

From: [Dan Sullivan](#)
To: [FS-appeals-northern-regional-office](#)
Cc: [Rick Bass](#)
Subject: Black Ram Objection
Date: Friday, November 13, 2020 9:35:50 AM

Dear Kootenai National Forest

Once again the Service(s) is in error as your FONSI, LMP & BA & BO documents make no mention of the effects of climate change on the remnant and endangered population of Grizzly bears in whose habitat this project (aka Black Ram) is proposed. Perhaps this is an unintentional omission on the part of the Service and the public would welcome any reasonable explanation to the contrary.

A long list of concerns can and will be specified and related to the Service in the absence of appropriate climate science and accepted understandings of its effects to the Grizzly Bear under the Endangered Species Act (ESA). Many of which are a matter of public record published by the United States Court of Appeals for the Ninth District; Crow Indian Tribe v United States of America; U.S. Department of the Interior; David L. Bernhardt Secretary. (No.18-36030, 07/08/20, ID 11745442)

Since you are seemingly unaware of this ruling I might summarize the courts opinion from the 9th circuit's published in its citations.

Section 4 of the ESA requires the responsible Services to “reevaluate (every five years) listing of the species as threatened or endangered”. These reviews are based on the “best scientific and commercial data available at the time of the review” ESA Sec 4 requires services “to consider several factors (A-E Id.1533(a)(1),(c)(2); see also 50 C.F.R. & 402.01(b)

(A) the present or threatened destruction, modification or curtailment of its habitat or range.

(B) over utilization for commercial, recreational, scientific, or educational purposes;

(C) disease or predation;

(D) inadequacy of existing regulatory mechanisms; and

(E) other natural or manmade factors affecting its continued existence.

"The USFWS describes the extent the issue stating,

Scientific measurements spanning several decades demonstrate that changes in climate are occurring. In particular, warming of the climate system is unequivocal, and many of the observed changes in the past 60 years are unprecedented over decades to millennia. The current rate of climate change may be as fast as any extended warming period over the past 65 million years and is projected to accelerate in the next 30 to 80 years. Thus, rapid climate change is adding to other sources of extinction pressures, such as human-caused mortality, which will likely place extinction rates in this era among just a handful of the severe biodiversity crises observed in Earth’s geological record”

(Case 9:17-cv 00089-DLC Document 244)

If it is the Services intention in this instance to omit or dismiss the effects of climate change on the Grizzly Bear it is arbitrary and not supported by the record. Services have a legal obligation to consider the effects of climate change on the Grizzly Bear and the Yaak Grizzly is no exception.

In this objection to USFS plan to conduct logging operations in the ancient old growth Black Ram area of Yaak Valley, Service(s) have not and do not provide relevant scientific data that are distinctive to the rules as written in order to make decisions based solely on the best available science.

Services failure to consider and rely on climate science jeopardizes the “continued existence” of the Yaak Valley’s last 25 known grizzlies and the wilderness habitats that supports them.

Services must submit to the orders of the United States Court of Appeals for the Ninth Circuit and reassess any review which is contrary to the rules requiring Services to correct any deficiencies in their analysis that are not in accord with the Congress’s directive of best available science when making decisions involving “(E) other natural or manmade factors affecting (the Grizzly Bear) its continued existence”.

Thankyou
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