

November 11, 2022

Pacific Northwest National Scenic Trail Comprehensive Planning Team:

The undersigned groups submit the following comments for the *Pacific Northwest National Scenic Trail Comprehensive Plan Scoping* (PNNSTCP) on behalf of our thousands of members in Montana as well as the millions members and supporters we represent nationally who care deeply about the management of our public lands and support grizzly bear protections and recovery. We represent a wide coalition of stakeholders using the forests in a number of ways, , as many of our members hunt, fish, hike, backpack, and camp in areas of the Kootenai and Flathead National Forests and enjoy the natural forests, fish and wildlife that will be impacted and displaced by the proposed trail.

The proposed trail runs through high-elevation, prime grizzly bear habitat in the Yaak region that formerly provided secure habitat within the Cabinet/Yaak Grizzly Bear Recovery Zone. Clearly there is the potential for grizzly bear displacement and/or human conflict along the proposed trail route. This problem could be easily mitigated by rerouting the proposed trail to an alternate Southern Route (Attachment A).<sup>1</sup> We request that any NEPA document prepared for the Comprehensive Plan consider in detail the Southern Route as a reasonable alternative.

The potentially high-volume thru-hiker Pacific Northwest Trail (PNT) traverses unlogged old growth forest that is home to numerous species of threatened and endangered wildlife. In the Yaak Valley of northwestern Montana, we are concerned with the location of the trail, routed by an act of Congress without ground truthing, and its impacts to wildlife, particularly its impacts to grizzly bear recovery in the northern Yaak Valley (Cabinet-Yaak Grizzly Bear Recovery Zone), as well as its impacts as it traverses the Northern Continental Divide and Selkirk Grizzly Bear Recovery Zones. The PNT as proposed, unlike other long distance thru-hike trails, runs east and west versus north and south and spans a narrow range of latitudes, resulting in a shorter, more compressed season for thru-hiking. This season, roughly mid-June to mid-September, is congruent with high levels of grizzly bear activity in the Recovery Zones.

The U.S. Fish & Wildlife Service's 2021, Grizzly Bear in the Lower-48 States Five-Year Status Review<sup>2</sup> concludes that the CYE population of grizzlies is the most vulnerable of the four populations in the lower 48, with a current resilience of "low," due to the very

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<sup>1</sup> <http://yaakvalley.org/download/proposed-southern-route-trail-description/>

<sup>2</sup> U.S. Fish and Wildlife Service. *GRIZZLY BEAR IN THE LOWER-48 STATES (Ursus arctos horribilis) 5-Year Status Review: Summary and Evaluation*. Department of the Interior, 2021, legacy-assets.eenews.net/open\_files/assets/2021/03/31/document\_pm\_02.pdf. Accessed 10 Nov. 2022.

low population numbers, low genetic diversity, and low fecundity of females. The Review further concludes grizzly bears are likely to become extinct in the foreseeable future throughout all its range.

Development of the PNT along the trail's current conditional northern route will further stress the small, relatively isolated grizzly population in the Cabinet-Yaak ecosystem at a time when the Yaak's grizzly population's resilience is low, and when grizzly recovery in the lower 48 can only be achieved by significantly increasing, not decreasing, protections for grizzlies in the region.

The USFS and USFWS have a duty to conserve ESA listed species, including the threatened grizzly bear, under Section 7 of the Endangered Species Act (ESA), which requires federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the existence of any species listed under the ESA, or destroy or adversely modify designated critical habitat of any listed species. In fact, a USFWS grizzly bear researcher is quoted stating, *not having a Pacific Northwest Trail in the first place would be beneficial to grizzly bears, "Quite frankly, if it were up to me, I'd prefer not to have a trail."*<sup>3</sup>

We are deeply concerned with the location of the trail and its effects to grizzly bear recovery through the northern Yaak Valley, and through each of the four Grizzly Bear Recovery Zones traversed by the trail's proposed route. The Yaak Valley Forest Council requested an independent, scientific review<sup>4</sup> of the proposed PNT route through the Yaak with the purpose of assessing potential risks to grizzly bear recovery in the Cabinet-Yaak Ecosystem and to determine how potential risks could be avoided.

The study<sup>5</sup> concluded, as did the original 1978 Congressional review, that the final route for the PNT should avoid the northern route proposed in the Yaak, which cuts through 21 miles of U.S. Forest Service designated Grizzly Bear Core habitat. Both studies identified several alternatives to limit impacts to Cabinet-Yaak grizzlies. The study went on to state the PNT northern route through the Yaak will have a serious negative effect on grizzly bears through displacement of bears from high quality alpine habitats during the critical summer and fall feeding seasons. This finding is supported by a DNA study<sup>6</sup> that concluded that grizzly bears in the Cabinet-Yaak Ecosystem, due to its small population,

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<sup>3</sup> "Grizzly Habitat at Center of PNT Debate." *Western News*, 12 July 2019, [thewesternnews.com/news/2019/jul/12/grizzly-habitat-at-center-of-pnt-debate-12/](http://thewesternnews.com/news/2019/jul/12/grizzly-habitat-at-center-of-pnt-debate-12/).

<sup>4</sup> *Yaak Valley Forest Council | Protect Restore Connect*, [yaakvalley.org/download/craighead-mccrory-final-yaak-report/?wpdmdl=1261&refresh=63449b746cbad1665440628](http://yaakvalley.org/download/craighead-mccrory-final-yaak-report/?wpdmdl=1261&refresh=63449b746cbad1665440628).

<sup>5</sup> *Yaak Valley Forest Council | Protect Restore Connect*, [yaakvalley.org/download/craighead-mccrory-final-yaak-report/?wpdmdl=1261&refresh=63449b746cbad1665440628](http://yaakvalley.org/download/craighead-mccrory-final-yaak-report/?wpdmdl=1261&refresh=63449b746cbad1665440628).

<sup>6</sup> Kendall, Katherine C., et al. "Density, distribution, and genetic structure of grizzly bears in the Cabinet-Yaak Ecosystem." *The Journal of Wildlife Management*, vol. 80, no. 2, 2015, pp. 314-331.

isolation and inbreeding, demonstrate the need for comprehensive grizzly management to support population growth, and increase connectivity with other grizzly populations.

The Southern Route, which avoids Grizzly Bear Core habitat, should be part of the Comprehensive Plan moving forward and analyzed as an alternative under the National Environmental Policy Act.

Most recently, a peer reviewed study<sup>7</sup> has shown that even short-term disturbance by low human presence can impact wildlife causing them to flee an area or disrupt foraging behavior. Long term impacts noted are decreased reproduction, increased stress and spatial and temporal displacement. Large mammals, including grizzly bears, are noted as species of special concern due to their large space requirements, low population densities and low birth rates. In the Yaak ecosystem, where alpine habitat is extremely small and limited, there are no other suitable habitats to be displaced into, from such season-long disturbances.

The DRAFT Carrying Capacity Report for the Pacific Northwest National Scenic Trail recognizes grizzly bear recovery area management requirements as a Limiting Factor; however, it only recommends the following actions:

***Implementation actions associated with the Pacific Northwest Trail through Grizzly Bear Recovery Zones***

- *Continue to provide consistent public education and information about safely recreating in grizzly bear areas, including hiking safety, camping safety, and food storage requirements.*
- *In all grizzly bear recovery zones monitor human/bear interactions, if monitoring shows a trend with increasing interactions or negative events, coordinate with local wildlife specialist to determine recommended management actions.*
- *Continue monitoring visitor use levels within the Cabinet-Yaak and Selkirk Mountains grizzly bear recovery zones to determine if any of the trail stages are approaching the 20 parties per week threshold. Establish trigger points and associated management actions.*<sup>8</sup>

None of the recommended management actions before or after trigger points address impacts to grizzly bears, they are simple mitigation measures to lower risk to human trail users.

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<sup>7</sup> Sytsma, Mira L., et al. "Low levels of outdoor recreation alter wildlife behaviour." *People and Nature*, 2022.

<sup>8</sup> Stephanie Valentine. *DRAFT Carrying Capacity Report for the Pacific Northwest National Scenic Trail*. Forest Service, U.S. Department of Agriculture, 2022, <https://usfs-public.app.box.com/v/PinyonPublic/file/1040642131578>. Accessed 3 Nov. 2022.

We can protect ecosystems not only through our choices of where we locate recreational trails with their associated protections, but by our choices of where to *not* locate recreational trails. The section of the PNT that passes through the Yaak Valley, can easily be rerouted to the south to avoid critical core grizzly bear habitat to promote both bear and human safety. In an ideal world, we would follow the advice of USFWS grizzly bear researcher, Wayne Kasworm, who is quoted stating, *not having a Pacific Northwest Trail in the first place would be beneficial to grizzly bears.*<sup>9</sup> At a minimum, Grizzly Bear Recovery Zones should prioritize grizzly bear recovery over human recreation.

Rerouting of a National Scenic Trail is allowable under 16 USC 1246(b): Administration and Development of National Trails System. Per the National Trails System Act,<sup>10</sup> the National Trails System shall be *designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.*

***(b) Relocation of segment of national, scenic or historic, trail right-of-way; determination of necessity with official having jurisdiction; necessity for Act of Congress***

*After publication of notice of the availability of appropriate maps or descriptions in the Federal Register, the Secretary charged with the administration of a national scenic or national historic trail may relocate segments of a national scenic or national historic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: Provided, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress. (emphasis added)*

Grizzly bear recovery is a pre-existing established use of the area.

The trail, if it is to move forward, must be re-routed to the south, out of the Yaak grizzly recovery area and its critical habitat. The Southern Route would tangentially contact 10 miles of designated core habitat but will avoid a traverse through core grizzly bear habitat.

Under the National Scenic Trails Act, the USFS has the authority to make this modest alteration in the Yaak portion of the 1200-mile-long trail. Non-substantial relocations,

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<sup>9</sup> "Grizzly Habitat at Center of PNT Debate." *Western News*, 12 July 2019, [thewesternnews.com/news/2019/jul/12/grizzly-habitat-at-center-of-pnt-debate-12/](http://thewesternnews.com/news/2019/jul/12/grizzly-habitat-at-center-of-pnt-debate-12/).

<sup>10</sup> "THE NATIONAL TRAILS SYSTEM ACT." *NPS.gov* (U.S. National Park Service), [www.nps.gov/subjects/nationaltrailssystem/upload/National-Trails-System-Act-Amended-2019.pdf](http://www.nps.gov/subjects/nationaltrailssystem/upload/National-Trails-System-Act-Amended-2019.pdf). Accessed 3 Nov. 2022.

defined as 10% of the trail or less, may occur to promote sound management practices.<sup>11</sup> Failure to address sound grizzly bear management practices at the onset of route designation will have predictable and avoidable negative impacts to the struggling but recovering, ESA threatened, Yaak grizzly bear population.

Known grizzly bear mortality is likely underestimated due to unreported deaths of uncollared bears.<sup>12</sup> The demographic recovery targets from the grizzly bear recovery plan (USFW 1993) criteria are for females with cubs over a 6-year average, with a distribution of females with young of 18 of 22.<sup>13</sup> The most recent documented levels were at 2.5 females with cubs (15/6) with a distribution of females with young of 11 of 22. Independent modeling<sup>14</sup> shows that if the Yaak loses one adult female grizzly every other year, the population will be extinct in fewer than 20 years. Increasing human visitation into the precise habitat in the Yaak most utilized by grizzly bear sows with cubs from mid-June to mid-September, in the same small patches of habitat, habitat already designated for grizzly bear recovery, makes no sense under any circumstances. The Southern Route mitigates this conflict.

Failure to adequately monitor trail usage and exceeding recommended carrying capacity may result in another lawsuit over open-and-closed roads as well as high-volume hiking trails such as the PNT which, with as few as 20 hikers and all trail users, including locals, per week, can cause the trail to be classified as an “open road.” This would force the USFS to close area roads currently open.

We are also concerned that the PNT will interact cumulatively with other projects in the area to further degrade grizzly habitat, and specifically request that the Forest Service disclose the cumulative impact of the Trail and the timber sales on the Kootenai National Forest, including the Black Ram and Knotty Pine timber sales, both of which were approved in 2022. Choosing the Southern Route could reduce the most damaging cumulative impacts to grizzlies of the two projects together.

The purpose of any National Scenic Trail is to conserve the natural resources within the trail corridor. This includes not only protecting the natural beauty, but the habitat and its wild inhabitants. All possible steps and alternatives designed to avoid negative impacts to threatened grizzly bears must be taken. Rerouting the proposed trail out of the Yaak is a

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<sup>11</sup> U.S. Forest Service. *Pacific Northwest National Scenic Trail Comprehensive Plan Public Scoping Document*. USDA, 2022, p.10.

<sup>12</sup> Kasworm, Wayne F., et al. *Cabinet-Yaak Grizzly Bear Recovery Area 2021 Research and Monitoring Progress Report*. United States Fish and Wildlife Service, 2022.

<sup>13</sup> U.S Fish and Wildlife Service. 1993 Grizzly bear recovery plan. Missoula, MT 188 pp.

<sup>14</sup> Craighead, Frank L., and Wayne P. McCrory. POTENTIAL IMPACTS OF THE PROPOSED PACIFIC NORTHWEST NATIONAL SCENIC TRAIL ROUTE ON THREATENED GRIZZLY BEARS AND THEIR RECOVERY IN THE YAAK WATERSHED AREA, NW MONTANA. Yaak Valley Forest Council, 2018. [yaakvalley.org/download/craighead-mccrory-final-yaak-report/?wpdmdl=1261&refresh=63449b746cbad1665440628](https://yaakvalley.org/download/craighead-mccrory-final-yaak-report/?wpdmdl=1261&refresh=63449b746cbad1665440628). Accessed 4 Nov. 2022.

proactive step to preemptively mitigate reactions to future avoidable conflict, potentially death or injury to a human and the subsequent management action resulting in the death of a bear. With only 3 females with cubs of the year in the last survey, the loss of even one female to the population would have a serious impact, threatening extinction of the population. Human encounter is a leading cause of grizzly bear mortality, either directly or through subsequent management actions.

Loss of habitat due to human encroachment is displacing wildlife at record pace. There remain but few wild places for wildlife like grizzly bears to thrive. Much of that habitat is designated within the Grizzly Bear Recovery Zones. Surely, we can allow space away from human activity for other species to survive if not thrive. Suitable secure grizzly habitat away from population centers must be retained and prioritized, as already designated, for grizzly recovery.

Locating the trail in prime grizzly habitat will therefore threaten the Yaak grizzly population even further if typical management follows human conflict.

Therefore, all steps necessary to protect and conserve the Yaak grizzly population must be taken. Full analysis of impacts and consideration of a full range of alternatives is required by the ESA, NEPA and by the stated purpose of the trail. The Southern Route should be given full consideration as an alternative in the Environmental Impact Statement. Further, the managing agency—the U.S. Forest Service—has full authority to modify the route in areas where the current location conflicts with hiker safety or results in resource damage. Re-routing out of designated core grizzly habitat in the Yaak is a clear need and on a 1200-mile long trail fits well within the agency's authority.

Thank you for your consideration of our comments.

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