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May 1, 2023

To: Reviewing Officer, Mary Erickson

Forest Service, Northern Region

26 Fort Missoula Road

Missoula, MT 59804

RE: OBJECTION AGAINST THE SOUTH PLATEAU LANDSCAPE AREA TREATMENT PROJECT

1. Objectors

Lead Objector Sara Johnson, Director, Native Ecosystems Council (NEC), PO Box 125, Willow Creek, MT 59760; phone 406-579-3286; sjjohnsonkoa@yahoo.com.

Mike Garrity, Director, Alliance for the Wild Rockies (AWR), PO Box 505, Helena, MT 57624; phone 406-459-5936; wildrockies@gmail.com.

Jason Christensen, Director, Yellowstone to Uintas Connection (Y2U), PO Box 363, Paris, ID 83261; phone 435-881-6917; jason@yellowstoneuintas.org.

Signed for Objectors this 1st day of May, 2023

Sara Johnson

2. Name and Location of the Project being Objected to.

South Plateau Landscape Area Treatment Project (SPLAT Project) on the Hebgen Lake Ranger District of the Custer-Gallatin National Forest

3. Responsible Official

Jason Brey, District Ranger of the Hebgen Lake Ranger District of the Custer-Gallatin National Forest.

4. Attachments and Incorporation of Documents by Reference

There are 3 appendices included with this 5/1/23 Objection. Appendix A includes various correspondence between NEC Director Sara Johnson and the Custer-Gallatin National Forest regarding a Freedom of Information Act (FOIA) request submitted by NEC on March 27, 2023. Appendix B includes additional references cited in the Objection that have not been previously provided to the Custer-Gallatin National Forest in previous comments and/or objections to the SPLAT Project. Appendix C includes a Declaration written by grizzly bear expert Dr. David Mattson on how the SPLAT Project will impact grizzly bears. And Appendix D includes some portions of the March 2014 Decision Memo for the Rendezvous

Trail Forest Thinning Project, and the April 2023 Scoping notice for the Rendezvous Nordic Ski Area Improvements Scoping document. The 2014 DM includes colored copies of typical hiding cover in the treatment area before treatment, and hiding cover levels after thinning.

NEC and AWR are requesting that previous comments, literature and an objection against the SPLAT Project be incorporated "by reference," even though all these documents are in the record for this project. The documents we are requesting to be incorporated by reference to this current objection include NEC's 3/27/23 FOIA request regarding the SPLAT Project, NEC and AWR's 30-day comments on the SPLAT Project submitted on 9/15/2020, and NEC and AWR's Objection and appendices submitted on 4/32/21.

5. Connections between Previous Comments on the SPLAT Project and the Proposed Action

On 11/7/2022, NEC, AWR and Y2U submitted 30-day comments on the proposed SPLAT Project, along with an appendix of several scientific reports and/or publications. We noted that the Custer-Gallatin National Forest (CG) Revised Forest Plan (RFP) violates the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA) and the Administrative Procedures Act (APA). We also noted that the CG RFP is in violation of the 2012 Planning Rule that requires a Forest Plan to include conservation strategies for various "at risk" species. The only conservation strategies provided in the CG RFP are for the threatened grizzly bear and Canada lynx. Many forest birds that are identified as Montana Species of Conservation Concern (SCC) were never addressed by this 2012 Planning Rule. Most species of western forest birds require older forest stands with many snags, including stands infested with mountain pine beetles. Also many of these birds require effective old growth stands. Neither habitat requirements for 67 species of western forest birds are required in the CG RFP.

Our comments included examples of why the CG RFP does not provide valid conservation measures for the grizzly bear, including security and impacts of motorized routes. An overriding concern was the agency's use of "Condition-based Management" for this massive, 15-year project. Although the agency says that RFP direction will be followed, this claim does not eliminate the agency's requirement to follow NEPA as well. There is no information provided to the public as to how this project will be implemented over the 15 years it is active. The public is being denied the ability to provide informed comments on this project as a result. As well, the public is being denied any information as to how wildlife surveys were coordinated with project designs, since surveys have not been done even though estimates of treatment areas have been made. These estimates have not been based on the distribution of forest raptors in the project area. The public is also not provided information as to how mitigation measures for forest raptors will be implemented. Also, we noted that in spite of many concerns expressed by the public during the planning of this project, the agency still has determined that none of these concerns drive development of an action alternative different from the single proposal.

Specific issues and concerns raised in the 30-day comments include failure to define management of old growth as per RFP desired conditions and habitat requirements for wildlife. We also noted that the CG RFP has not demonstrated that logging in old growth maintains wildlife values, including for Montana SOC associated with old growth forests. The CG RFP also failed to define how the elimination of the 30% old growth standard for grizzly bears in Management Area 13 would affect grizzly bear management. We noted that the CG RFP snag standard is outdated by at least 30 years, and even though it was essentially carried over from the 1987 Forest Plans, it's effectiveness in regards to conservation of birds has never been demonstrated. We noted that the claims that logging would save trees from bark beetles is false, as it is likely that logging will kill more trees than beetles will kill. We listed many at-risk bird species that may occur in the South Plateau Project Area that are vulnerable to logging, yet are not protected by any habitat standards. We noted that there is no analysis of direct project impacts on big game, including habitat effectiveness, security and vulnerability, including the use of an invalid measure of elk security. WE noted

that the Forest Service did not provide the public copies of the collaborative process between them and the Montana Fish, Wildlife and Parks on management of moose winter range, in violation of the Federal Advisory Committee Act (FACA). We noted that the loss of 50% of the moose winter range will reduce moose populations, and will violate the CG RFP to maintain local ungulate populations on big game winter range. We raised many concerns about the lack of valid conservation measures for the grizzly bear in the CG RFP, due to a lack of being based on the current best science. We also noted that use of the 1998 baseline of security habitat for grizzly bears is invalid, including due to invalid definitions of security, but as well, due to ever changing circumstances and impacts on grizzly bears since that time period. The 1998 baseline claims to promote conservation of the grizzly bear have also never been through consultation. The conservation direction in the CG RFP will clearly allow severe adverse impacts to grizzly bears in the Recovery Zone, in violation of the NEPA, the NFMA and the ESA. One such adverse impact is the logging of mixed conifer stands that contain intermingled seedling, saplings, mature and old growth whitebark pine. Logging will remove red squirrels which make whitebark pine nuts available to grizzly bears. In regards to the threatened lynx, we noted that as with the grizzly bear management direction in the CG RFP, lynx management direction is not based on the current best science, and as a result, allows excessive degradation of lynx habitat.

6. Remedy

The CG RFP needs to be amended so that valid criteria for the conservation of threatened and proposed species, sensitive species, "at risk" species of the forest bird community (including those dependent upon old growth and snag forests) and big game species, are developed and implemented as Forest Plan direction. These valid conservation strategies are not only necessary in order to meet the diversity requirements of the NFMA, but as well, to provide valid criteria for measuring the impacts of vegetation projects on wildlife. As is shown in the SPLAT project analysis, no habitat measures are used to measure project impacts, including if such impacts will be significant. This CG RFP lack of any habitat

standards for almost all forest wildlife means the agency has no basis for measuring any impacts. This results in a NEPA analysis such as that in the SPLAT Project, where almost all conclusions on project impacts on wildlife are mere speculation. Speculative views cannot determine if projects will have significant adverse impacts on wildlife. The lack of any habitat criteria for almost all wildlife on the CG results in a NEPA analysis like that completed for the SPLAT Project, where the **lack of habitat standards is used as a rationale to claim no significant adverse impacts will occur to wildlife, obviating the need to complete an Environmental Impact Statement (EIS).**

7. Actions of the SPLAT Project that result in violations of laws.

I. Grizzly Bear Management on the Custer-Gallatin National Forest (CG) as per the Revised Forest Plan (RFP), and as demonstrated in the South Plateau Project Area, violates the National Forest Management Act (NFMA), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the Administrative Procedures Act (APA); this RFP direction needs to be amended as to comply with the previously-mentioned laws before any vegetation treatment/fuels project are implemented within the CG Recovery Area for grizzly bears.

A. The Forest Service (FS) and the U.S. Fish and Wildlife Service (USFWS) use the CG Revised Forest Plan (RFP) direction as the basis for avoiding significant adverse impacts on grizzly bears in the Recovery Zone, as well as measuring the cumulative "take"

of grizzly bears; the RFP allows extensive, highly significant adverse impacts on grizzly bears within the Recovery Zone; the RFP also lacks any valid criteria for measuring "take" of grizzly bears that will occur during sight-specific projects.

1. **The CG RFP does not restrict activities within the Recovery Zone if they do not impact security habitat for the grizzly bear.**

Figure 8 of the Project Biological Assessment on grizzly bears maps existing security habitat as well as the location of 57 miles of planned new roads. This figure shows that considerable areas of the 39,909 acre South Plateau Project Area have no security. This mileage of new roads that won't impact security is never identified. However, Figure 8 shows many of these new roads will be outside of security. Because these undisclosed miles of new roads outside of security area are not considered an adverse impact on grizzly bears, they are not limited by the CG RFP. This assumption that only new roads in security areas adversely affects grizzly bears is never supported with any science in the CG RFP Final Environmental Impact Statement (FEIS), CG RFP Biological Opinion (BiOp), or the BA for the South Plateau Project. Many factors adversely impacting grizzly bears and increasing "take" from project activities are never addressed. Adhering to this CG RFP direction of only limiting management actions that reduce grizzly bear security to 1% of the Bear Management Unit's largest subunit is falsely stated to prevent any significant adverse impacts to the grizzly bear in the South Plateau Project Area (Project EA 66, 74; Project BA 66).

2. **The CG FRP allows complete elimination of grizzly bear security habitat within a site-specific project.**

The CG RFP allows a "quota" in a Bear Management Unit (BMU) for the amount of security habitat that can be temporarily removed due to new roads. This is 1% of the 1998 baseline security levels that occurred in the largest BMU subunit at 1998

or at full attainment of the CG 2006 Travel Plan. This is CG standard FW-STD-WLGB-03b. The "quota" for loss of security habitat in the South Plateau Project is 9,116 acres (Project EA Table 12). These acres also include any acres of security that are currently above the baseline, such as in the Plateau #1 subunit (*Id.*). The actual acres of security in the South Plateau Project area is unknown, as was never identified by the agency in the EA or Biological Assessment (BA) addressing grizzly bear management. This BA does provide a map of existing security in the South Plateau Project Area in Figure 8, along with security areas that will be affected by new road construction. Based on information provided in Table 15 of the Project BA, the areas in Figure 8 that will be affected by the South Plateau Project with new roads is 4,973 acres. Without any actual agency data being provided on total security acres in the South Plateau Project Area, it can be "roughly" estimated as about 6,000 acres from Figure 8. (the remaining acres of security that will not be affected by the South Plateau Project appear to be about 1,000 acres in addition to the 4,973 acres that will be affected by this project). However, the "quota" for the South Plateau Project is 9,116 acres (Project EA Table 12). So more security habitat can be temporarily removed than exists in the South Plateau Project as per the CG RFP. Yet this CG RFP direction is noted to prevent significant adverse impacts to the grizzly bear (Project EA 66, 74, Project BA 66).

3. **The CG RFP does not require any level of grizzly bear security in project areas within the Recovery Zone; yet this standard is claimed to prevent significant adverse project impacts on grizzly bears.**

It is estimated, due to a lack of agency information, that the South Plateau Project area of 39,909 acres has about 15% security for the grizzly bear. As previously noted, this estimated is based on our estimate that there are roughly 6,000 acres of security in the South Plateau Project Area. This includes the 4,973 acres that are noted to be impacted by the South Plateau Project (Project BA Table 15), as well as a rough estimate of remaining security habitat that will not be impacted by the project at about 1,000 acres (Project BA Figure 8). The current best science recommends about 60% security habitat for grizzly bear conservation

(Proctor et al. 2020; Mattson 1993; Protocol Paper 2008; NCDE Management Rule set Proposed Direction (2002). This 15% security is going to be reduced down to about 1,000 acres during project implementation, or to about 2.5%. Even the existing security situation in the South Plateau Recovery area is significantly below recommendations of the current best science, which can be interpreted as a significant ongoing adverse impact to grizzly bears, which requires the agency to complete an Environmental Impact Statement (EIS). Further reductions of security will only exacerbate an existing significant impact. These significant adverse impacts can occur with implementation of the CG RFP, demonstrating it is clearly inadequate to conserve grizzly bears.

Although the agency claims that impacts to security habitat will be "staggered" across the 40,000 acre project area in time and space (Project BA Table 15, Footnote 7), the actual acres of security habitat to be impacted during each of the 15-year timeline (EA 5, 10), is never identified. The South Plateau Project Area includes portions of 3 grizzly bear subunits (EA Table 12). Within each BMA, there can be only one project at a time that affects security habitat (EA 97). This would allow 3 projects in each subunit of the South Plateau Project every 5 years, which is the stated timeline for projects. There could therefore be 3 ongoing projects in the South Plateau Project Area every 5 years, for a total of 9 projects in 15 years. There could also be other projects that would not affect security in the South Plateau Project Area, including the expanded development of the Rendezvous recreational area, scoped in April of 2023. So in spite of claims that impacts to grizzly bear security will be "staggered" over 15 years, the overall impact from year to year is unknown. Although this "annual loss" of security habitat is unknown, it will still exacerbate the existing paucity of security in the South Plateau Project Area.

4. **The measures used by the CG RFP to identify motorized impacts on grizzly bears in the Recover Zone are invalid, do not promote conservation of the grizzly bear in the Recovery Zone, nor can they be used to assess the level of impacts on grizzly bears from road management within a site-specific project, including the level of "take" or significance of local impacts.**

The CG RFP does not restrict the density of active motorized routes in grizzly bear Recovery Habitat outside of security areas, nor does it restrict total roads within security areas. Although roads open to public use (OMARD) as well as open and restricted administrative roads (TMARD) are monitored for BMU subunits, there are no restrictions for either category (e.g, Project EA at 74). As such, the South Plateau Project road management is noted to have no significant adverse impacts on grizzly bears in spite of the extensive use that will occur on both existing and newly constructed roads. In addition to the new construction of 57 miles of temporary roads for the South Plateau Project, an extensive network of existing roads will also be used for project activity. As was noted in the Project EA at 55-56, this area has been "extensively roaded" due to past timber harvest. These roads include 142 miles of system road, with 47 miles are open to public use, and 77 miles have administrative use. The remaining 17 miles of system roads are "stored roads" with no legal motorized use allowed. Although the Project EA notes there are ATV trails in the project area, these are not addressed. The 2006 Travel Plan shows that there are at least 2 motorized trails in the South Plateau Project Area. These include trail #116 that traverses the Continental Divide, and the West South Plateau Road #2671.

The current active motorized density, which includes open to the public (47 miles) and those receiving administrative use (77 miles) would be 124 miles divided by 62.4 square miles (39,909 acres divided by 640 acres per mile), would come to 2 miles per section. This would not include an unreported miles of motorized ATV trails. Measures regarding the impact of traffic on the 77 miles of administrative roads are unknown. There may be some administrative roads that have very low levels of motorized traffic. However, the 2006 Travel Plan for the South Plateau area shows that almost every road listed allows motorcycle use in the summer. Exceptions include several closed roads. Thus it can be assumed that in most cases, these 77 miles of administrative roads have considerable levels of motorized use, including public use via motorcycles. Without any analysis by the agency on this level of motorized use on administrative routes, actual mortality risk and habitat alienation impacts to grizzly bears are unknown.

If administrative roads are claimed as having no notable impacts on grizzly bears due to low traffic levels, the actual traffic levels that is ongoing on these roads, including for South Plateau project planning, needs to be provided. The actual level of motorized use that does not significantly affect grizzly bears is unclear, as includes a number of different estimates. For example, the NCDE Access Management Rule Set Proposed Direction (2002) noted that an administrative route is to be defined as an "open road" if use exceeds the low intensity use level, for the season, defined under the Restricted Road definition; low intensity use is defined as administrative use of more than an average of 1 vehicle count/day for a season. This would be 90 trips for spring, 76 counts for summer, and 75 counts for the fall season. The Record of Decision (ROD) for the Forest Plan Amendments to Incorporate Habitat Management Direction for the NDCE Grizzly Bear (1-18) states that within primary conservation areas, administrative use on restricted roads cannot exceed either six trips (three round trips) per week or one 30-day unlimited use period during the non-denning season. The 1993 Grizzly Bear Recovery Plan at Appendix B, page 148, cited a definition of administrative use allowed on a closed road as one to two periods that together should not exceed 14 days during the time bears are out of their den, and another definition of a administrative road as one that receives no more than 5 round trips per week. These restrictions on administrative use are based in part from research in the Swan Mountains of Montana (Mace et al. 1996) where it was reported that most grizzly bears avoided buffers surrounding roads having more than 10 vehicles per day.

The CG RFP management for grizzly bears supposes, without any scientific foundation, that grizzly bears can distinguish between vehicles driven by agency personnel or contractors, as opposed to other people just there for recreation. The 1993 Grizzly Bear Recovery Plan at Appendix B page 148 noted that grizzly bears do not differentiate between agency and public use; a closed road receiving administrative use may be no different than an open road; such bears will void administratively-used roads; <u>while direct mortality from administrative use will probably be low, continued administrative access directly contributes to habituation and a false sense of security for bears in areas which also contain open roads.</u>

If one concludes that the current administrative, ATV and illegal motorized use on administrative routes is generally low enough to not provide displacement/disturbance to grizzly bears, one would "estimate" the current active motorized route density in the South Plateau Project area as the 47 miles of roads open to the public (without motorized trail mileage known). This would be a minimum estimate of 0.75 miles of active motorized routes per section (47 miles of road divided by 62.4 square miles). If illegal motorized use and legal motorized trail use were known and could be added in, it appears that the current active motorized route density in the South Plateau Project Area "may" fall within the 0.9-1.0 miles per section recommended for grizzly bear conservation. Acceptable densities of active motorized routes in grizzly bear habitat, densities that don't significantly reduce grizzly bear use, were initially identified for the Northern Continental Divide Ecosystem (NCDE) in the early to mid-1990s, and in the Greater Yellowstone Ecosystem (GYE) in the early 1990s. In the NCDE, Mace and Manley (1993) noted that female grizzly bears used unroaded habitats greater than this class was available, and that grizzly bears used habitats having a total road density of 0.2 to 2.0 miles per square mile as available; adult bears used areas with less than a mile of open road per section less than available. And Mattson (1993) recommended that for grizzly bears in the GYE, average active motorized route densities should not exceed 0.26 miles per section across a bear's home range, although localized active motorized route densities could reach 0.6 miles per section. The science on the importance of limiting active motorized route densities on grizzly bears translated into management recommendations by both the U.S. Fish and Wildlife Service (USFWS) and the Montana Department of Fish, Wildlife and Parks(MFWP). The 1993 Grizzly Bear Recovery Plan noted that existing open road densities in grizzly bear recovery habitat should not exceed one mile per section. And the 2003 Final Programmatic Environmental Impact Statement prepared by the MFWP included a recommendation to limit active motorized route densities in grizzly bear habitat at one mile per section. These management recommendations have remained relatively constant based on more recent science. In an extensive recent review of existing science on road impacts on grizzly bears, 6 grizzly bear experts recommended that open roads in grizzly bear habitat should be no greater than 0.96 miles per section in order to maintain survival and reproductive rates of bears at sustainable levels (Proctor et al. 20200.

In conclusion, there is a long-standing scientific consensus in grizzly bear recovery habitat that active motorized routes should be maintained at or below a mile per section. The current active motorized route density in the South Plateau Project Area falls could potentially be within this range (excluding ATV tails and illegal activity on closed roads), which may explain why this area has a "substantial" number of grizzly bears using this habitat (South Plateau EA 68). This will be drastically changed, however, with the South Plateau Project. Once logging and road construction and fuels reduction projects begin on 77 miles of administrative roads, the increase in traffic levels will likely create significant displacement impacts on these administrative routes. In addition, there will be up to 17 miles of currently stored roads that will likely be used for project completion. These roads come to 142 miles. When added to the 56.8 miles of new temporary roads, the total length of active motorized routes in the project area would be 199 miles. This would be an open road density of 3.2 miles per section (199 miles divided by 62.4 square miles = 3.2 miles per section). This does not include any active motorized trails in the project area. This would be a high estimate, since not all roads would be used at the same time. However, individual projects were never defined for the South Plateau Project, so annual active motorized route densities during the estimated 15-year project for numerous overlapping projects (a shifting mosaic of adverse open road densities) are unknown. Some project areas may exceed 3.2 miles per section. Regardless, the impact of this huge increase in active motorized roads (roughly 3 times the current level) as well as traffic on them was never evaluated for the South Plateau Project. As such, the basis for claiming this project will have no significant adverse impacts on the grizzly bear are unwarranted (Project EA 66, 74, Project BA at 66). And claims that the CG RFP will prevent adverse significant impacts on grizzly bears is clearly false.

The shifting mosaic of active motorized roads across the South Plateau Project Area may be substantial, given that 16,462 acres are proposed for treatments, with repeat treatments for fuels projects. This is 41% of the 39,909 acre project area. The agency projects that there will be up to 6 projects, each which can last up to 5 years, while claiming that it is "unlikely" that there will be more than 2 projects going at one time (Project EA 10-11). However, the CG RFP allows one

project per grizzly bear subunit that affects security habitat every 5 years, so within 15 years, each of the 3 subunits in the South Plateau Project Area could have 3 projects. Three projects allowed in each of 3 subunits comes to 9 potential projects over 15 years. In addition, projects are not restricted per subunit if they do not affect grizzly bear security (e.g., the planned expansion of the Rendezvous recreational area as scoped in April 2023, provided in Objection Appendix D). So there could be more than 3 concurrent projects that overlap in time each of the 15-year estimated time line for the South Plateau Project. The active motorized route densities that will occur per project are unknown, but if they are above about a mile per section, then they are exceeding a threshold that is believed to be tolerable to bears. This one mile per section is the criteria by which significant adverse impacts to grizzly bears are triggered. All individual projects that exceed this level need to be identified as per adverse impacts, as well as to measure the level of "take" that will occur as a result of that overall South Plateau Project. Since this information was never provided by the agency in any NEPA documents for this project proposal, the impacts of active motorized routes on grizzly bears during the 15-year project are unknown, but have a high potential to be significantly adverse. Claims that the projects will have no significant adverse impacts on grizzly bears (Project EA 66, 74; Project BA 66) are clearly invalid.

While restricting public access on roads in grizzly bear Recovery Habitat will reduce poaching losses (Proctor et al. 2020), this restriction will not eliminate many other adverse impacts the South Plateau Project will have on grizzly bears, impacts acknowledged by the agency. For example, the Project EA at 65 notes that disturbance associated with the project (human presence, traffic, noise) will cause bears to move to areas more security and with less disturbance; it is also noted that the project could increase the risk of individual bear mortality during project implementation due to a greater potential for bear/human conflicts due to increased human presence; also post-project use of decommissioned roads by hunters could increase the long-term mortality risk to bears due to an increased chance of bear/human encounters. The Project EA at 66 notes that bears are likely to move to less disturbed areas in response to the sight and sound of project activities and changes in habitat and forage availability. The Project EA at 71 notes that roads have been shown to increase mortality risk to individual

grizzly bears, either directly, through motor vehicle collisions and illegal shooting, or indirectly through habituation to human presence, which increases the potential for conflicts between humans and grizzly bears. And the Project EA at 72 notes that the temporary reduction in security is likely to cause bears to move to areas in their home range with less disturbance.

As acknowledged by the agency, restricting public use of roads is likely to reduce direct mortality of grizzly bears due to poaching (Proctor et al. 2020). However, other increases in grizzly bear mortality risk are not addressed by restricting public use on roads. For example, it has been noted that hunters use closed roads (Schwartz et al. 2010), and this use increases the potential for chance encounters between hunters and grizzly bears, and thus mortality risks to grizzly bears (Mattson 2019). These hunter-caused grizzly bear deaths have continued to increase, and are currently the primary cause of grizzly bear deaths on the CG and GYC (Mattson Declaration). As well, chance encounters between mountain bikers and grizzly bears can occur on closed roads, encounters that trigger removal efforts on grizzly bears (Mattson 2019). Also, as is noted in the 1993 Grizzly Bear Recovery Plan, closed roads give grizzly bears a false sense of security in a landscape that also includes open roads which have public use.

Mace et al. (1996) noted that avoidance of bears in areas of the NCDE having a high total road density was evident for some bears, even though roads were closed to public travel. Mace and Manley (1993) noted that unless a road has completely revegetated, managers should assume that some level of human use is occurring along closed roads, and grizzly bears will respond to that use. Although closing roads to public use (which does not include mountain bikes, hunters and hikers) can reduce some poaching risks to grizzly bears, this does not, as was noted by the agency, address the impacts that are associated with road traffic and logging/fuels treatment activities, and mortality risks from hunter use of closed roads. This agency acknowledgement of the disturbance and displacement impacts of roads and vegetation treatments on grizzly bears is consistent with the current science. For example, the 1993 Grizzly Bear Recovery Plan provided extensive analysis of these impacts: Appendix B at 145 notes that

negative association with roads can decrease habitat use; negative association arises from bears' fear of vehicles, vehicle noise, other human-related noise around roads, human scent along roads, and hunting and shooting along or from roads; bears that experience such negative effects learn to avoid the disturbance generated by roads; such animals are unlikely to change this resultant avoidance behavior even after road closures and the lack of negative reinforcement; even occasional human-related vehicle noise can result in continued road avoidance and habitat loss associated with such avoidance; in fact, unpredictable random road use, the kind of use that may occur with administrative use of closed roads, may be even more disturbing to bears that have a negative association with roads; females who have learned to avoid roads may also teach their cubs to avoid roads; in this way, learned avoidance behavior can persist for several generations of bears before they again utilize habitat associated with closed roads; when roads are located in important habitats, habitat loss through avoidance behavior can be significant due to the denial of the resources in these areas to bears.

The 1993 Grizzly Bear Recovery Plan at Appendix B page 146 includes the following assessments of road impacts on grizzly bears: recent studies in northwestern Montana reinforce the fact that the presence of even closed roads can affect grizzly populations; in the South Fork of the Flathead River, grizzlies avoided roads even where existing roads were officially closed to public use; avoidance behavior of bears of illegal vehicular traffic, foot traffic, and/or authorized use behind road closures may account for the lack of use of areas near roads by female grizzly bears in this area; research in this area demonstrated that a significant portion of the habitat remained unused by female grizzly bears for several years; avoidance and lack of use of resources along roads may reduce survival of young when female grizzlies are forced to live in less favorable areas away from roads; lower cub survivorship due to displacement from roads into marginal habitats could occur due to increased physiological stresses related to decreased nutrient and energy intake; this avoidance of roads by some bears is generally estimated to be 100 meters.

In conclusion, the avoidance of roads by grizzly bears can cause a functional loss of habitat. This functional loss of habitat for grizzly bears that will be triggered in the South Plateau Project was never identified for this project, or addressed in the CG RFP FEIS. And human use of closed roads increases grizzly bear mortality risk by conflicts with hunters. This mortality risk was also never assessed in the CG RFP FEIS or the South Plateau Project. However, it is required by the NEPA and the ESA. In spite of the huge increase in active motorized route density as well as traffic levels that will occur with the South Plateau Project (increased by roughly 3 times from about 1 mile per section to over 3 miles per section), the agency failed to provide any analysis as to why this the loss of functional habitat and increased exposure to armed humans will not have significant adverse impacts on the grizzly bear. Such an analysis is not required by the CG RFP, but it is required by the NEPA and ESA.

A more detailed discussion of the shortcomings of the CG RFP management direction for grizzly bears, as implemented for the South Plateau Project, are provided below.

a. <u>Recreational use of existing roads can have significant adverse impacts on grizzly bears.</u>

The current and expected level of use of roads, both open, restricted and closed, by mountain bikes was not evaluated in the South Plateau Project or in the CG RFP. As indicated in the 2006 Travel Plan, almost, if not all current roads in the South Plateau Project Area are available for yearly use by mountain bikers. This allowed mountain bike use includes roads closed to motorized activity, such as the South Plateau Road #1700, West Plateau Road # 2671, Whiskey Creek Road #6958 segment 3, Black Bear Canyon Road # 1786, and any and all motorized trails and cross country ski tails. In addition, the miles of mountain bike use on all current roads in the South Plateau Project Area was not identified or evaluated as per impacts on grizzly bears. Nor was the planned addition of 57 miles of new roads as per mountain biking evaluated. Mountain bike activity is a noted adverse disturbance impact on grizzly bears (Mattson 2019); he noted that mountain

bikers occupy a conceptual middle-ground between pedestrians and people on or in motorized transport; mountain bikes don't given much notice to grizzly bears due to silence and speed of movement; mountain bikes elicit an increased aggressive response from bears as compared to responses to pedestrians; greater immediate reactivity on the part of bears almost certainly translates to more rapid and sustained subsequent flight, along with longer-term energetic and physiological costs associated with impaired foraging, increased movements, and displacement of activity to suboptimal times of the day; the weight of the evidence unambiguously supports concluding that mountain biking is far more hazardous for involved people and more impactful on affected bears compared to any other pedestrian activity with the exception of hunting; this has resulted in Parks in Canada seasonally or permanently closing trails to mountain bikers several years ago where chances of hazardous encounters were high.

As well, the Montana Fish, Wildlife and Parks raised a concern about mountain bike trails in portions of the Whitefish Range (Manley 2013); he noted that in recent years, technology has created mountain bikes that are able to be ridden on a wide variety of trails and terrain; this has caused an increase in negative encounters between mountain bikers and grizzly bears; mountain bikers typically travel quietly, at fast speeds; areas that are known to be prime grizzly bear habitat should be avoided by mountain bikers.

b. <u>The habitat alienation that results from displacement and disturbance of human activities on grizzly bear is not recognized in the CG RFP as an adverse impact that needs to be restricted in Recovery Habitat.</u>

Displacement of bears from habitat is termed "habitat alienation" (Mattson 1993). The displacement impact of treating 16,462 acres, or 41% of the South Plateau Project Area in an estimated 15 years, was claimed to have insignificant impacts on grizzly bears without any supporting analysis. A disturbance level of 41% is actually a low estimate. Each series of vegetation treatments will impact more than just the treatment acres. Much or all of the surrounding and intervening acres adjacent to treatment units will also displace bears. This is a

given, since bear displacement from roads is estimated to be a third of a mile as per the security definition. Displacement from vegetation treatment units and interconnected roads is likely similar. As such, a majority of the South Plateau Project Area (maybe 75% as per EA Figures 2) of 39,909 acres over a 15-year period will experience disturbance levels that will displace grizzly bears. This high level of landscape disturbance certainly has the potential to significantly displace grizzly bears. The information showing this will not occur for the South Plateau Project Area has never been provided, so claims of insignificant impacts are mere speculation, in violation of the NEPA and the ESA. Overall, it is clear that the "carrying capacity" of the South Plateau Project Area will be drastically reduced due to habitat displacement for 15 years, and this is surely a significant impact.

One of the factors the agency used to speculate that displacement of grizzly bears from vegetation treatment activities would not be significant was that there is "extra" habitat in the South Plateau Project Area that is not currently being used where displaced bears could relocate to. This "extra" habitat was never quantified or mapped. Nor did the agency define why, if this extra habitat is suitable for use by grizzly bears, why it is not currently in use.

Although individual projects are stated to last no longer than 5 years, displacement impacts to bears will likely be longer. It may take some time for bears to reuse project areas after being displaced from them for 5 years. Also, bears may be discouraged from reaching areas where project activities have ended due to high intervening active motorized route densities and use associated with these roads, including mountain bikes, hunters and hikers. Also, the time line and extent of disturbance activities will likely affect a bear's reuse of these areas. Project displacement impacts will clearly be significant due to the noise and traffic levels required for project implementation (e.g., construction of new road construction, high noise levels for logging operations and high traffic levels for log hauling, dispersed pedestrians associated with fuels treatments, mechanical piling of slash in logging units, subsequent burning of slash piles in logging units, and ultimately, road decommissioning. If grizzly bear cubs learn to avoid these individual project areas over the 5 years the project activity lasts, and

the South Plateau Project Area will be blanketed with 5-year projects, the long term use of this project area by young grizzly bears will clearly be adversely impacted, potentially to a huge degree.

5. The impacts of a loss of hiding cover on grizzly bears was not evaluated.

The CG RFP does not require any given level of hiding cover in Recovery Habitat for grizzly bears. The Project EA at 82 states that the project will reduce hiding cover by 13,724 acres. This is 34.4% of the Project Area. Removing hiding cover on a third of the landscape is assumed to not have any significant impacts on grizzly bears, although no actual criteria were provided for this conclusion. Science that addresses the impacts of hiding cover on grizzly bears was not addressed. For example, Mattson (1993) reported that for the Yellowstone grizzly bear, flight is less frequent when bears are in cover as compared to the open; grizzlies tend to flee further after relatively unpredictable encounters with humans on foot in back-country areas, especially in the open; flight from encounters in open areas is consistently toward cover; encounters between wary bears and humans on foot, especially in the open, will likely result in either aggression or long-range and rapid flight; the impacts of any given mile of road will vary according to the amount of associated hiding cover; roads and trails with and without cover have different levels of impacts on grizzly bears; unless some means of incorporating the presence of cover into road density calculations can be achieved, mortality risk will predictably vary with the amount of cover at the same road densities, with bear populations with less cover at greater risk; road densities should be calculated so as to account for the effects of variable cover.

The SPLAT EA and BA do not define the specific vegetation treatments that will occur within security habitat, once these are roaded. The acres of clearcutting that will occur is unknown. Clearly, hiding cover will be lost with clearcutting. However, it is highly likely that hiding cover for grizzly bears will also be lost with the proposed thinning of lodgepole pine. The 2014 Decision Memo for the

Rendezvous Trail Forest Thinning Project includes Figure 3 showing the current level of lodgepole pine hiding cover in the South Plateau landscape. Figure 5 then shows what "thinned" lodgepole pine stands look like. Clearly, there will be no hiding cover left in thinned units, including in grizzly bear security areas. The CG RFP complete lack of any criteria for hiding cover in security areas means that there is no limit to the amount of hiding cover that can be removed in security areas. The CG RFP FEIS did not define why hiding cover is not important in security areas for grizzly bears.

The impact of the loss of hiding cover is also not required as per the CG RFP standards for grizzly bear management. The CG RFP also "assumes" that logging and thus reducing hiding cover in grizzly bear security areas has no impact on security, and that once roads are decommissioned in these security areas, the value of security returns for grizzly bears. However, the reduction of hiding cover either from clearcutting or partial thinning will increase the sight distances where human activity, including on decommissioned roads but also across the landscape (i.e., hikers, hunters, mountain bikers, illegal ATV/motorized use) is visible to bears, and will thus increase displacement of grizzly bears over untreated conditions in these security areas. This degradation of security due to removal of hiding cover is not recognized in the CG RFP management direction for grizzly bears, nor was it addressed for the South Plateau Project, even through this project will impact most of the security habitat in this project area. Vegetation treatments (4,973 out of an estimated 6,000 acres) on almost all the current security areas is stated to have no significant impacts on the grizzly bear.

6. The CG RFP provides an invalid measure of security.

The South Plateau EA at 71 defines grizzly bear security as an area at least 10 acres in size more than 500 meters from an open or gated motorized road. This is the definition of security defined in the CG RFP at 359. There is no scientific reference provided as the source of this definition in the CG RFP or South Plateau Project. This definition of a security area was derived from the updated Grizzly

Bear Recovery Plan based on an "assumption" by USFWS personnel that 10 acres would provide security (Mattson Declaration). However, the current best science recommendation for grizzly bear security areas ranges from 2500 acres in northwestern Montana and Canada, and 7,000 acres in the Greater Yellowstone Ecosystem. The latter is based on recommendation by Mattson (1993), whereby movements of Yellowstone grizzly bears during a 24-48 hour foraging radius where the bear was not required to cross any roads. The recommendations for a 2500 acre security area in northwestern Montana were proposed for management of grizzly bears in the Northern Continental Divide Ecosystem (NCDE Access Management Rule set Proposed Direction 2002; Protocol Paper 2008). These recommendations have been substantiated by a recent large assessment of grizzly bear habitat use and mortality in British Columbia and Alberta, Canada by 6 grizzly bear experts (Proctor et al. 2020), where 2500 acre security areas were recommended. The difference between security recommendations for grizzly bears between the NCDE and the Yellowstone Ecosystem may be related to the higher productivity of grizzly bear habitat in the former, so daily movements would be lower. However, even if the more conservative recommendation for grizzly bear security areas were applied to the Greater Yellowstone Ecosystem, this would be 250 times the size of the CG RFP definition of security as only 10 acres. This definition clearly is not based on the average daily foraging radius of a grizzly bear. The actual basis of this definition has never been provided in the CG RFP or associated FEIS. Use of this invalid definition of security for the grizzly bear to define landscape security is clearly invalid, and cannot provide a reliable measure of grizzly bear habitat quality, including on the CG or the South Plateau Project Area, because the key value of security areas is to keep grizzly bears away from humans and roads (Schwartz et al. 2010). Tiny pieces of unroaded habitat scattered in a heavily-roaded landscape will not limit grizzly bear exposure to humans and roads, since daily movements would require extensive crossing of roads and/or exposure to human in logging/fuels treatment units. To a 10-acre security area will not provide what these security areas are supposed to do: keep bears away from roads. The CG RFP has no scientific criteria for managing security areas, and needs to be amended to address this severe failure in managing to conserve grizzly bears.

7. The agency used the CG RFP standards for grizzly bear security habitat to avoid defining direct, project-level impact on security; meeting RFP standards does not obviate the need to also adhere to the NEPA.

The level of existing grizzly bear security in the South Plateau Project Area is unknown. This information was never provided to the public. Although security areas were mapped in Figure 9 of the Project BA, acres were not identified. We estimated that security areas are roughly 6,000 acres, or 15% of the project area. This is far below the recommendations by the current best science for about 60% of a landscape to provide security areas (Proctor et al. 2020; Mattson 1993). Estimated levels of project area security would be about 2.5% during project implementation, with 4,973 acres removed (Table 15, Project BA).

8. The cumulative impacts of the expansion of the Rendezvous Recreation Area on grizzly bears was not evaluated for the South Plateau Project, in violation of the NEPA and the ESA.

The Master Development Plan for the Rendezvous Nordic Ski Area (provided in Objection Appendix D) affects 1,670 acres in the Madison #2 subunit (e.g., see Figures 1, 2,3,5,6,and 7 in the Project EA). This recreational area also lies inside the South Plateau Project Area. The scoping document for this development plan, released in April of 2023, notes that this project includes 9 miles of new trail development which will have summer public use, added to existing trails for a total trail density of 15 miles. This equates to a high-use trail density of 5.8 miles per section. The NCDE 2002 access management proposed direction states that non-motorized trails that have more than 20 parties per week is high intensity use. This development also includes new construction of a building of 7,000 square feet, asphalting of 2.3 miles of existing trails, and construction of 3 warming huts, and 3 yurts, for example. The scoping notice at 8 notes that lodging in yurts and other overnight public use would not occur during the grizzly bear denning season, from December 8 through February 28 to protect denning

grizzly bears. At the same time, it is noted in the scoping notice that expert ski trails will be groomed daily from November 10 through April 15 (Scoping notice at page 2). Since this trail grooming will completely overlap the stated denning period for grizzly bears, it can be assumed that bear use of this 1,670 acre development area will be unlikely, if not so already unlikely. This development project is not addressed in the South Plateau EA, including the sections on grizzly bears. How the cumulative impacts of this development project will affect the South Plateau Project is unclear, and was never disclosed to the public. So the implementation of the CG RFP for grizzly bears as per this development project has not been demonstrated to the public, in violation of both the NEPA and the NFMA.

9. **The CG RFP and the South Plateau Project do not address how permanent removal of grizzly bear recovery habitat is addressed for grizzly bear management.**

The Rendezvous ski and summer recreation area, of 1,670 acres, is clearly unsuitable for grizzly bear use, with a high-use summer trail density of almost 6 miles per section, and is also unsuitable as denning habitat due to trail grooming throughout the denning period. The RFP direction for this development area was never addressed for the South Plateau Project, even though this development area occurs in the Madison #2 subunit, the same subunit the South Plateau Project is planned within.

10.The CG is violating the NEPA, NFMA and the ESA by failing to define how the South Plateau Project will be implemented within grizzly bear recovery habitat and across the landscape.

The implementation schedule of vegetation treatments on 16,462 acres (Project EA at 7), as well as an undetermined number of repeat (multiple) treatments for

fuels (Project EA at 9) is never defined to the public. Other information that is never defined is the location of planned new roads, the location of all roads that will be used for project implementation, the location of existing and planned grizzly bear security areas in the project area, the location of existing and planned hiding cover distribution and acres. The schedule of new road construction in security habitat, the specific time line these roads will be used, the date of decommissioning of these roads, and the type of closure device placed on these roads is never defined to the public. A claim that the RFP direction will be followed is not optional, this is a requirement. Citing required restrictions for a project is not a NEPA analysis.

The lack of information on how the South Plateau Project will be implemented is clearly noted from agency records addressing consultation requirements. An e-mail authored by Randell Scarlett dated 12/16//22 includes the following regarding Fish and Wildlife Service consultation:

> *Due to the complexity of the project being a conditional/if-then kind of operation they are planning on treating consultation as a "framework programmatic". The Opinion they render in response to my BA will analyze the entire action/analysis area and potential effects, but it will not provide us with an incidental take statement. This is due to the fact that with a conditional project the exact location of units and habitat affected are not exactly known when a decision is signed. Since an incidental take statement is needed before proceeding with actions that may adversely affect listed species, this will be done on the back end through another step... for each phase/sale/group of units/etc, there will need to be additional documentation of that phase's/sale's/set of unit's impacts (both direct and indirect and cumulatively with other phases/sales/etc) and on T&E species. This will allow us/FWS to update the baseline condition as projects roll out of the "parent" project. All required surveys (e.g., lynx habitat surveys) would need to be complete for this process to work as I will need to know what T&E habitats are actually going to be affected to be able to describe site specific effects and update the baseline condition. I worked with FWS to*

develop a form that could be used to do this (and although much more robust, is similar to our own proposed project tracking), but is sounds like it may rqeuire3 what I am calling a mini-BA for each phase/sale/set of units that rolls out. This will require additional time to accomplish before a project can proceed. Hopefully this may only a week of my time and up to a week for FWS for concurrence, but this is all new ground, so that is a bit of a WAG. They are talking about providing some was to "screen" activities that would not be likely to adversely affect T&E species under the project-level BO, but not sure what this would look like yet. Bear with me....this is new for use as well as them. If I get updates on this process I'll send an email to the IDT. If you have questions, give me a call. Randy.

The agency also does not define how the South Plateau Project will be coordinated with other projects within affected bear subunits. For example, the North Hebgen project in the Madison #2 subunit, a subunit that includes the South Plateau Project (EA 68) The Project EA at 97 notes that that North Hebgen Project is affecting 862 acres of grizzly bear security habitat "below baseline." This current impact of security does not appear to have been addressed for the South Plateau Project as per Table 12 of the Project EA. This table shows that in the Madison #2 subunit, baseline security is currently being met, even though it cannot actually be currently met due to the North Hebgen Project (i.e., it is 862 acres below baseline for security habitat). Is this loss of security for the North Hebgen project is being addressed as per the 1% RFP rule? There is no information provided as to when this 862 acres of lost security will be reestablished, which would then allow further losses for the South Plateau Project.

There is no information provided as well on how the South Plateau Project has to be coordinated with the Yale Creek Project on the Caribou Targhee in regards to the Henry's #2 subunit. Table 12 in the project EA provides a baseline level of security for the subunit, showing it is almost meeting the baseline required level of security, and as a result, a 1% reduction would allow the agency to remove 1,276 acres of existing security. Yet at the same time, the Project EA at 97 says

that the South Plateau Project will have to be coordinated with the Yale Creek Project on the Caribou-Targhee National Forest for the entire bear unit, not subunit. There is no information as to why this difference from other subunits has been implemented, or where this information is provided in the CG RFP. This change makes the size of any specific project much greater, since the allowed loss of security habitat will be based on the entire bear management unit, not subunit, as is the RFP standard. On the other hand, this change in allowance for loss of security limits an entire BMU to one project at a time. The South Plateau EA does not provide any information on how this management direction will be implemented. The status the Yale Creek Project, although it may be ongoing. The acres of security this Yale Creek Project is removing below baseline is not provided, or how this overlap would impact the South Plateau Project in the Henry #2 subunit. Areas within the South Plateau project area that have a number one priority for treatment are in the Henry #2 subunit (EA figures 3 and 14). This subunit will include an already-laid out sale, Mosquito Gulch, that can be implemented the year a decision is signed (Project EA at 11).

The Project EA at 69 also notes that a planned future project on the Caribou-Targhee National Forest, the Black Mountain Salvage Project, would overlap both the Madison #2 and Henry's #2 subunits. Yet no information is provided on when this salvage project is expected, or how it would be coordinated for the affected Madison #2 subunit, or the entire Henry's Lake BMU.

11.The CG RFP for grizzly bear management is a violation of the NEPA because it's complexities and inconsistencies make it impossible for the public to understand how it can be implemented in Recovery Areas.

Security habitat is not mapped or identified for the public in specific project areas. Provision of this security information on a scale that is many times the size of a given project area means the public cannot see how project-level impacts are

being planned for grizzly bears. For example, the South Plateau Project Area is 39,909 acres, while the project is being assessed as per RFP standards for a total of subunits (EA Table 12), which individually are 3-7 times larger than the project area, and the combined acreage of subunits of 550,107 is 13.8 times the size of the project area.

12. The CG RFP allows a huge increase in habitat impacts to grizzly bears as opposed to the levels that have occurred in the last 20 years, levels that have contributed to a "significant" number of bears of different ages and sexes to use the SPLAT project area as part of their home ranges.

The SPLAT Project EA provides a tabular summary of past timber sale activities in this project area (Table 11). From 1960 through 2000, an approximate total of acres logged was 4,819. This was an average of about 240 acres logged per year. From 2000 to the present, there were 724 total acres logged, for an average of only about 30 acres logged per year. The SPLAT project proposes to log and/or treat 16,462 acres per year in 15 years, for an average treated acre per year of roughly 1,100 acres per year. This would be an increase in disturbance activity in the SPLAT project area roughly 37 times higher than has occurred in the last 20 years. Yet this massive increase in disturbances to grizzly bears in this Recovery Habitat is allowed by the CG RFP, and is claimed by the agency to have no significant adverse impacts on grizzly bears.

II. The Forest Service is violating the NFMA, the 2012 Planning Rule, the NEPA, the APA, and the Migratory Bird Treaty Act (MBTA) by failing to provide conservation measures for many bird species associated with old growth forests, including a number of at-risk species, and for implementing an old growth

management (logging) strategy without providing any documentation that logging old growth forests maintains their value for wildlife, which is the function for old growth.

The CG has only a "desired condition" for old growth. For lodgepole pine, which dominates the SPLAT project area (32,792 of the total 36,098 forested acres (Project Vegetation Report Table B), this desired condition is 17% to be maintained and/or increased (Id. Table 13). There is no standard or guideline, however, for maintaining old growth. In addition, logging old growth, including lodgepole pine stands, down to 12 trees at or greater than 10 inches dbh, with a basal area of 50 feet per acre, still allows this stand to be considered old growth (Id., Table G). The CG RFP FEIS has no analysis as to why severe reductions within old growth stands allows them to still qualify as habitat for old-growth associated species. The CG RFP in effect allows severe impacts to occur to old growth stands. For example, the old growth stand conditions for Code 6 old growth as per Green et al. 1992 include the following: average number of trees over 9 inches dbh per acre is 152, with a range from 89-191; the average basal area is 152 square feet per acre, with a range from 131-218 square feet per acre; the average number of snags over 9 inches dbh per acre is 16, with a range from 3-56; the average number of trees over 9 inches dbh with broken tops is 7, with a range from 0-26; and the average percentage of trees with decay is 3%, with a range from 0-18%. Clearly, logged old growth stands that meet the CG RFP minimum criteria will have drastically different conditions for wildlife as compared to an unlogged stand. To date, the CG has not demonstrated how logging will impact occupancy by old-growth associated species, while at the same time claiming logging will not impact these species.

This is quite an array of bird species. The following bird species associated with old-growth forests as per USDA 1990 and USDA 2018, that may occur in the SPLAT Project Area as per the Fifth Edition of P.D. Skaar's Montana Bird Distribution.

Great Gray Owl*	Northern Saw-whet Owl
Northern Goshawk*	Pileated Woodpecker*
Three-toed Woodpecker	Black-backed Woodpecker*
Williamson's Sapsucker**	Red-breasted Nuthatch
Brown Creeper*	Hermit Thrush
Winter Wren	Golden-crowned Kinglet
Hairy Woodpecker	Hammond's Flycatcher
Red-naped Sapsucker	Lewis Woodpecker*
Pine Grosbeak	Swainson's Thrush

These old growth associated bird species that could occur in the SPLAT Project Area include 18 species. These also include 7 bird species identified as Montana Species of Conservation Concern, indicated with *, or a U.S. Fish and Wildlife Service Bird of Conservation Concern, indicated with **. In spite of the 2012 Planning Rule which requires the Forest Service to include conservation strategies for wildlife species of conservation concern, none of these species were identified as such in the CG RFP, and thus, none are to be managed with conservation strategies. The CG RFP does not provide any information as to why these 7 old-growth associated bird species are not considered species of conservation concern that require special management protections.

Examples of conservation strategies provided for forest bird species include those in the 1997 Targhee National Forest Revised Forest Plan. This RFP at III-21-22 provides a tabular list of required conditions for goshawk habitat; a standard for Great Gray Owls is protection from tree cutting in 20 acres surrounding the nest site, and maintaining over 40 percent of the forested acres in late seral age classes within a 1,600 acre area around all known great gray ow net sites. This 1997 RFP also includes habitat standards or guidelines for flammulated and boreal owls, species that may not actually occur in the SPLAT Project Area, but do occur in other areas of the CG (Skaar 1996). A standard does not allow any type of

that may not actually occur in the SPLAT Project Area, but do occur in other areas of the CG (Skaar 1996). A standard does not allow any type of timber cutting within a 30-acre area around known nests either active or historic for flammulated owls, which is a Montana Species of Concern. For boreal owls, a guideline includes not allowing timber or firewood harvest within a 30-acres area around known active and historic nests, and maintaining over 40 percent of the forested acres in late seral age classes within a 3,600 area around all known nest sites. Conservation strategies have also been identified for the Brown Creeper, Black-backed Woodpecker, and Pileated Woodpecker, all Montana Species of Concern. Wiggins (2005) identified that patches of old growth forests at least 250 acres in size are needed for this neotropical migratory bird. Goggans et al. (1987) recommended exempting areas of approximately 1,000 acres for each pair of Black-backed Woodpeckers from any timber harvest. And Bull and Holthausen (1993) provided detailed habitat measures for roughly a 900-acre home range for Pileated Woodpeckers, a Montana Species of Concern; these recommendations include no clearcutting, and providing roughly 400 acres of unmanaged forest habitat, 250 acres which would quality as old growth. The Southwest Goshawk Guidelines by Reynolds et al. (1992) also provide extensive management recommendations for goshawks, including no openings over 4 acres, and 20% each of mature and old growth forests within each 6,000 acre territory. Providing these types of conservation strategies for these forest raptors, woodpeckers and some songbirds, as the Brown Creeper, would likely also address habitat needs for many other old-growth associated species. Since there is not a single conservation strategy for any old-growth associated bird species on the CG as per the RFP, all old-growth associated species are at-risk to local extirpations due to habitat loss from timber and fuels management.

The SPLAT Project NEPA analysis does not address project impacts to old-growth associated wildlife, in violation of the NEPA, NFMA and MBTA. Yet past and planned activities in this landscape have clearly removed significant amounts of old growth. The Project Vegetation Report states there are only 689 acres of old growth in the 39,909 acre project area, which is only 1.7 % of this project area. Old growth acres, like hiding cover, is measured at the landscape scale to provide consistency in measurements. The current best science for recommended levels

of old growth habitat for birds includes 20-25% for all forest birds (Montana Partners in Flight), 25% for the Pileated Woodpecker (Bull and Holthausen 1993), and 20% for the goshawk (Reynolds et al. 1992). These recommended levels are likely conservative, since the estimated historical level of old growth forests in the Northern Rocky Mountains is 20-50% (Lessica 1996). The SPLAT EA, however, does not address how this paucity of old growth is affecting birds, including Montana Species of Concern and USFWS Birds of Conservation Concern. At the same time, the agency claims, without any analysis, that the SPLAT project will not significantly impact any bird species, in violation of the NEPA, NFMA and MBTA, as well as the APA.

The SPLAT NEPA analysis also does not define how the SPLAT project complies with the "desired conditions" for old growth in the CG RFP, which is to retain and/or increase old growth across the Forest. The SPLAT NEPA analysis is replete with references to meeting RFP desired conditions for a host of vegetation conditions, including bark beetles and timber age classes. However, there is no single discussion or analysis about meeting desired conditions for 22% lodgepole pine old growth in the SPLAT project area. A 22% level of old growth for the 36,098 acres of lodgepole pine forests in the project area (Project EA at 20) would be 7,941 acres, or roughly 8,000 acres of old growth. Old growth forests need to be "well distributed," as per management recommendations by Region 1 of the Forest Service (USDA 1990). These recommendations authored by Warren define well-distributed old growth as within each watershed, or an average landscape area of 10,000 acres. This definition of well-distributed was also reported by old growth management recommendations of every 10,000 acres by Suring et al. (1993) in their strategy to maintain well-distributed populations of old-growth wildlife in Alaska. According to the agency's own definitions for well distributed old growth, the SPLAT Project Area requires approximately 2,000 acres of lodgepole pine old growth within each of 4 areas of the project area, so be well distributed for wildlife.

However, based on the current best science, the distribution of old growth actually needs to be more refined than each 10,000 acres to meet the needs of old-growth associated wildlife. For example, a goshawk territory is roughly 6,000 acres (Reynolds et al. 1992), and a conservative measures of a pileated woodpecker territory would be up to 1,000 acres (Bull and Holthausen 1993).

Also, the average size of a pine marten home range is highly variable, but 2,000 acres may represent many home range sizes for both males and females (USDA 1990). Old growth is known to be essential as winter range for pine marten (Sherburne and Bissionette 1994). So the levels of old growth needed by these species needs to be provided within their territories rather than to be spread across a 10,000 acre landscape.

Overall, it is quite a complex management challenge to ensure that species associated with old growth, such as the pine marten, and birds identified as Montana Species of Concern and USFWS Birds of Conservation Concern, have adequate old growth habitat within their territories. With absolutely no conservation strategy in place for the CG RFP, as demonstrated for the site-specific SPLAT project, the CG cannot demonstrate that wildlife species diversity will be maintained by the RFP, including species of conservation concern. Instead of addressing habitat needs of these species in a landscape that has already been extensively logged (past logging on roughly 5,543 acres as per Table 11 in the Project EA), the agency instead is proposing to continue a massive logging program that does not address recruiting any old growth for wildlife to reach desired levels as well as the levels recommended for viability of 18 bird species associated with old growth forests. These species are in jeopardy in this project area as per the CG RFP.

We note that limited information provided in the SPLAT NEPA analysis of old growth management is contradictory as per the RFP direction. It is our impression that protection of lodgepole pine old growth from logging is not required by the CG RFP guidelines, while the SPLAT NEPA analysis implies it is protected by retention of trees over 8 inches dbh. Without a clear description of how lodgepole pine old growth is to be managed as per the CG RFP and in the SPLAT project area, the actual expected impacts on lodgepole pine old growth in this project area is unknown. How will the 689 acres of lodgepole pine old growth that occurs in this project area as per the Vegetation Report actually be managed? This information is never provided to the public. So it is unknown how many or the 689 acres of lodgepole pine old growth will remain after project implementation, which we note is a NEPA violation for failure to provide a reasonable level of information to the public on project impacts.

The CG RPF FEIS, in addition to a failure to define why logged old growth retains it values to wildlife, the FEIS also does not explain why the definition of old growth was changed from 1990 descriptions of wildlife old growth to the 1991 Green descriptions of old growth as just a few large trees per acre. This is a stark change in the management direction for old growth that has never been addressed as what the basis for this change was. As we noted previously, the CG RFP now defines lodgepole pine old growth as only 12 trees per acre over 10 inches dbh (e.g., SPLAT Vegetation Report Table B). However, the USDA 1990 description of old growth is defined as having a relatively dense canopy of two or more layers, creating conditions that provides shade and thermal cover, and that moderates winds and microclimates. These conditions for old growth forests cannot be provided by 12 larger trees per acre. The agency's rationale for changing old growth conditions for wildlife between 1990 and 1991 remains unknown, which is an NFMA violation as per planning.

III. The CG is violating the NEPA, the NFMA, the 2012 Planning Rule, and the APA by continuing a snag management strategy from the previous Forest Plans that not only was never validated as per effectiveness in maintaining viable populations of cavity-nesting birds, but as well, from failing to provide any analysis if the CG RFP FEIS as to why this strategy will maintain viable populations of associated species; due to an invalid conservation strategy in the CG RFP for many species of conservation concern that use snags, the CG RFP threatens the viability of these species, from direct as well as past vegetation management activities that have already reduced thousands of acres of forested snag habitat.

The CG RFP is a violation of the NEPA, NFMA and the MBTA because it contains an invalid, unevaluated snag management strategy. It is based on leaving some larger snags in harvest units, if these are actually available. As per the SPLAT EA at 102-103, there are no actual numbers of snags required within any given harvest unit, due to extensive "loopholes" that allow essentially require no snags. The CG RFP snag strategy is essentially the same strategy that was used in previous Forest Plans. There was no monitoring of these previous plans as to how the snag strategy maintained associated species. Yet this strategy was carried forward into the CG RFP. Even in the CG RFP, there is no actual analysis of how snag management will impact associated species. For example, the life of snags left in harvest units is not discussed in the CG RFP FEIS. There was no discussion as to how snags would be recruited in harvest units, including clearcuts. In effects, the CG RFP is devoid of any actual analysis of how the implemented snag management strategy will maintain viability of associated species. These species are as follows as per occurrence in the SPLAT Project Area as per the Skaar bird distribution of 1996. Birds that use snags is based on USDA 2018.

American Kestrel	Black-backed Woodpecker*
Black-capped Chickadee	Mountain Chickadee
Brown Creeper*	Downy Woodpecker
Hairy Woodpecker	House Sparrow
House Wren	Lewis' Woodpecker
Mountain Bluebird	Northern Flicker
Northern Hawk-Owl*	Pileated Woodpecker*
Red-breasted Nuthatch	Three-toed Woodpecker
Red-naped Sapsucker	Tree Swallow
Violet-green Swallow	Williamson's Sapsucker**

Based on their potential occurrence in the SPLAT landscape, there are 21 bird species that use snags at some phase of their life cycle. These include the Brown Creeper who actually uses sloughed bark on big old trees. Of these 21 species, 6 are Montana Species of Concern (*) or USFWS Birds of Conservation Concern (**). The CG RFP assumes, without any actual analysis, that these species will be maintained by potentially leaving some snags in some harvest units, snags that will have a short life span and thus provide no snag habitat for most of a timber rotation. The actual years a lodgepole pine snag will stand was not reported in the SPLAT NEPA analysis. However, it is clear any snags that actually get left will not stand for long. The SPLAT Vegetation Report notes that residual trees in harvest units, especially clearcuts, are "highly vulnerable" to wind throw, even though such blowdown is "not undesirable" as they still provide logs.

There have been approximately 5,543 acres of past logging in the SPLAT project area as per the Project EA at Table 11). In spite of the years since many of these projects have been implemented, as well as the vulnerability of snags in harvest units to blowdown, the SPLAT NEPA analysis does not define how many snags are currently present in these 5,543 acres. This is about 15% of the SPLAT landscape. Although the acres of commercial thinning versus clearcutting on these 5,543 acres is unclear, there would be significant snag loss even in commercial thinning units. Holloway and Malcolm (2006) measured the levels of larger snags (9 inches or greater) in forest thinning projects, and reported a reduction of 58%. In addition, snag recruitment will also be affected, so snag recruitment in thinned forest stands will be lower due to a reduction in the number of larger, live trees that will die and thus become snags. For example, unlogged lodgepole pine stands in the SPLAT Project Area are reported to have from 1,500 to 2,500 trees per acre of various sizes. All these trees will provide snag recruitment over time. Recruitment over time in thinned units will certainly be much lower than natural recruitment levels, due to fewer trees. And of course, recruitment in clearcuts will not occur for about 100 years, until trees grow to about 10 inches dbh, which is the general size of snags used by wildlife (Bull et al. 1997).

The SPLAT Project will clearcut 5,552 acres and commercially thin another 6,593 acres. When the past logging on 5, 543 acres is included, the SPLAT project will result in an impact of current snags and snag recruitment potential on 17,687 acres. This is 44% of habitat required by 21 bird species associated with snags. Without any actual analysis of direct, indirect and cumulative losses of snag habitat on 21 associated bird species, the CG has determined without any analysis that there will be no significant adverse impacts to these species, including 6 at-risk species.

The CG RFP's continued use of an invalid snag management strategy for 21 associated bird species means that all of these species are threatened by implementation of this RFP. First, leaving a few snags in harvest units ignores the current science that birds need more than snags for persistence. This has been noted many years ago by Goggans et al. (1987) in discussing habitat management for black-backed and three-toed woodpeckers. Since that time, a Forest Service research publication (Bull et al. 1997) has also pointed out that leaving a few snags in harvest units will not meet the needs of most snag-associated wildlife. A snag does not provide all the habitat needs of birds, including hiding cover, thermal cover, and forage resources, including large numbers of snags. Bull et al. (1997) provided example of the Pileated Woodpecker (a Montana Species of Concern) that requires dense forest habitat for persistence. This was also noted in another USDA publication (USDA 1990). Another example includes the Great Gray Owl (also a Montana Species of Concern), that nests mostly in unlogged forest stands with high canopy cover (Bull et al. 1988). The three-toed woodpecker is found to nest in Montana ponderosa pine stands that have up to 70 snags per acre (Saab et al. 2012). The CG RFP FEIS does not distinguish between birds associated with snags, but simply "assumes" that potentially leaving "some" snags in "some" harvest units ensures viability of these 21 bird species. Actually, the CG RFP snag standard does not require any specific number of snags in any harvest unit. How can an undefined number of snags in harvest units indicate viability of snag-associated species?

In summary, the CG RFP has no "desired condition" for 21 bird species associated with snag habitat. The effect of the proposed "desired condition" for forests impacted by the mountain pine beetle, is thus unknown. This inconsistency of "desired conditions" between forests and the wildlife species that depend upon them is clearly typical of the CG RFP, and is exemplified for the SPLAT Project. There is an analysis, as well as map (Project Vegetation Report Figure 1), of the severe threats that pine beetles are creating to the SPLAT Project Area. The Project Vegetation Report claims that 26,398 acres of lodgepole pine in the project area are at "high" risk for pine beetle infestations, with another 2,791 apparently as "moderate" risk. This comes to 29,180 acres of lodgepole pine "at risk" for pine beetles sometime in the future. This is about 81% of all the 36,098 acres of lodgepole pine forests in this landscape. What is not clear is what the pine beetle risk is for the 5,543 acres already logged. This would bring the total treatment need to control pine beetles to 5,543 acres plus the 29,180 acres of high to moderate risk, to 34,723 acres. This is more acres of lodgepole pine forests that exist in the project area. So apparently acres already treated in the past are now once again threatened with pine beetles. Regardless, it is clear that implementing the CG RFP requires repeated logging of vast expanses of forests without any effective management strategies or mitigation for 21 bird species that depend upon "forested" snag habitat for persistence. The CG RFP FEIS does not provide any assessment of how a large percentage of forest wildlife are dependent upon the mountain pine beetle (e.g., the black-backed and three-toed woodpeckers as per Goggans et al. 1987). The SPLAT Project is a clear example of the failure of the CG RFP to ensure viability of wildlife, as is required by the NFMA. It is also a good example of the failure of the CG RFP FEIS to measure how the pine beetle "desired conditions" will impact wildlife. Although these impacts are clearly severe, the SPLAT Project is purported to have no significant adverse impacts on wildlife. As well, the claims that pine beetles will "destroy" the forest are clearly invalid, as per the Lowrey et al. (2019) study done on the Helena National Forest; tree canopy levels were only reduced by about 8%, and recovered to pre-epidemic levels in 7 years. The only impact on wildlife was a huge increase in snag habitat, which another study on the Helena National Forest demonstrated as being a huge benefit to wildlife associated with snags (Saab et al. 2012).

IV. The CG RFP cannot meet the requirements to maintain wildlife diversity as required by the NFMA because no wildlife surveys are required when the agency is designing vegetation treatments; as a result, any vegetation treatments could have huge significant adverse impacts on forest raptors, including the SPLAT Project.

The CG RFP has a guideline for completing raptor surveys. FW-GDL-WL-06 is not actually a guideline, because completing raptor surveys is optional. The guideline reads that to allow successful reproduction, management "should" avoid disturbances to known active raptor nests and fledging areas during the reproductive season. Not only are surveys optional because they "should" be done, but another loophole in this guideline is the term "known." It is highly likely that the location of most raptor nests in the SPLAT Project Area are unknown. Does this mean that they don't have to be protected? It is clear that the CG RFP clearly threatens local persistence of forest raptors as per this guideline. The fact that surveys for raptors are "optional" is clearly noted in the SPLAT Projects EA. Page 129 of this EA as per wildlife notes that one action item design feature, A, notes that pre-implementation raptor surveys will be done "as time and funding allow;" implement design features with appropriate protection measures if new nests are discovered during pre-implementation surveys or during project implementation.

The SPLAT Draft Decision Notice includes Figure 2 of the project design for treatment of 16,452 acres. There is no information provided in this NEPA analysis as to how this design was developed on the basis of raptor surveys. NEC submitted a Freedom of Information Act (FOIA) request on March 27, 2023 which included a request for all wildlife surveys done for the project. In spite of requests for an earlier date for providing the requested information, the Forest Service informed NEC Director Sara Johnson that the FOIA response would not occur until

May 12, or about 2 weeks after the Objection deadline (Objection Appendix A). Thus NEC's review of wildlife surveys will not be included with this Objection, but will be submitted prior to when a decision is made on this project. However, at this time, Objectors are identifying a major issue with the CG RFP and as implemented in the SPLAT Project that wildlife surveys are not actually being done, and that vegetation treatments design are independent of any forest raptors that may be present in the Project Area. This includes at least 7 species of hawks and owls, that are likely present as per the 1996 Skaar edition of Montana bird distributions: Great Gray Owl*, Northern Hawk-Owl*, Northern Saw-whet Owl, Northern Goshawk*, American Kestrel, Cooper's Hawk, and Sharp-shinned Hawk, with "*" indicating the species is a Montana Species of Concern. Other raptor species that could be in the SPLAT Project Area, provided cliffs are available for nesting, included the Golden Eagle* and Prairie Falcon. The Project EA indicates that at least a nest tree will be protected, although for goshawks, a 40-acre nesting area will be protected. There is no indication as per existing information in the NEPA analysis for the SPLAT project that this 39,909 acre landscape has been, or will be surveys for raptors. This means that raptor nesting activity, along with elimination of their required forest habitat on 5,551 acres of clearcutting, and degraded within 7,803 acres of partial thinning of mature forests, could be highly significant, even though it will adherer to the CG RFP direction. Forest raptors will be impacted on 13,354 acres of the project area because surveys are not required, and may not ever be done. The CG RFP does not address how a failure to do pre-project surveys, surveys that are essential to ensure protection of raptor nesting areas during project activities, ensures the NFMA requirements for maintaining a diversity of wildlife species, or meets the requirements of the NEPA to provide "high quality" information to the public on project designs. The SPLAT project not only does not define how raptor surveys were used to design vegetation treatments, but also never defines what mitigation measures will be used, except for the goshawk. This is also a NEPA violation, because mitigation measures are required to be effective. For the SPLAT Project, mitigation measures are not even defined, let alone demonstrated to be effective in maintaining raptor reproductive success for the current project as well as in the future.

V. The CG is violating their 2020 RFP in regards to implementing clearcut forest harvests on 5,551 acres in the SPLAT Project Area.

The CG RFP has a standard (FW-STD-TIM-04) that states the following: Clearcutting shall be used as a harvest method only where it ha been determined to be the method most appropriate to achieve plan objectives or for achieving desired conditions for vegetation, wildlife habitat, scenery and other resources; other types of even-aged harvest shall be used only where determined to be appropriate; determinations shall be based on an interdisciplinary review of site-specific conditions and the desired conditions for vegetation, wildlife habitat, scenery, and other resources.

There is no evidence of this ID Team Review for the SPLAT project to determine that clearcutting is the most appropriate method to managed recovery habitat for the grizzly bear. Although NEC submitted a FOIA requesting this analysis, the CG has not responded to this FOIA at this time (Objection Appendix A). Once this response is provided, Objectors will submit additional comments to the project record prior to the issuance of a decision.

There is no scientific evidence available to indicate clearcutting of grizzly bear recovery habitat is an appropriate activity. First, clearcutting will eliminate red squirrel habitat. This red squirrel is essential for making whitebark pine nuts available to grizzly bears, and mature and older forest habitats are essential to maintain red squirrels (Reinhart and Mattson 1990; Mattson and Jonkel 1990; Holloway and Malcolm 2006; Herbers and Klenner 2007). Clearcutting will remove red squirrels from clearcut acres, and even if some mature whitebark pine trees are retained in these clearcuts, there will be no squirrels present to store these nuts in their middens for grizzly bear use. Thus clearcutting will directly reduce the availability of a key grizzly bear food source for grizzly bears.

Second, clearcutting will result in the long-term elimination of whitebark pine trees from clearcut acres. This will be because whitebark pine is not very competitive within mixed conifer stands (USDI 2023). As was noted in the SPLAT Vegetation Report, after clearcutting, lodgepole pine can have prolific seedling establishment, from 10,000-20,000 seedlings per acre, because lodgepole pine is a prolific seed producer. These dense stands of lodgepole pine seedlings would greatly restrict the survival of any whitebark pine seedlings that would manage to germinate within these clearcuts. The long-term survival of whitebark pine in landscapes is most likely dependent upon mountain pine beetle epidemics, which result in some localized forest thinning that would promote germination and growth of existing whitebark pine due to release. As was noted in USDI (2023), the range of the pine beetle completely overlaps with the range of whitebark pine4, and mountain pine beetle epidemics affecting whitebark pine have occurred throughout recorded history. This slow-growing long-lived tree, which can live to 1,000 years, is capable of surviving long periods of suppressed growth, but is still capable of reaching the main canopy after more than 150 years through slow growth rates; whitebark pine may be more shade-tolerant and resilient to suppression than previously suggested (Id.).

Whitebark pine may occur as a climax species, early successional species, or a seral (mid-successional stated) codominant associated with other tree species (USDI 2023). Although it is most competitive at higher elevations, due to severe conditions, it more typically occurs in stands of mixed species in a variety of forest communities. Id. Whitebark pine commonly occurs in mixed conifer stands including lodgepole pine, Engelman spruce, and subalpine fir. Id. It's occurrence in these mixed conifer stands is where it provides pine nuts to grizzly bears, due to the presence of red squirrels. Not only are conditions less severe for red squirrels in these mixed conifer stands, but these stands also provide a variety of conifer seed sources, so that cone production between species is staggered over time so any given year adequate cone crops are available. At higher elevations where whitebark pine stands occur, seed production for squirrels is sporadic, every 2-3 years, which makes persistence much more difficult for squirrels due to food shortages.

Forest thinning has been a standard "restoration" treatment for whitebark pine, to increase growth and reduce competition (USDI 2023). Approaches to thinning include creation of openings where all trees except whitebark pine are removed, and fuel reduction activities where all non-whitebark trees are removed around whitebark pine trees to reduce fire intensity (Id.). However, as was noted in the SPLAT NEPA analysis, many whitebark seedlings and saplings will be destroyed in these clearcut treatments. And almost all the proposed treatment units will have prescribed burning, slash piling, and prescribed burning, activities that will clearly destroy many smaller whitebark pine trees, and possibly even older trees. The whitebark pine tree has been noted to be highly sensitive to be killed by fire, regardless of age (USDI 2023). On the other hand, without clearcutting of lodgepole pine stands in the SPLAT Project Area, seeding, saplings and older suppressed whitebark pine could eventually grow into the canopy and provide abundant whitebark pine nuts for grizzly bears. Instead of being killed by harvest and associated activities, these smaller suppressed whitebark pine trees would be released from suppression during intermittent pine beetle infestations; a suppressed whitebark pine trees could be released due to natural forest thinning from a series of bark beetle infestatins, given that a whitebark pine tree can live up to 1,000 years (USDI 2023). Due to their smaller dbh, these smaller trees would not be attacked by pine beetles (SPLAT Vegetation Report), while they will be largely destroyed by clearcutting.

Given the severe decline of whitebark pine trees in recent decades (USDI 2023) any conservation strategy that will enhance conservation needs to be employed. One of these includes no clearcutting in forest stands that contain young whitebark trees. Protecting these young suppressed trees from death due to clearcutting activities means they can eventually replace older trees that have died as forests are periodically thinned via pine beetles. In the mean time, these smaller, suppressed whitebark pine trees will not be vulnerable to pine beetles due to their small size (SPLAT Vegetation Report). Even if younger suppressed whitebark pine trees are not destroyed during clearcutting, (tree felling, skid trails, slash piling, prescribed burning activities) they will face severe competition from the expected high density of lodgepole pine seedlings that will regenerate after logging (10,000-20,000 per acre as per the SPLAT Vegetation Report). It is

clear that the best conservation strategy for whitebark pine is to not clearcut whitebark pine habitat. Natural thinning would not only prevent the destruction of suppressed whitebark seedlings and saplings, but would also maintain red squirrel habitat. A study on the Helena National Forest noted that the forest canopy of lodgepole pine completely recovered within 7 years of a pine beetle epidemic that killed 80% of the mature lodgepole pine (Lowrey et al. 2019). Also, in beetle-infested lodgepole pine stands, there would be other conifer species that would not be killed by beetles, which would continue to provide conifer seed sources to red squirrels. Even if beetles reduce lodgepole pine seed production, this level would still be higher than in clearcuts.

The impact of past clearcutting in the SPLAT project area on whitebark pine was not addressed in that NEPA analysis. This analysis would have provided some indication of how clearcutting affects whitebark pine persistence. In addition, although the USDI (2023) Standing Analysis noted that pre-project surveys should be conducted to identify whitebark individuals of all ages classes, no such systematic surveys were completed for the SPLAT project. The impact of clearcutting 5,551 acres of forests containing whitebark pine is unknown, even though the agency claims there will be no significant adverse impacts to whitebark pine from this project.

There are also additional impacts that clearcutting will have on grizzly bears that were not addressed by any I.D. Team analysis. For example, approximately half of the moose winter range may be clearcut, with a loss of winter carrion to grizzly bears. The CG RFP does not require any security, defined either by Hillis et al. (1991) or Lowrey et al. (2019) be maintained for elk, including in the SPLAT Project Area. Clearcuts will remove elk security for at least 20 years. Reduced elk use will also reduce a prey/carrion resource for grizzly bears. The impact of clearcutting, and associated loss of hiding cover, will also increase mortality risk and habitat alienation for grizzly bears, where all cover is removed, making the impacts of roads and human activities on these roads more severe to bears (Mattson Declaration). The claims that clearcutting will improve bear food

sources was also challenged by the Mattson Declaration. No actual benefits of clearcutting to grizzly bears are known.

VI. All remaining NEPA, NFMA, ESA, MBTA, and APA violations of the SPLAT Project that are based on implementation of the CG RFP identified in Objectors 30 day comments on November 7, 2022 on this project are incorporated by reference into this objection.

Objectors identified many NEPA, NFMA, ESA, MBTA and APA violations that will occur in the SPLAT Project based on implementation of the RFP. Instead of again repeating these violations, we are instead incorporating them into this Objection "by reference." Many of these violations include a failure of the CG RFP to promote conservation of the Canada lynx due to a failure to incorporate the current best science. The CG RFP standard for maintaining lynx habitat connectivity (ALL S1) will be violated; the massive project will create large expanses of disturbed habitats that will be avoided by lynx (e.g, Figure 2 in the Draft Decision Notice). The CG RFP does not require any habitat security, as defined by the current best science, to be maintained in any landscape on the CG. As implemented in the SPLAT Project, almost no, if any, elk security areas will occur during project implementation, with significant adverse impacts as a result, adverse impacts that are based on CG RFP implementation. In addition, the CG RFP does not require any limits on active motorized routes in elk habitat, which means elk use of any specific area of the CG is not required due to high displacement effects of roads. Again, the CG RFP does not prevent significant adverse impacts to elk as a result, in violation of the NFMA. The deletion of almost all wildlife standards in the CG RFP was not addressed in the CG RFP or the associated Biological Opinion, as per impacts to the grizzly bear, making both invalid. The failures of the CG RFP will be exacerbated by a 15-year time line for the SPLAT Project. This time line also prevents project adjustments due to Forest Plan monitoring, or incorporating the current best science timeline of 5 years into this project.

Appendix C for the Objection filed against the SPLAT Project on the CG on May 1, 2023 by NEC, AWR and Y2U.

Appendix C contains a Declaration written by Dr. David Mattson on how the CG RFP and the SPLAT Project address and impact grizzly bear conservation within the affected Recovery Zone.