since fuels management rather than elk are being emphasized.

The new management direction for the grizzly bear as per the Forest Plan Amendment that includes the Helena-Lewis and Clark National Forest should not be applied, including within the Stonewall Vegetation Project Area, as it allows significant adverse impacts to a species listed under the ESA. These amendments to change grizzly bear management result in a potentially significant increase in mortality and displacement impacts to this NRDC population, which is currently believed to be in decline. Thus the amendments for 3 national forests violate the ESA for their failure to ensure conservation and recovery of this threatened species. The level of incidental take that is allowed by these amendments will prohibit recovery of this species, and is thus a violation of the ESA.

The continued use of the Northern Rockies Lynx Management Direction (NRLMD) (2007), including within the Stonewall Project Area, should not occur as this management direction promotes logging instead of the lynx. The severe flaws of this management direction, including for lynx critical habitat, as identified in the attached Declaration by Dr. Sara Jane Johnson, need to be modified using the current best science so that lynx will actually recover, rather than be progressively eliminated in landscapes where this conservation direction is being applied, including in lynx critical habitat. Management direction for lynx needs to be based on the current best science, with identified habitat conditions maintained in both occupied habitat and critical habitat. In addition, a valid measure for incidental "take" of lynx needs to be applied by the U.S. Fish and Wildlife Service. The current surrogate for take is not based on any lynx habitat ecology, and uses a proxy of acres treated rather than any population trend data for lynx. The NRLMD

and associated biological opinion do not require any monitoring of lynx population trends, so the impact of this conservation direction cannot actually be determined.

A Description of those Aspects of the Proposed Plan or Plan Amendment Addressed by the Objection, including Specific Issues Related to Aspects of the Proposed Plan or Plan Amendment and how the Objectors believe the Environmental Analysis or Draft Decision Specifically Violates Law, Regulation, or Policy:

I. The proposed Stonewall Vegetation Project, as defined in the Draft Record of Decision (ROD) and Final Supplemental Environmental Impact Statement (FSEIS) will trigger violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), and the Administrative Procedures Act (APA).

A. The continued implementation of the Northern Rockies Lynx Management Direction (hereafter “Lynx Amendment”) is a violation of the ESA.

The many problems with the Lynx Amendment have been summarized by Dr. Sara Jane Johnson in her Declaration that is attached to this Objection (Appendix A). A summary of the concerns she identified with the Lynx Amendment include:

The 6.5% exemption for fuel treatments in the Wildland Urban Interface (WUI) and exceptions outside the WUI allowed in the Lynx Amendment are arbitrary due to a lack of population trend data on lynx in the Northern Rocky Mountains.

The implementation of the 6.5% habitat loss allowed in mapped lynx habitat in the Northern Rockies will continue at least up to the year 2022 in spite of a lack of any citation of data on lynx population trends in most areas of the Northern Rockies.

The 6.5% exemptions/exceptions for a temporary loss of lynx foraging habitat is based on the total mapped lynx habitat on a national forest, including unoccupied habitat, which results in an actual allowed loss of 8.7% of occupied lynx foraging habitat.

The 6.5% acreage exemption/exception allowance provided in the Lynx Amendment is arbitrary because these losses of lynx foraging habitat could reduce levels below those needed for lynx persistence.

The allowed habitat losses in the Lynx Amendment due to 8.7% exceptions/exemptions of occupied mapped lynx habitat are applied as the only surrogate measure of lynx conservation habitat even though additional, massive habitat degradation is allowed in occupied lynx habitat by the Lynx Amendment.

The FWS measures reported in their BiOps for incidental take and adverse modification of lynx critical habitat for the Stonewall Project are arbitrary because they do not address habitat modifications created by wildfire.

The Lynx Amendment greatly underestimates vegetation management impacts on lynx by protecting only pieces of snowshoe hare habitat.

The Lynx Amendment, including as applied to lynx critical habitat, allows unmeasured but likely significant reductions in snowshoe hare habitat with LAUs because hare habitat is managed as disconnected pieces of the larger landscape.

The Stonewall Project will have severe impacts on snowshoe hare habitat within the project area.

The Lynx Amendment has no criteria for standard ALL SI for maintaining habitat connectivity within an LAU undergoing vegetation management activities; this lack of criteria for habitat connectivity includes a limit on openings sizes for lynx.

The FWS 2007 Biological Opinion for the Lynx Amendment, including the 2016 BiOp for how this amendment affects lynx critical habitat, are invalid for numerous reasons. The Lynx Amendment exceptions/exemptions for loss of lynx foraging habitat were not based on any existing population trends for lynx in the Northern Rockies, so impact of these allowed habitat losses on lynx populations was never known. To date, there has been no lynx population data provided in FWS BiOps for the Stonewall Project, including in critical lynx habitat.

The surrogate measures for incidental take of lynx developed by the FWS is arbitrary and has no relationship to actual lynx population numbers. This surrogate is based on the allowed level of exceptions/exemptions of lynx foraging habitat, which were established without any knowledge of lynx population trends. This surrogate for determining lynx persistence and conservation is clearly an invalid proxy. The use of this invalid proxy as a measure of acceptable take of lynx has yet to be verified by the FWS, in spite of use of this proxy since 2007, or 12 years. This invalid proxy is intended to be used at least up until 2022, or for 15 years, without any requirement for actual population monitoring of lynx in landscapes where the Lynx Amendment is being applied, including within lynx critical habitat. As well, to date, the FWS has provided no population trend data on lynx in regards to management of either lynx habitat or lynx critical habitat for the BiOps for the Stonewall Vegetation Project.

B. The FWS's surrogate for incidental take is based on an invalid proxy for lynx population trend, which means the impact of allowed take is unknown and thus a violation of the ESA.

To date, there is no apparent population trend data for lynx in the Northern Rockies, at least as noted within FWS BiOps, including the 2007 BiOp on the Lynx Amendment, the 2017 BiOp on critical habitat, and the 2016 BiOp for the Stonewall Vegetation Project. Yet the surrogate for incidental take is measured by the level of use of the allowed exemptions/exceptions. The level of allowed take of lynx is therefore a violation of the ESA, as the level of incidental take of lynx that can occur with the Lynx Amendment, including within critical habitat, is unknown.

C. The invalid measure of incidental take established by the FWS for the threatened lynx, including within critical habitat, can never be exceeded, which means that it would have no actual function as a proxy for lynx population trends, even if it were a valid measure of lynx population trends, which it is not.

As is noted in the Stonewall Final Supplemental Environmental Impact Statement at page 41, Table 15, to date the Helena portion of the Helena-Lewis and Clark National Forest would only use 555 acres of the allowed exemptions/exceptions of a total 26,400 acres of mapped lynx habitat, and 15,436 acres of critical habitat.. This would be 2% of the total allowed exemptions. Past exemption/exception acres are not specifically identified in the FSEIS, however the total exemption amount is 4%, which would be roughly 1,056 acres of exemptions/exceptions use to day, over a 12 year period. This averages about 88 acres per year of used exemptions/exceptions, which would be 0.3% per year. It would take the Forest Service roughly 300 years to exceed the allowed incidental take level provided by this surrogate of exemption/exception acres (88 acres per year divided into 26,400 total acres allowed), and for critical habitat, roughly 175 years to exceed the allowed exemptions/exceptions in critical habitat (88 acres/year divided into 15,436 allowed acres).

D. The failure of the Lynx Amendment to require population monitoring of lynx is a violation of the NFMA.

The failure to monitor lynx populations in areas where the Lynx Amendment is being applied is a violation of the NFMA, since Forest Plan standards require monitoring to ensure that projections of these standards are actually being met. Monitoring the acres that have been impacted by the exceptions/exemptions does not indicate lynx population trends. And as previously noted, the surrogate (proxy) for incidental take in mapped lynx habitat and critical habitat is invalid as there has never been any correlation established between allowed exemptions/exceptions and lynx population trends or levels. Also, the level of incidental take as per the surrogate for exceptions/exemptions have established as so high that they can never be

exceeded, which means incidental take can never be exceeded, making this surrogate meaningless as per the ESA.

E. The existing management direction for lynx in mapped occupied habitat and within critical habitat, including that directed by the FWS in their Biological Opinions, will not ensure persistence of the threatened lynx.

A factor that was surprisingly absent from the critical habitat BA and BiOp is how the Lynx Amendment, which both documents claim promote conservation of the lynx, is actually ensuring conservation of the lynx in the Northern Rockies. Neither document provided any analysis of lynx population trends since 2007 when the Lynx Amendment was implemented. Instead, both agencies are using conformance to the Lynx Amendment limitations of lynx habitat loss as a “proxy” for the lynx population. However, no evidence was provided to demonstrate that the Lynx Amendment habitat restrictions have maintained, or prevented, continued population declines in the lynx. The use of the Lynx Amendment as a proxy for the lynx population trend within LAUs, without any supporting documentation, is a violation of the APA, National Forest Management Act (NFMA), the NEPA and the ESA.

There were many disturbing claims made in the critical habitat BA and BiOp that demonstrate a significant lack of credibility by both the Forest Service and the US Fish and Wildlife Service. For example, new clearcuts are identified as snowshoe hare and lynx habitat, even though there may not be any new trees that provide good horizontal cover for hares for many years. In addition, the current best science, including science cited in both the BA and BiOp, demonstrate that lynx avoid openings. Openings have been defined for lynx as forested areas with less than a 40% canopy cover. This would clearly include new and older clearcuts with poor regeneration. It is surprising that this habitat has still be classified as suitable lynx and hare habitat.

There was no documentation provided in either the critical habitat BA or BiOp as to why up to 30% openings will maintain habitat for a reproductive female lynx. This 30% figure is entirely arbitrary even when it

was first implemented, and since 2007, this 30% allowance is clearly is inconsistent with the current best science. This factor alone demonstrates that the Lynx Amendment cannot promote conservation of the lynx.

The size of the LAUs in the Lynx Amendment is invalid as it is outdated. The current best science indicates the median home range for a reproductive female lynx is about 13,500 acres, which is less than half or more of many LAUs. Due to the large habitat losses that are allowed by the Lynx Amendment, a huge portion of one female lynx home range can be destroyed. For example, a 30% loss of habitat due to clearcutting within an LAU could in fact cause a 60% loss of habitat due to clearcutting within a female lynx's home range.

The BiOp at 17 states that unless clearcuts exceed 30% of an LAU, there will be no adverse impacts on lynx. The basis for this claim was never provided.

The BiOp has changed the definition of matrix habitat from no hares to a lack of high densities of hares. First, matrix habitat is never actually defined, and second, the basis for identifying the densities of hares in matrix habitat was never provided.

The BiOp at 13 claims that an LAU needs to maintain "sufficient" snowshoe hare habitat for lynx. However, what is sufficient has never been defined.

The BiOp claims that treatment of stem exclusion lynx habitat will have no impact on lynx habitat (BiOp at 17). At the same time, it is claimed that stem exclusion habitat will not progress in succession. The basis for these claims was not provided.

The BiOp at 18 claims that no activities within matrix habitat will create barriers or impede movements of lynx. The basis for this claim was never provided.

The BiOp at 17 notes that multistoried older habitat is key to lynx persistence. However, the amount of this key habitat required within a female lynx's home range is never identified. This key habitat is not included as a habitat criteria for lynx conservation, although any existing levels of this key habitat can be reduced through the Lynx Amendment

exceptions and exemptions. Regardless of the current level of multistoried lynx habitat within an LAU, it can be reduced by 6% as per the Lynx Amendment.

The BiOp at 13 claims that a landscape “mosaic” is important to lynx conservation. However, what the mosaic of habitat should be maintained is never defined. A mosaic could include a variety of habitats such as openings and thinned forest stands that are not lynx habitat.

The BiOp claims that the Lynx Amendment ensures that lynx habitat will be “well distributed” within an LAU. However, there are no actual criteria that require that habitat losses, such as clearcutting and forest thinning, will be spread out evenly across an LAU. This claim was not supported with any documentation or citations to the Lynx Amendment requirements.

The BiOp at 28-29 claims that ALL S1 standard ensures that lynx habitat connectivity will be maintained within an LAU. There are no criteria for connectivity, however. So this standard is meaningless. There is new science that identifies forest conditions that reduce or create barriers to lynx movements across a landscape. None of this science was used to support claims that lynx habitat connectivity cannot be impaired by vegetation treatments. The current best science indicates that at least 65% of a landscape needs to provide travel habitat for lynx. The Lynx Amendment allows up to 30% openings, which would not be travel habitat for the lynx. And it allows unlimited vegetation treatments in stem exclusion and matrix habitat. It is extremely unlikely that 65% habitat connectivity could be maintained under the generally unlimited vegetation activities.

The BiOp claims that adverse effects of the Lynx Amendment will be offset by beneficial effects was nothing more than a conclusionary statement. The loss of key winter habitat through logging, including clearcutting, and the loss of winter snowshoe hare habitat due to precommercial thinning, the prevention of the recruitment of lynx winter habitat in stem exclusion habitats by logging, and the creation of travel barriers in all vegetation treatments, including matrix habitat, are detrimental impacts. The BiOp did not define how these adverse impacts would be offset by other activities. At a minimum, clearcutting would not benefit lynx for about 20-50 years, when winter habitat develops. A benefit in 20 years post-

project would clearly be impossible to offset short term impacts of habitat loss and destruction of habitat connectivity in the previous 20 years.

The BiOp at 33 claims that wilderness areas will still provide habitat for lynx conservation. However, critical habitat is supposed to provide for lynx conservation, regardless of where it is located. The current best science also has indicated that hare densities are lower in the more sterile wilderness and protected areas, and as a result, multiple use lands are essential for lynx conservation. This is just one more example of the BiOp making unsubstantiated claims.

The BA for lynx critical habitat was largely similar to the BiOp, as the latter largely repeated the information provided in the BA. One interesting factor in the BA was that the determination of Lynx Amendment impacts on the PCE 1a had no actual conclusions, although conclusions for the other PCEs did.

The BA and BiOp for the Stonewall project did not include affects of the recent fires. The BA did not define specifically why precommercial thinning would benefit lynx in the long run, or define how it was determined that young forest stands over 50 years in age no longer provided hare winter habitat; it did not explain why seeding, shrub planting and shrub slashing enhances hare habitat over time; it did not explain specifically why vegetation treatments would not impact lynx connectivity; it did not define what was "sufficient cover" within vegetation treatment units for lynx movements; it did not define why connectivity for lynx would be degraded in the short-term but would improve over the long term. There was no analysis of adjacent/intermingled BLM and state lands as per connectivity, even though it was noted that many of these areas have been logged and are open; it was not clear why future activities on these BLM and state lands also would not impact lynx habitat connectivity; no criteria were provided to define how habitat connectivity would be maintained as per ALL S1 Forest Plan standard; there was no analysis of how the fires have affected connectivity.

The BA and BiOp for lynx critical habitat in the Stonewall Project was similarly without any actual analysis data to support numerous claims regarding impacts of the Lynx Amendment on critical habitat. The entire project area is critical habitat; the agencies' claimed that hare habitat will remain "sufficient" for lynx persistence, although no measures of what is

sufficient, or how hare densities have been measured in the project area, were provided; it was not clear specifically why treated matrix habitat would continue to support the ability of lynx to travel within their home range, and that no mitigation is required due to project design to maintain this connectivity; the project designs that would protect habitat connectivity were never identified; no data was provided to support the claim that treatment of 2,373 acres of stem exclusion habitat would have no affect on lynx critical habitat; no data was also provided as to how it was determined that stem exclusion habitat will not have normal successional properties, and will remain as stem exclusion habitat permanently unless it is logged; there was no data provided as to why logging of stem exclusion habitat would not create significant delays in the development of multistoried lynx winter habitat; there is a surprising claim by both agencies' that logging stem exclusion habitat creates lynx habitat by creating early stand initiation habitat, which means that logging is an immediate benefit to lynx; the supporting data and science for this claim was never provided by either agency.

Overall, the BA and BiOp for the Stonewall project conclude that almost all the proposed vegetation and prescribed burning treatments will benefit lynx, and thus promote lynx conservation. The application of the Lynx Amendment by both agencies clearly promotes logging, not lynx, and jeopardizes conservation of this threatened species. The clear impact of the Lynx Amendment, that it will create extinction of lynx in the Northern Rockies, is supported by a considerable body of new science, including the value of pine beetle epidemics in creating prime lynx habitat. The conservation value of forest stands that have been impacted by pine beetles needs to be recognized in any conservation strategy for lynx.

F. The Forest Plan Amendments to incorporate habitat management direction for the Northern Continental Divide Ecosystem grizzly bear population for the Helena-Lewis and Clark National Forest, Kootenai National Forest, and Lolo National Forest will violate the ESA, the NEPA, the NFMA and the APA.

The Environmental Impact Statement (EIS) and Record of Decision (ROD) for the Forest Plan Amendment for grizzly bears, including for the

Helena National Forest will result in violations of the ESA, the NFMA, the NEPA, and the APA. The Amendment significantly reduces conservation direction for the threatened grizzly bear from current protections. As has been noted many times, the Amendment incorporates the conservation strategy that would be put in place after the NCDE grizzly bear population has been delisted, or “recovered.” However, the NCDE grizzly bear population has not been delisted. This in itself indicates that the Amendment is premature in reducing protections for this grizzly bear population. We are not aware of any process that allows significant reductions in conservation requirements for a threatened species while it remains a threatened species. The Amendment process has no legal precedent that we are aware of, which means it is invalid.

The effects of the Amendment are significantly detrimental and adverse, not only for the NCDE, but for the Yellowstone grizzly bear and other bear populations in the Northern Rockies. The Amendment significantly reduces, and likely eliminates, the potential for the NCDE grizzly bear population to provide bear dispersal to other ecosystems. This dispersal is essential for the long term conservation and recovery of the grizzly bear populations in the Northern Rockies. Thus the Amendment clearly jeopardizes the long-term recovery and conservation of these other populations. Both agencies, the Forest Service and the U.S. Fish and Wildlife Service are responsible for these legal violations due to the EIS, Project Biological Assessment, and Project Biological Opinion. The conclusions in all 3 documents are severely flawed and inaccurate. We have provided the following as examples of these legal violations.

The Amendment, BA and BiOp repeatedly claims that logging will increase forage for grizzly bears, and that logging will be beneficial to the grizzly bear over the long term. There is no actual analysis of the science upon which this claim is made. There are many reports addressing grizzly bear use of harvest units, and there is clearly no single conclusion that these harvest units increase forage for the grizzly bear. At a minimum, not every harvest unit will promote huckleberries. And every harvest unit will have early drying out of forage in the summer, which reduces succulent vegetation at that time. A simply claim that logging benefits grizzly bears by increasing forage is a violation of the ESA, the NEPA and the APA.

The Stonewall BA and BiOps are also misleading in various claims. For example, it claims that once a road has been obliterated, it no long

counts as a road. This is directly contradicted by science that states that some bears avoid road until they are revegetated back to a forest. If a bear can recognize a road as a road, then it needs to be classified as a road.

The Stonewall BA and BiOp claims that the loss of forest cover due to logging is discountable and insignificant. This is an invalid claim, because the amount of cover that would be removed by the project can be measured, and thus cannot be discounted. The loss of additional forest cover from the Park Fire was never addressed.

The Stonewall BA and BiOp contend that logging does not affect grizzly bears. No actual analysis was ever provided. At a minimum, loss of hiding cover will increase the risks to female grizzly bears with young. Loss of hiding cover will also increase the displacement impact of roads, including both open and restricted roads, particularly in key spring foraging areas in riparian habitat. Logging can impact the availability of huckleberries, an important forage for bears. Logging can reduce the use of winter range by big game, which in turn will reduce a spring carrion source for bears using that area. There is no connection ever made between the need for roads to complete vegetation treatments. If no treatments are planned, then there would be no need for roads. It is impossible to separate these two factors from one another, as the agencies' are attempting to do. One really significant factor in the impact of logging on grizzly bears is that logging eliminates red squirrels, which in turn are essential to provide pine nuts for grizzlies. Finally, how is it that loggers in the woods cutting down trees does not displace grizzly bears? There has to be a displacement factor for the logging activity itself. All of these adverse impacts of vegetation management were completely ignored in the EIS, BA and BiOp for the Amendment, which means that these documents are invalid.

The use of a 10 year running average for measuring open roads, total roads, and core habitat in the Primary Conservation Area (PCA) is a violation of the NEPA because the public has no means of determining this measure. It is far too complicated, and worse, it averages out road densities between projects and periods when projects were not being implemented, which means that the amount of roads allowed during project will be much higher than if limited per year.

The standard for Zone 1 contradicts what the function of Zone 1 is to be, which is to allow for connectivity between the NCDE and Yellowstone

grizzly bears. There are no restrictions of active motorized routes in Zone 1, which means that grizzly bear use is not going to be promoted, while mortality is not going to be restricted. There will be no limit to the density of open and total roads in this zone. The claim that Zone 1 promotes genetic interchange is a violation of the NEPA and APA. The failure to promote habitat connectivity is also a violation of the ESA, since connectivity is essential in the long term for the Yellowstone population. Further, the standard for Zone 1 will reduce current use of these areas by the bear, which is a violation of the ESA. The bear remains listed as a threatened species, and decreasing conservation measures that in turn will trigger population declines is a violation of the ESA.

For Zone 1, we could not find any identification of what the baseline is for open and total roads, and core habitat. Since this information is essential to implement the standard, which is to keep roads closed to the public at baseline levels, the public has no means of understanding how this standard is going to be implemented. If this baseline information was actually provided in the EIS and ROD, it certainly was not made easily available to the public. Please identify what this baseline information is for the Helena National Forest, and where it can be found in the EIS and ROD.

It is unclear if the 30 day allowance for incidental projects in the PCA count against the 2-5% exemptions for net increases above the baseline. This information needs to be clearly provided to the public. If the 30 day period for other projects, such as firewood harvest, are in addition to the 2-5% exemptions, this means that the EIS has not provided accurate information on the standards, in violation of the NEPA.

Also, it is not clear if the administrative use on roads in the PCA count against the 2-5% exemptions. Administrative use actually has been defined to include logging and many forest management activities, that could include extensive motorized activity on roads. Again, these extra allowances for active motorized use in the PCA may result in considerably higher levels of activity that is clearly identified in the ROD. This is a violation of the NEPA. It is also a violation of the ESA, because the USFWS did not have a full description of potential impacts to grizzly bears when they completed their BiOp for the Amendment.

The term "net" is a meaningless term that is used in the standard for the PCA. What does it actually mean? In regards to grizzly bears, this "net"

exclusion from road impacts does not mean that bears are not affected by roads during this “net” period. This term essentially means that any adverse impacts from roads supposedly do not exist during a project. And there is actually no limit to the period when a project is implemented. Many projects the Forest Service plans continue to 10-12 years. In the life of a bear, even 5 years will have significant adverse impacts for a female with cubs, as her cubs will not learn to use the impacted area. We strongly object to the use of this term “net” as it essentially allows the agency to escape any road control requirements to conserve grizzly bears.

These new standards for the Helena National Forest are almost completely ignored in the SDEIS for the Stonewall Project. The public has no idea how these new standards are being implemented for this project. There is no BiOp that addresses how these new standards affect grizzly bears in the Stonewall Project area.

The EIS, ROD, BA and BiOp for the Amendment completely failed to address how the adoption of new open and total road densities, and core habitat will affect grizzly bears. It is “suggested” that the baseline levels that existed in each Bear Management Unit from 2004-2011 will promote continued recovery and conservation of the grizzly bear. There is no actual cumulative effects analysis on this huge significant change in grizzly bear management. There is no table that shows how the baseline open and total roads, and core habitat, compare either to Amendment 19 requirements, or current levels. There is no analysis of why significant shortages in attainment of the 19/19/68 standard determined to be essential to grizzly bear recovery will not significantly impact this recovery and conservation. There is apparently some “new science: somewhere, never cited in the EIS, ROD, BA or BiOp, that found that the 19/19/68 direction is not longer considered important for grizzly bear conservation.

The change from 19/19/68 to baseline levels that existed 7 years ago was never evaluated as to it’s impact on grizzly bear habitat use and mortality risk. There is no such analysis found anywhere in these documents. Thus conclusions that these changes are not significant are a violation of the NEPA. Conclusions that these changes will continue to promote conservation and recovery of the grizzly bear is a violation of the ESA and NFMA as well, because again, there is no analysis.

Of particular concern in what is claimed to be an environmental impact statement for the Amendment is the total lack of any analysis as to how deletion of the Helena Forest Plan standard for maintaining an open road density⁸ of no more than 0.55 miles per section in occupied grizzly bear habitat will affect grizzly bear habitat in regards to open roads. It is clear that the Amendment will allow huge increases in open roads in grizzly bear habitat, but both the level of increases, and the impacts on bears, are never addressed, in violation of the NEPA. This is relevant to the Stonewall Project, where the previous direction of 0.55 miles per section limitations has been deleted and replaced with what new level. This information is never provided in the SDIES for this Project, in violation of the NEPA, the NFMA, the APA and the ESA.

There is no analysis in the Amendment documents (EIS, ROD, BA, BiOp) as to why current protections and population criteria for the NCDE grizzly bear population are being reduced. For example, the population goal allows for a 17% population decline (960 bears to 800 bears). The female survival rate will be allowed to decline from 95.2% to 90%. The female annual mortality rate will be allowed to increase from 13.8-15.6% to 20%. There is no analysis in any of the Amendment documents as to how it has been determined that these reduced population/mortality goals will maintain this population.

There are no protections in Zone 2 on the Helena National Forest. This means essentially that any bears that occur in this zone are not considered a threatened species that requires conservation. This is clearly a violation of the ESA. The Amendment documents do not provide any clear analysis and/or rationale as to how habitat connectivity between different grizzly bear populations will be promoted without any conservation measures in Zone 2.

The Stonewall BA and BiOp and DSEIS do not address how the Amendment changed the Amendment 19 criteria in the project area, including from the Park fire impacts. It appears that the new standard for open roads, total roads, and core for the Red Mountain BMU will change from 21%, 21% and 63% to 24%, 21%, and 61%. This actual change is never identified in any of the Stonewall documents.

The lack of any effective conservation protections in Zone 1 and Zone 2 means that claims made in the Amendment documents are a violation of

the NEPA because population connectivity is being inhibited, not promoted. It is clear in the documents that illegal kills from poaching, illegal defense (38% of mortality) will make Zones 1 and 2 sink areas for grizzly bears. The rate of genetic exchange in these zones, which would be between the NCDE and Yellowstone, is already impaired. A female grizzly bear will disperse only about 6 miles from the maternal home range, while males will disperse on the average of only about 18 miles. When these low dispersal movements are combined with high mortality risks due to unlimited motorized routes and unlimited total roads which provide access to hunters and ATV users into grizzly bear habitat, it is clear that zones 1 and 2 would be almost total barriers to grizzly bear dispersal.

In spite of many significant changes in the required conservation measures for grizzly bears in the Amendment, this same Amendment continues the direction of the Interagency Grizzly Bear Guidelines that were developed in 1986. This means that the science for grizzly bear management that has been produced in the 30 plus years since these 1986 guidelines were developed is apparently considered unimportant to the Forest Service. In addition, there was no analysis in the Amendment documents as to the effectiveness of these stale interagency guidelines. Why are they being continued without any actual analysis? This is a violation of the NEPA and NFMA, as well as the ESA.

The Amendment documents are very vague on the level of logging activity that will not be allowed in grizzly bear core habitat. We could not actually determine if there are any actual restrictions on logging in these areas. Also, the downgrading of protection of core areas by allowing high use nonmotorized trails was never supported with any science, in violation of the ESA and NEPA. These trails could effectively eliminate many thousands of acres of core habitat, or areas where grizzly bears are not supposed to be displaced or exposed to mortality risks from humans. The overall impact of this downgrading of core habitat values was never evaluated in any Amendment documents, including the BA and BiOp.

Finally, we object to the suggestion that grizzly bear habitat should be a "mosaic." There is no actual definition of what this means, and it clearly is included to promote logging. The actual description of what constitutes a good habitat mosaic for grizzly bears needs to be provided. Overall, this term promotes logging and the adverse impacts that go with this activity, including disruption within logging units both during and after logging, and

the long-term impacts of roads, both existing and new. It is unlikely that even obliterated roads will not appear to bears as a road for 10 or more years. So claims that bears need logging in order to have an undefined “habitat mosaic” is just a means of justifying logging in grizzly bear habitat. It certainly seems that bears in Glacier National Park as well as Yellowstone National Park has survived without mosaics created by logging.

G. The site-specific Forest Plan amendment for management area standards does not include a change in the objectives and goals for these MAs, which means that the agency is applying inconsistent Forest Plan direction to the Stonewall Vegetation Project, in violation of the NFMA and the APA; the agency has also failed to provide a valid site-specific forest plan amendment addressing big game habitat and standards, because the cumulative impacts of past similar exceptions to elk standards for hiding cover and elk winter range were identified as non-significant when existing information indicates otherwise; these amendments should have required a stand-alone environmental impact statement for the cumulative impacts on elk security and elk displacement from public lands to private lands during the hunting season.

We have tabulated the treatment acres for the Stonewall Project within those management area (MA) acres that are directly affected by the project. This is approximately 3360 acres. Within these acres, there are approximately 500 acres of MA T-1, 990 acres of MA T-2, 960 acres of MA T-3, and 910 acres of MA T-4. The treatment acres and types within these 4 MA is approximately as follows, given some slight error in our computations:

MA T-1 (500 acres): 153 acres of logging, 28 acres of precommercial thinning, and 126 acres of prescribed burning, for total treatment acres of 307 acres.

MA T-2 (990 acres): 403 acres of logging, and 62 acres of precommercial thinning, for a total treatment acreage of 465 acres.

MA T-3 (960 acres): 79 acres of logging, 255 acres of precommercial thinning, and 4 acres of prescribed burning, for a total treatment acreage of 338 acres.

MA T-4 (910 acres): 131 acres of logging, 62 acres of precommercial thinning, and 140 acres of prescribed burning..

The total treatments include 1435 acres (DSEIS v). 407 acres of precommercial thinning, 270 acres of prescribed burning, and 760 acres of logging, including 287 acres of clearcutting (38%).

Of the logging, 53% occurs in MA T-2 on big game winter range; 20% occurs in MA T-1 which emphasizes timber production; 10% of the logging occurs in MA T-3, which emphasizes big game security; and 17% occurs in MA T-4, which emphasizes VQO as well as big game habitat.

There will clearly be significant changes in the quality of elk habitat within MAs that emphasize wildlife. Thus the agency's practice of simply excepting a project from MA standards does not meet the intent of the Forest Plan, since the management area goals and objectives will not be met. Thus the Forest Service is violating the NFMA by a failure to change the MA delineation from wildlife to fuels management for MA T-2 and T-3. MA T-4 also includes direction to maintain wildlife habitat, which will not occur with the proposed site-specific amendments. The agency is creating Forest Plan direction that contradicts standards with management area direction, which is a violation of the NFMA. The 9.th Circuit Court of Appeals No. 16-35571, D.C. No. 9:13-cv-00064-BMM), stated that established in Forest Plans for management areas cannot be dismissed as merely aspirational without imposing any obligations by the Forest Service and are thus unenforceable. Added to this is the problem that if a MA has a wildlife emphasis, but the FS exempts a project from specific wildlife standards within this MA, this means that the goal for the MA is not being met. Thus a Forest Plan amendment needs to change the MA direction along with removing wildlife standards.

The Management Area goal for T-2 is to provide for the maintenance and enhancement of big game winter range. The Stonewall DSEIS notes that the big game winter range in the project area will not meet the Forest Plan standard of 25% thermal cover. The acres of winter range on T-2 in the

Project Area are 990 acres. Logging will remove 403 acres of thermal cover within these 990 acres. Apparently this area does not currently meet the 25% thermal cover requirement. Logging an additional 41% of the T-2 acres in the project area will further reduce thermal cover, although the amount remaining is unknown. The DSEIS claims that logging of thermal cover on this big game winter range is needed to create "open mature forest stands" that will be resilient to fire spread and insects and disease. This claim means that loss of thermal cover is inevitable, so logging is justified. The agency has not provided any evidence to indicate that loss of thermal cover is inevitable in the near future. The loss of thermal cover with logging will occur, however. The probabilities of each type of loss need to be identified as a part of the Forest Plan amendment, so that the public can see specifically how this decision is being made. Also, the agency claims this is a site-specific amendment, without providing any analysis of where else on the forest this exemption has been done. This is an important part of the NEPA process, for the agency to demonstrate how the Forest Plan goals and standards are being applied. Without an amendment changing the goal for MA T-2, that agency is illegally changing the goal of this MA from big game management to fire management.

The Management Area goal for T-3 is to maintain and/or enhance habitat characteristics favored by elk and other big game species in these areas that are important for security. This goal has been changed for the Stonewall Project because fuels reduction and timber management are being substituted as the MA goal, without any amendment, because the hiding cover standard has been exempted. This amendment also needs to address how other such amendments on the Helena National Forest have been done, and what the overall impact of such exemptions have been on big game security. This analysis is required by the NEPA, including the need for the agency to define to the public why wildlife standards needs to be exempted for this project in light of cumulative effects of such exemptions made elsewhere on the Forest. This information needs to be of high quality and consistent with existing data. As noted by the Montana Fish, Wildlife and Parks various comments in regards to the Blackfoot Travel Plan Amendment, there is a serious problem with a lack of big game security on the Helena National Forest based on elk displacement to private lands during the hunting season, and a low bull survival rate. The role that past and planned Forest Plan exemptions are playing in these problems need to be fully addressed in the Stonewall analysis, especially as hiding cover will be reduced on 338 of the total 960 acres of MA T-3 in the project area. This

will be a 35% loss of hiding cover. The current or remaining level of hiding cover within the MA T-3 lands that will be directly impacted by the project are unknown. Reducing hiding cover by 35% within the T-3 lands of the project area will clearly not adhere to MA T-3 goals, and will exacerbate both local security conditions, and add to the cumulative impacts of other wildlife standard exemptions elsewhere on the Helena National Forest.

MA T-4 includes 910 acres of the project area. The goal for this MA includes providing for other resources uses as long as they are compatible with the visual quality objective. The wildlife standard for this MA includes where elk habitat exists, project design will incorporate management practices to maintain or enhance summer and winter habitat, so the extent that the VQOs are met. The agency provided no exemptions from the Forest Plan for this MA, even though there will be 333 acres of impacts on elk hiding and calving habitat, including 131 acres of logging, 62 acres of precommercial thinning, and 140 acres of prescribed fire. This will impact 37% of the MA lands in the project area, all which is exacerbate the existing problems with high displacement of elk to private lands in the hunting season, and a low bull survival rate. Thus the proposed project will clearly conflict with the MA goal and wildlife standard. The failure of the agency to complete an amendment to change the MA goal and wildlife standard is a violation of the NEPA and the NFMA.

It is clear that the failure of the agency to apply both MA goals and standards to the Stonewall Project is based on getting the cut out. The MA T-3 lands have already been heavily cut, as evidenced by the proposed 255 acres of precommercial thinning planned for the Stonewall Project. Due to this past heavy harvesting, the project logging in this MA includes only 79 acres, or only 10% of the total. On the other hand, the MA T-2 lands on big game winter range include 53% of the proposed harvest, or 403 acres. In the past, the agency has adhered to the Forest Plan direction to maintain big game winter range. But now this direction is being cast aside in order to get the cut out.

Also, the agency failed to complete the required environmental impact statement to address the cumulative impact of past site-specific amendments on elk displacement from national forest lands in the hunting season. These impacts have clearly been identified as only significant, as well as controversial. The Montana Fish, Wildlife and Parks provided extensive concerns in regards to a lack of elk security on Helena National Forest lands

in their comments on the Divide Travel Plan (MFWP 2014). The analysis of the many Forest Plan exemptions planned for the Stonewall Project needs to provide valid, high quality information on past cumulative impacts of such exemptions implemented over the planning period on elk displacement to private lands in the hunting season, and bull elk survival during the hunting seasons, for both Forest-wide and MA standard exemptions, so that the impact of, and rationale for these serial exemptions is fully disclosed to the public.

Overall, the multiple Forest Plan exemptions and violations of the MA goals will create a severe impact on wildlife, especially big game species. As a result, as per the NEPA and the NFMA, the Forest Service needs to provide a valid discussion to the public as to why applying new management direction for wildlife, in both MAs and in the entire project area, has been identified as more critical to ecosystem management than maintaining wildlife populations on public lands throughout the year. This analysis needs to include a cumulative effects analysis of how these exemptions have affected the level of elk habitat use on the Helena National Forest through the various seasons.

The agency also needs to identify elk calving grounds, so that the standard to protect these areas during the calving season can be implemented. These areas need to be mapped and specific criteria for protection provided, as long as the agency is claiming elk calving impacts will be mitigated. The public needs to be provided the actual means by which these mitigation measures will be implemented as per the NEPA.

H. The analysis of old growth for the Stonewall Project is a violation of the NEPA and the NFMA because the direct impacts of the proposed management are not actually identified; nor is any information provided on whether or not the Forest Plan direction for old growth has maintained MIS the pileated woodpecker and goshawk.

There will be no old growth provided for, either currently or in the future, in the immediate project area for the Stonewall Project of 3360 acres. There is some old growth, small patches, identified outside the project area, but it is only 5% or less. The Helena Forest Plan was implemented in 1986, or 30 years ago. The NEPA requires that a NEPA analysis be based on the

current best science, and provide high quality analysis information to the public. There is no analysis as to how the planned old growth management (0 acres) in the immediate project area will maintain associated species. The current best science requires far more old growth than is required in the Helena Forest Plan for the goshawk and various forest songbirds (20-25% versus 5%), information that needs to be identified in a NEPA analysis to demonstrate that the forest plan standard is invalid as well as outdated. In addition, the Forest Service is violating the NFMA by failing to provide any monitoring data to demonstrate that the plan standards have functioned as planned, to maintain viable populations of the goshawk and pileated woodpecker. Continued adherence to the forest plan direction for old growth, given it's obvious lack of validity, is also an irretrievable impact, as it will take up to several hundred years to redevelop old growth from logged stands. This fact was never identified in the Stonewall DSEIS, in violation of the NEPA.

The threatened Canada lynx is clearly an old growth-dependent species. This is never identified in the FSEIS. And there is no analysis provided as to how the failure to manage for old growth forests in lynx critical habitat within the immediate project area of 3360 acres.

As per current science, replacement old forest, or mature forest, is required to maintain old growth, and to maintain the MIS pine marten. There are no habitat objectives established in the immediate project area of 3360 acres for this MIS, including how much habitat it requires. In addition, the current best science indicates that the pine marten is an old growth-dependent species for winter habitat. This habitat could also be provided by lodgepole pine stands that are affected by the pine beetle, which create an abundance of downed logs required for pine marten winter habitat. There are no habitat objectives established for the immediate project area for pine marten winter habitat, even though it is a forest MIS.

There are also no habitat objectives established for moose in the immediate project area, even though this is an old growth-dependent species. Moose are not "indicated" by elk, and need to be managed separately, especially as they depend upon subalpine fir saplings as winter browse.

The Stonewall FSEIS needs to disclose to the public that there is no old growth management planned for the immediate project area, and thus the

agency is planning for no old growth species habitat as well. The rationale for this decision also needs to be provided to the public.

I. The agency is violating the NFMA and the NEPA by failing to maintain wildlife species associated with snags, and as well, to disclose that the project will continue a progressive removal of cavity-associated species habitat without any actual mitigation, including in the Stonewall Project Area.

The Helena National Forest snag standard is nothing more than window dressing to the public to conceal the severe impacts that timber management has had, and will continue to have on the 25% or more of forest birds that depend upon snags as some stage in their life cycle. Most of these bird species require forest habitat for nesting, including more dense forests. The current best science notes that snags are required WITHIN forests, not just within clearcuts. As is planned with the Stonewall project, there will be a direct loss of 760 acres of habitat for cavity-nesting species. There has already been a loss of at least 407 acres from past logging. This brings the total loss of habitat for cavity-associated wildlife at least to 1167 acres, which is 35% of the immediate project area of 3360 acres. This would be a minimum estimate, as the amount of open areas and other logged habitat is not known. Regardless, there is no analysis provided in the DSEIS as to how the proposed level of habitat for cavity-associated wildlife will maintain their populations. In addition, there was no monitoring information provided the MIS hairy woodpecker. The type of habitat, and amounts required by this MIS, is not disclosed in the FSEIS. It is a violation of the NEPA to base a NEPA analysis merely on attainment of Forest Plan standards. It is a violation of the NEPA, as well, to claim to the public that the retention of some snags in harvest units will maintain viable populations of snag-associated wildlife.

The FSEIS completely fails to address how opposing management strategies for eliminating insects and diseases, and other mortality factors as wildfire that create snags, a while at the same time claiming to be managing for snag-associated wildlife, have been resolved in the Stonewall Project Area. This requires that a given percentage of the immediate landscape be managed for high levels of insect and disease, and/or wildfire, including lodgepole pine stands with pine beetles, and Douglas-fir stands with fir beetles. Where are these stands in the immediate Stonewall Project Area?

This requirement is never addressed in the DSEIS, however. In effect, the Forest Service has no valid management strategy for snag-associated wildlife in the Stonewall project area. This management practice needs to be fully disclosed to the public, as is required by the NEPA.

The proposed snag management strategy for the Stonewall Project, which is consistent with the forest plan direction, is also a violation of the NEPA because it does not actually require any mitigation for the loss of habitat for snag-associated species. Instead, the habitat that remains “outside” of proposed treatment areas is considered mitigation, even though it cannot possibly compensate for the loss of other snag habitat. The claim that remaining snag habitat effectively mitigates for the snag habitat (760 acres) that will be removed is a violation of the NEPA as it is clearly an impossible claim.

J. The Park Fire had beneficial effects on the ecosystem, which directly contradicts the rationale for the proposed treatments.

Given that the Forest Service reported that the Park Fire had no actual detrimental impacts, and has created many snags for wildlife, the agency has directly contradicted the rationale provided for the Stonewall Project in 2015. The one clear impact, other than wildlife benefits, is that the timber that would have provided products to the timber industry will not provide essential habitat to wildlife, especially those that require snags. The current best science, including that produced on the Helena National Forest, indicates that burned forest habitat is critical to the viability of many forest birds, due to the creation of vast quantities of snags. In normal conditions, the level of snag habitat may be far below what is needed for wildlife, due to the unsuitability of many snags.

Since the Park Fire was not detrimental to any factor other than reducing the potential level of timber harvest, the agency needs to justify why the Stonewall Project is justified for any other reason than providing products to the timber industry. And there needs to be a valid assessment of why subsidizing the timber industry is more important as a public benefit than providing for healthy snag-associated wildlife on public forest lands.

The Forest Service also needs to provide a valid analysis of the use of fuels reduction treatments to protect private structures adjacent to national

forest lands. There is a considerable body of new science that shows that logging will not protect private structures on lands adjacent to national forest lands. The claim that logging is needed to protect private structures is clearly a NEPA violation, because it misrepresents the actual reason for logging, which is to subsidize the timber industry, not protect private structures.

The FSEIS needs to include a valid assessment of the current availability of burned forest habitat in the Northern Rockies, including that this type of habitat is actually quite limited for wildlife at this time.

K. The Forest Service needs to complete a Forest biological assessment, and have consultation with the USFWS for the Helena-Lewis and Clark National Forest, for the proposed wolverine; then the site-specific biological assessment needs to include an analysis of project impacts on the wolverine, along with site-specific consultation.

There has been considerable monitoring of wolverine on the Helena National Forest from several different sources. This monitoring indicates that wolverine occur in many areas of the Forest, including in the Stonewall project area. This monitoring also indicates that wolverine use a variety of elevations on the Helena National Forest, including lower elevations in the winter. The current best science also indicates that wolverine are dependent upon winter carrion, including from big game winter ranges. As such, the proposed exemption of standards on MA T-2 for big game winter range will have a direct adverse impact on the wolverine by reducing available carrion. Also, the overall failure of the Forest Service to maintain elk on public lands due to a lack of fall security, and an overall reduction in elk use on the forest lands, is a direct impact on wolverine again, as they prey on elk calves as well as using elk carrion on winter ranges. The overall management strategy for the Stonewall Project is clearly an adverse impact on the wolverine. These adverse management impacts, and effects on wolverine populations, needs to be fully disclosed to the public in the Biological Assessment. In turn, possible alternatives to promote wolverine that would result from forest-wide and site-specific consultation are needed to address long-term conservation of this species. The current best science clearly indicates the wolverine is highly sensitive to the human footprint. The actual impact of the proposed Stonewall Project on wolverine conservation needs to be honestly disclosed to the public as per the NEPA and the ESA.

L. The Forest Service and FWS will violate the NEPA, the ESA and the NFMA in regards to management of the threatened grizzly bear.

The FSEIS fails to correct the lack of documentation provided in the DFEIS regarding how the open road density requirement of 0.55 miles per section in occupied grizzly bear habitat was measured for Forest Plan compliance. The data used in the calculations were never provided to the public.

The change in management of grizzly bears on the Helena-Lewis and Clark National Forest as per the Record of Decision for the new conservation strategy for the Northern Continental Divide Ecosystem is not available to the public, even though this decision has been implemented, in violation of the NEPA. It is not clear what the final decision is, or how it will apply to the Stonewall Project.

Regardless of the implementation of the new grizzly bear amendment that includes the Helena-Lewis and Clark National Forest, this amendment does not include any assessment of vegetation management impacts on grizzly bears, even though such treatments continue to be proposed and planned in occupied grizzly bear habitat. This lack of direction is problematic for grizzly bear conservation, because it assumes that grizzly bear viability is not tied to vegetative conditions. The Amendment does not include any science to support this interpretation.

The Stonewall FSEIS also violates the NEPA by claiming multiple times that logging and burning will increase forage, and thus benefit the grizzly bear. Yet no monitoring data and/or published science was provided to support this claim. This lack of documentation regarding the beneficial claims to the grizzly bear from vegetation treatments is clearly misleading to the public, since NEPA documents are required to provide high quality information to the public. This claim inappropriately is being used by the agency to garner public support for the project, regardless of actual impacts to the grizzly bear.

The current population trends for the NCDE grizzly bear also need to be correctly identified in the Stonewall DSEIS. Currently, the population

level is not increasing, as is claimed by the agency. This also serves to provide the public misleading information for the purpose of garnering public support of the project, which is a NEPA violation.

Although grizzly bear habitat is evaluated from the bear subunit, this type of analysis only provides a picture of cumulative habitat conditions across the landscape. It does not satisfy the NEPA requirement for analysis of direct impacts of a project. For the Stonewall project, the immediate project area is only 3360 acres. The open road density and displacement impacts, as well as increases in mortality risk in this immediate landscape, need to be fully evaluated and disclosed to the public, including how such projects relate to the current population trend of grizzly bears in the NCDE. Otherwise, the direct adverse impacts of vegetation management on grizzly bears is largely “washed out” by the size of the analysis area, or the subunit. When the overall assessment of specific projects is based solely on affects on huge landscapes occupied by the grizzly bear, the incremental impacts of individual projects is never addressed in grizzly bear conservation. This is somewhat similar to the problem with the Lynx Amendment, where huge swaths of lynx habitat can essentially be eliminated within a localized area while still apparently having no adverse impacts on lynx conservation. If a grizzly bear becomes habituated and eventually killed because of interactions with humans within just a small portion of their home range, this is still a significant adverse impact. It is essential to manage for grizzly bear mortality risk across their range, instead of just a piecemeal management approach.

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