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May 23, 2023

To: Objection Reviewing Officer

USDA Forest Service, Northern Region

26 Fort Missoula Road

Missoula, MT 59804

1. Name of Objectors

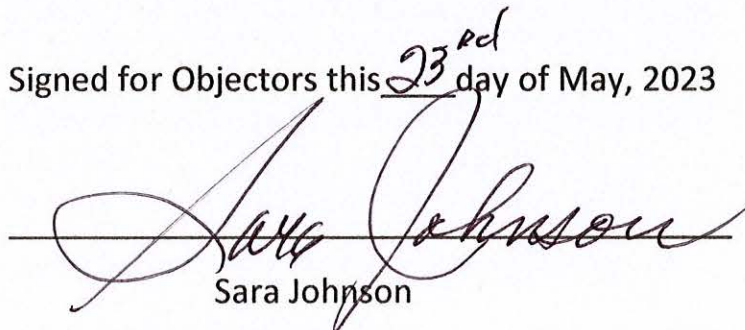
Lead Objector Sara Johnson, Director, Native Ecosystems Council, PO Box 125, Willow Creek, MT 59760; phone 406-579-3286; sarajohnsonkoa@yahoo.com.

Mike Garrity, Director, Alliance for the Wild Rockies, PO Box 505, Helena, MT 59624; phone 406-459-5936; wildrockies@gmail.com.

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

K.Akland, Legal Council, Center for Biological Diversity, Box 7274, Missoula, MT 59807; phone 406-544-9863; kakland@biologicaldiversity.org.

Signed for Objectors this 23rd day of May, 2023


Sara Johnson

2. Name of Project to which the Objection Applies

Wood Duck Project on the Townsend Ranger District of the Helena-Lewis and Clark National Forest.

3. Responsible Official

The responsible official is Aaron Webber, Townsend District Ranger.

4. Attachments

This Objection includes one attachment, Appendix A, that includes literature and/or reports that have not been previously provided during the public comment period, specifically for out 60-day comments.

5. Connection between Prior Written Comments and the Content of this Objection.

On October 25, 2022, Native Ecosystems Council and the Alliance for the Wild Rockies submitted scoping comments for the proposed Wood Duck Project. The major issues we raised, that are carried forward into this objection, include:

-Please provide a cumulative effects analysis for the proposed Wood Duck Project that includes all past fires and vegetation projects in the Big Belts, including habitat conditions for elk security and elk displacement to private lands in the fall hunting season. We note that the draft Environmental Assessment (EA) did not include any such cumulative effects analysis; this concern has been carried forward into this objection.

-The HLC RFP fails to meet the requirements of the 2012 Planning Rule by developing conservation strategies for many bird species classified as species of concern by the Montana Natural Heritage Program or the U.S. Fish and Wildlife Service. These include many bird species associated with old growth forests and snag forests. In turn, many western forest birds require relatively undisturbed older forest stands for persistence. Currently, there are no conservation strategies within the HLC RFP, strategies that are being applied to the Wood Duck Project, via amendments to the RFP. Thus, this flaw of the RFP was not corrected with the draft decision for the Wood Duck Project, so it was carried forward into this Objection.

-The Wood Duck Project which includes massive localized impacts to wildlife habitat is not restricted by the HLC RFP, which thus allows huge localized significant impacts to almost all wildlife from vegetation treatment projects. The HLC RFP does not restrict such projects from being implemented, in part due to an almost complete lack of any wildlife standards to protect their habitat. As a result, wildlife habitat can be severely eroded across the HLC as the RFP is implemented, in violation of the NFMA, the NEPA and the MBTA, for example.

-We requested that detailed information on project impacts to various wildlife species, including the effects of clearcutting on wildlife in general, elk security, elk habitat effectiveness, elk vulnerability, old growth in the project area, Montana Species of Concern, 67 species of western forest birds, and the project effects on climate change. The NEPA information provided in the draft EA is basically missing any of this requested analysis information. These issues have therefore been brought forward into this Objection.

On February 2, 2023, Objectors submitted 60 day comments on the proposed creation of large clearcuts; the following is a summary of these comments.

-We noted in these comments that the HLC RFP does not have any programmatic analysis of any clearcutting effects on wildlife, regardless of the size. Thus the RFP does not define how clearcutting will maintain a diversity of wildlife.

-We also noted that the exception to clearcuts over 40 acres in size does not actually apply, because these openings have never been demonstrated to promote the ecological factors for wildlife.

-We also noted that the HLC RFP does not provide any sideboards for any clearcuts, including large ones. This means that clearcutting may result in highly significant localized habitat losses for forest wildlife, from nongame species to game species, as elk. This failure of the RFP was not corrected with a Forest Plan amendment prior to the draft decision for the Wood Duck Project, so this issue was carried forward into this Objection.

-We noted that the HLC RFP lacks a conservation strategy for the Northern Goshawk, a Montana SOC; clearcutting is not limited in goshawk habitat and could easily result in a significant loss of habitat within a goshawk territory. Since the lack of direction in the RFP concerning this issue was not addressed by the Wood Duck Project, this issue was carried forward into this Objection.

-We noted that the HLC RFP lacks a conservation strategy for the Great Gray Owl, a Montana SOC; we provided an example of a conservation strategy for this species within the Targhee National Forest RFP; it is unlikely this species can be maintained with random clearcutting within its habitat. Since the failure of the HLC RFP to correct this issue for the Wood Duck Project, this issue was carried forward into this Objection.

-We noted that the HLC RFP lacks a conservation strategy for the Flammulated Owl, a Montana SOC and USFWS BCC; this species is highly dependent upon woodpeckers who create owl nesting sites; we provided an example of a conservation strategy for this species that was included in the Targhee National Forest RFP; the HLC RFP lacks any valid conservation strategy for viable populations of woodpeckers, and in fact, promotes habitat loss for woodpeckers by logging forests with insect and disease. Since this issue regarding the HLC RFP was not corrected for the Wood Duck Project, this issue has been carried forward into this Objection.

-We noted that clearcutting could have severe impacts on the Brown Creeper, a Montana SOC that requires large tracts of old growth up to 250 acres for viability; the unlimited allowance of clearcutting in the HLC RFP could essentially create such severe fragmentation of older forest habitat that this

species would be eliminated from these locales. Since this issue regarding the HLC RFP was not corrected prior to the Wood Duck draft decision, this issue was carried forward into this Objection.

-We noted that the HLC RFP lacks a conservation strategy for the Black-backed Woodpecker, a Montana SOC; clearcutting will eliminate essential habitat for this species for 100 years or more, and thus potentially eliminating this species from forest locales that have been impacted by clearcutting; this issue was not addressed prior to the release of a draft decision for the Wood Duck Project, so it was carried forward into this Objection.

-We noted that the HLC RFP lacks a conservation strategy for the Clark's Nutcracker, a Montana SOC; this species is highly dependent upon various conifer seeds of various tree species, and will have habitat completely eliminated with clearcutting; clearcutting will also fragment landscape areas of seed production, thereby limiting the carrying capacity of this landscape for this species; since the lack of any conservation measures for this Montana SOC were not addressed prior to the release of a draft decision for the Wood Duck Project, this issue was carried forward into this Objection.

-We noted that the HLC RFP lacks a conservation strategy for the Cassin's Finch, a Montana SOC; this is another species highly dependent upon the production of conifer seed sources, a resource that will be completely eliminated in clearcuts; since this issue was not addressed by amendments to the HLC RFP prior to release of the draft decision for the Wood Duck Project, this issue has been carried forward into this Objection.

-We summarized how the lack of any habitat conservation measures for 67 species of western forest birds in the HLC RFP will have significant adverse impacts on this large suite of species, including in the Wood Duck Project; until the HLC RFP includes valid conservation measures for this large suite of forest birds, there can be no legal logging of conifer forests on this national forest.

-We noted that the HLC RFP lacks any conservation strategies for many bird species dependent upon burned forest habitat; logging will effect the quality of burned forest habitat should fires occur; this issue was not addressed with an amendment to the HLC RFP for the Wood Duck Project, and was thus carried forward into this Objection.

6. Remedy

The Wood Duck Project will trigger a large number of violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the 2012 Planning Rule, the Migratory Bird Treaty Act (MBTA), and the Administrative Procedures Act (APA), and as a result, cannot be legally implemented. Until the HLC RFP completes numerous amendments to the 2021 RFP, vegetation treatments will threaten the continued existence of most forest wildlife species and habitat use on this national forest for both game and nongame wildlife due to the lack of any valid conservation strategies. The agency's claim that any and all logging that restores the NRV will also maintain wildlife has never been supported with any analysis in the Final Environmental Impact for the RFP, in violation of the above cited laws. Until this claim is verified via valid analyses, implementation of the RFP cannot go forward because of its failure to meet the required laws identified above. This means that the Wood Duck Project needs to be withdrawn until the appropriate amendments to the HLC RFP are completed.

6. Legal Violations of the Proposed Project

A. The HLC RFP falsely claims that no habitat standards or conservation measures are required for almost all wildlife species because logging and fuels activities will promote their viability and persistence; this claim triggers RFP violations of the NEPA, the APA, and the NFMA, and applies as well to site-specific implementation of the HLC RFP.

We used P.D. Skaar's Montana Bird Distribution, Fifth Edition March 1996, to determine whether specific Montana forest birds occur in the Wood Duck Project Area, as well as owl inventory data from the Little Belt Mountains by Carlson (1991). The following is a summary of bird species that are most likely present,

including those associated with old growth forests, snag forests, and general forested habitat.

1. Birds associated with old growth forests, based on USDA 2018 and USDA 1990. These include 16 forest birds, 6 which are Montana Species of Concern and 1 additional species that is a U.S. Fish and Wildlife Bird of Conservation Concern (BCC) (Williamson's Sapsucker); are both identified by "*". These species of conservation concern comprise 44% of old growth-associated bird species.

Brown Creeper*	Great Gray Owl*	Northern Goshawk*
Hammond's Flycatcher	Hairy Woodpecker	Hermit Thrush
Black-backed Woodpecker*	Golden-crowned Kinglet	Lewis Woodpecker*
Red-breasted Nuthatch	Swainson's Thrush	Three-toed Woodpecker
White-breasted Nuthatch	Williamson's Sapsucker*	Townsend's Warbler
Pileated Woodpecker*		

2. Birds associated with forested snag habitat, based on USDA 2018 and USDA 1990. These include 25 Montana bird species likely present in the Wood Duck Project Area, including 7 Montana SOC and/or USFWS BBC ("*") (28%). Eleven of these species are also associated with old growth forests, leaving another 14 species associated with forested snag habitat that don't require old growth forests. Owl species using snags were based on inventory data in the Little Belt Mountains by Carlson (1991).

Brown Creeper*	Great Gray Owl*	Lewis Woodpecker*
Red-breasted Nuthatch	Black-backed Woodpecker*	Hairy Woodpecker
Three-toed Woodpecker	White-breasted Nuthatch	Williamson's Sapsucker*

Northern Pygmy-Owl	Northern Saw-whet Owl	Boreal Owl
American Kestrel	Downy Woodpecker	Northern Flicker
House Wren	Black-capped Chickadee	House Finch
Mountain Chickadee	Red-naped Sapsucker	Tree Swallow
Mountain Bluebird	Violet-green Swallow	Flammulated Owl*
Pileated Woodpecker*		

3. Other western forest birds (27) that are likely to be present in the Wood Duck Project Area, including 9 Montana SOC or BCC. These forest birds were based on a list of western forest birds present across the Northern Rockies as per Hutto (1995), with birds not indicated as present as per Skaar (1996) not included.

Red Crossbill	Gray Jay	Stellar's Jay
Pine Siskin	Dark-eyed Junco	Robin
Chipping Sparrow	Cedar Waxwing	Ruby-crowned Kinglet
Solitary Vireo	Cooper's Hawk	Sharp-shinned Hawk
Red-tailed Hawk	Western Wood Pewee	Common Raven
Townsend's Solitaire	Yellow-rumped Warbler	Western Tanager
Evening Grosbeak*	Pinyon Jay*	Golden Eagle*
Clark's Nutcracker*	Olive-sided Flycatcher*	Cassin's Finch*
Calliope Hummingbird*	Rufous Hummingbird*	Veery*

4. Two of the above Montana SOC birds that are associated with both old growth forests and forested snag habitat that are not indicated to be present in the Wood Duck Project Area as per Skaar (1996), However, no

bird surveys have been done for the Wood Duck Project Area as per the FOIA response provided to NEC. And these 2 Montana SOC are present across many areas of the HLC, so are relevant to how the HLC RFP is being implemented.

Flammulated Owl*

Pileated Woodpecker*

Conclusions for “A”:

In conclusion, there are an estimated 57 species of western forest birds (15 associated with old growth forests, another 14 associated with forested snag habitat outside of old growth, and 27 forest birds that don’t require either old growth or forested snag habitat) that likely occur in the Wood Duck Project Area. Actual occurrence is unknown due to a lack of any bird surveys for the project area. Of these 57 species, 16 (28%) are either Montana SOC or USFWS BCC.

The HLC RFP has one guideline to address these 57 species of birds. This is FW-WL-GDL 09: Management actions should avoid disturbance at known raptor nests and fledging areas; timing restrictions, distance buffers, or other means of avoiding disturbance should be based on the best available information, as well as on site-specific factors (for example topography, available habitat, and others); birds that are known to have established nests near pre—existing human activities are assumed to be tolerant of the level of activity present when the nest was established.

The Wood Duck Draft DN at 33 includes a “design feature” for the flammulated owl, although this does not appear to be a RFP guideline: if a flammulated owl nest site is found, a 30-acre buffer around the nest site would be established; no treatment can occur within the buffer at any time; however, known nest sites would be monitored prior to implementation; if the nest site is no longer active or does not exist, treatment can proceed. This seems to indicate that a flammulated

owl nest site can be logged if nesting is not present at some period of the project's implementation.

These design features in the draft DN at 32 include: if raptor nests (other than flammulated owls) are located **DURING IMPLEMENTATION**, a wildlife biologist would be consulted; if an active nest is located in the project vicinity, a work restriction period would be imposed the timing of which would be species-specific but could occur between April through August; a no treatment buffer surrounding the nest stand may also be applied depending on the nest site and surrounding area.

It is clear that there is no actual requirement for the HLC to survey for raptor nesting activity in a project area. The guideline includes the word "should," while the design features identified in the draft DN clearly notes that raptor surveys will possibly occur during implementation, although actual completion of any raptor surveys may not occur. This apparent lack of any actual requirement to survey for raptor nests is demonstrated by the agency's response to a Freedom of Information Act (FOIA) request submitted by NEC prior to this objection deadline for the Wood Duck Project. There have been no surveys for any raptor species in the Wood Duck Project Area, including the Flammulated Owl. The potential raptors that may occur in the proposed logging units, or adjacent areas include 11 raptors: Northern Pygmy Owl, Northern Saw-Whet Owl, Boreal Owl, Great Gray Owl, American Kestrel, Red-tailed Hawk, Northern Goshawk, Cooper's Hawk, Sharp-shinned Hawk, and Golden Eagle; the Flammulated Owl could potentially also be present.

The entire Wood Duck Project has been planned for logging 2,714 acres (draft DN Table 1) without any surveys for 11 forest raptors, including 4 that are Montana SOC. The number of nesting areas that will be logged, and nesting and post-fledging activities that will destroy and/or kill nestlings/fledglings) during implementation of the Wood Duck Project is unknown. Given that to date, not a single bird survey has been done for these treatment units, the completion of

future surveys is only "hypothetical." Also "hypothetical" are the mitigation measures that would be applied to located active nesting areas. These have not been identified to the public. Since harvest units have already been designed, and possibly already contracted for harvest when if by chance a raptor nest is actually discovered (likely by loggers), it is unknown how mitigation would actually be done.

The proposed Wood Duck Project is a good example of why the HCL RFP triggers multiple violations of the NEPA. First, the public is not provided with the results of any wildlife surveys; claims that surveys will be conducted are mere speculation, not a management action that is to be completed, and thus are potentially misleading the public in regards to project activities. The public will never know if surveys will be done, or that 11 raptor species that may nest in the project area will not have their nest sites destroyed by logging.

Second, the agency has not demonstrated that wildlife surveys were an integral criteria to be used to design units; no surveys have been conducted but the units are already designed; the public is never provided any information as to how wildlife is being coordinated with timber harvest, which is important information on how the agency is managing wildlife resources. In fact, the public has no information to indicate that wildlife were considered in any of the project designs. This is important information as per the NEPA, which requires that high quality information be provided to the public on management of natural resources during agency activities. These are NEPA violations.

Even though it is unknown if a single raptor nest located in harvest units will be identified and protected during the nesting/post-fledging period, the HLC has determined that the Wood Duck Project will not have any significant adverse impacts to 11 raptor species that could occur in the logging units. This is a NEPA violation, as there was no analysis to support claims that wildlife will not be significantly impacted, including disturbance and likely loss of nesting activity and nesting site for 11 raptor species that could occur in the Wood Duck Project Area.

Claims that the Wood Duck Project will have no significant adverse impacts on wildlife are based on a claim as per the HLC RFP that any logging and fuels management activities will maintain almost all wildlife species because this logging/fuels management is going to move towards and/or restore the Historic Range of Variation (HRV) or Natural Range of Variation (NRV), which ensures that almost all wildlife species will persist. This claim is more specifically defined in the Wood Duck Terrestrial Wildlife Diversity Report at page 15:

The analysis in the Forest Plan FEIS (page 323) concluded that the plan components for terrestrial vegetation would maintain, restore or enhance the key ecosystems and characteristics required to maintain the diversity animal communities in the planning area and support all non-at-risk species on the landscape, and that desired conditions for a variety of vegetation systems would bring habitat conditions throughout the Helena-Lewis and Clark National Forest closer to the estimated natural range of variation (NRF), and would provide a diversity of habitats used by native wildlife species. This is predicated on the assumption that plan components developed for ecosystem integrity and ecosystem diversity would provide for ecological conditions necessary to maintain the persistence or contribute to the recovery of native species within the planning area (Forest Service Handbook 1909.12, 23.13) (Forest Plan FEIS 292).

The Forest Plan EIS assumes that effects to vegetation provide the basis for understanding most of the potential effects to wildlife species. Although the Wood Duck Project would shift size class towards seedling/saplings and density class distribution towards low/medium and medium/high, these changes are negligible at the geographic area scale which is the scale at which desired vegetation conditions apply.

There could be short term impacts to wildlife species associated with these habitats from disturbance during project implementation. The Forest Plan

consistency table, located in the project record, addresses how the Wood Duck Project complies with Forest Plan components and contributes toward desired conditions.

These references provided above in the Wood Duck Terrestrial Wildlife Diversity Report are consistent with the HLC RFP, including at page 30, where it is noted that desired conditions for vegetation are needed to maintain ecosystem integrity, and these desired conditions are consistent with wildlife habitat needs. The RFP FEIS at Appendix C, page 24 notes that the coarse filter approach will support persistence of native species within the plan area; management of the desired conditions for vegetation will provide for most of the habitat needs for wildlife. The RFP FEIS at 228 notes that most wildlife species are not discussed individually; they are evaluated as to how the coarse filter approach maintains wildlife diversity. This FEIS at 242 states that the desired conditions for vegetation that move to NRV will support the full variety of wildlife species. The FEIS at 255 states that they assume that the plan components for terrestrial ecosystems (vegetation) will provide for the basic needs of wildlife. Even the RFP desired condition for wildlife (02) states that vegetation composition, structure and distribution provide the life/natural history requirements of native wildlife for the portion of their life cycle that occurs on the forest.

The HLC RFP has determined that for the management of wildlife, including 57 bird species, 16 which are identified as Montana SOC or USFWS BDD, is not actually required because all vegetation treatments are will approach/restore the HRV or NRV, which in turn is "assumed" to maintain all wildlife species not classified as "at risk" species. Based on this assumption, the HLC does not require any specific management direction for wildlife, including birds that are not identified as "at risk" because all logging treatments are restoring NRV, including the site-specific Wood Duck Project. This "assumption" that any and all logging will maintain wildlife is a violation of the NEPA, as it was never supported with any analysis.

The HLC RFP and associated FEIS contention that almost all bird species that may occur in the planning area are effectively managed with any level of logging and fuels treatments is a violation of the NEPA as well because this ignores the current best scientific evidence that western forest birds are in decline. Rosenberg et al. (2019) reported that 64% of 67 species of western forest birds are currently in decline. And in the 2022 State of the Bird Report published in 2023 (North American Bird Conservation Initiative 2022), 19 of 46 western forest birds were reported to have declining populations (41%). These include 6 Montana SOC and/or USFWS BCC, including the Pinyon Jay, Williamson's Sapsucker, Rufous Hummingbird, Olive-sided Flycatcher, and Evening Grosbeak.

The claims that meeting the desired conditions for vegetation, including all logging and fuels projects, will ensure persistence of almost all wildlife species is also a violation of the NFMA, as again, this claim was not supported with any analysis. As just one example, a summary of logging impacts on various types of Montana birds was provided by Hutto et al. (1992). This study reported that of 50 forest birds, 38 or 76% were clearly adversely impacted by either or both clearcutting and partial cutting. Another 6 species increased with logging (12%) while data was mixed and generally lacking on another 6 species (12%).

The HLC RFP allows unlimited removal of habitat for western forest birds, with no side-boards. This RFP therefore allows significant adverse impacts on forest birds, including for the Wood Duck Project. Management of forest birds in this Wood Duck Project Area provides a good example of the HLC RFP implementation. This Wood Duck Project area encompasses 65,814 total acres (Project Vegetation Report at 9). Forests compose 61,002 acres of this project area (Id. Table 2). There have been 5,200 acres of past logging of mature forests in this project area (Terrestrial Wildlife Diversity Report at 47). There were 37,000 acres of mature forest burned in the 2021 Woods Creek Fire. Thus there has been a cumulative loss of mature forest in this project area of 42,200 acres. This is 69% of the mature forest removed. The Wood Duck Project will remove an additional 2,714 acres of mature forest, bringing the total acreage loss of mature forest to 44,914 acres. This will bring the total mature forest loss in this project area to almost

74%, or three quarters of the forest in this landscape. Yet this amount of forest removal is not restricted by the HLC RFP. This cumulative loss of habitat for western forest birds is allowed by the HLC RFP. Yet the Wood Duck NEPA analysis concluded this project will have no significant adverse impacts on wildlife, which would include western forest birds. This misrepresentation of what are clearly severe adverse impacts to western forest birds from the Wood Duck Project is clearly a NEPA violation.

The HLC RFP FEIS also is a violation of the Administrative Procedures Act (APA). There are a vast number of scientific references available, including available to the Forest Service, that identify a high sensitivity of many forest bird species to logging and fuels treatments, science that contradicts the HLC RFP and associated FEIS that logging and fuels promotes almost all bird species. Claims that any level of logging will maintain 57 species of forest birds was made without the use of any of the current science for these 57 species, which is clearly an arbitrary analysis in the HLC RFP FEIS.

A. The HLC RFP and associated FEIS is a violation of the Migratory Bird Treaty Act (MBTA) and the 2012 Planning Rule due to lack of any conservation strategies for bird species that may occur in the planning area.

The HLC RFP does not meet the requirements of the MBTA. Concern over declining local populations of neotropical migratory birds clearly requires the Forest Service to implement the requirements of the MBTA and associated Memorandum of Understanding (MOU) between the Forest Service and U.S. Fish and Wildlife Service. EO 13186 (66 Federal Register 3853) lists several responsibilities of federal agencies to protect migratory birds, among them:

(e)(1) Support the conservation intent of the migratory bird conventions by integrating bird conservation principles, measures, and practices into agency

activities and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency activities;

(e)(2) Restore and enhance the habitat of migratory birds; and

(e)(6) Ensure that environmental analyses of Federal actions required by the NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern;

(e)(9) Identify where unintentional take reasonable attributable to agency actions is having or is unlikely to have a measurable negative effects on migratory bird populations, focusing first on species of concern, priority habitats, and key risk factors. With respect to those actions so identified, the agency shall develop and use principles, standards and practices that will lessen the amount of unintentional take, developing such conservation efforts in cooperation with the Service. These principles, standards and practices shall be regularly evaluated and revised to ensure that they are effective in lessening the detrimental effect of agency actions on migratory bird populations. The agency also shall inventory and monitor bird habitat and populations within the agency's capabilities and authorities to the extent feasible to facilitate decision about the need for, and effectiveness of, conservation efforts.

The HLC RFP is clearly in violation of the MBTA by lacking a single conservation strategy for any migratory bird, including the only 2 at-risk species identified in the RFP, the Flammulated Owl and Lewis Woodpecker. Although the design criteria for the Wood Duck Project notes that if a Flammulated Owl nest site is discovered, it will be protected during nesting with a 30-acre buffer. However, this is a meaningless measure, as actual surveys are not required. Nor have any been done for the Wood Duck Project as per the NEC FOIA. There are no conservation measures for the other at-risk species, the Lewis Woodpecker. Worse, the analysis of project impacts on these 2 bird species is flawed, claiming that logging will benefit both species by opening up the forests they require for viability. The key habitat feature for both species is the availability of larger snags, which in turn require the presence of woodpeckers. Woodpecker management is the key for viability of both species. Yet the Wood Duck Project will log all existing

old growth that occurs in unit (482 acres), as well as will not leave any snags in any harvest units. Thus 2,714 acres of potential nesting habitat will be eliminated for these 2 at-risk species, which demonstrates that the HLC RFP lacks a valid conservation strategy for either species, which in turn allows significant adverse impacts from vegetation treatments, as is demonstrated in the Wood Duck Project.

In addition, there are no clearly defined measures in place to limit the taking of migratory birds during the nesting season, due to loss of nests and fledged birds. This would prohibit logging at any time during the nesting season, including into August while many forest birds are raising a second clutch of young, or are re-nesting after a previous nesting failure. In addition, young fledged raptors will be relatively flightless up to a week or more after fledging in mid- to late summer, and could easily be killed by logging activities. The HLC RFP in fact did not even attempt to assess how many raptors and migratory birds would be killed by summer logging. No analysis was provided as well as to how many migratory birds will be killed in logged units during slash piling, or when these logged areas are subsequently prescribed burned to reduce slash and create regeneration sites for new trees.

The agency has made no attempt to reduce the intentional killing of migratory birds due to logging and associated activities during the entire nesting period. At the same time, the agency did indicate that they could avoid prescribed burning of treatment units during the spring nesting period, to avoid bird mortality, but this is not an actual requirement. But restrictions for summer logging and associated activities to avoid killing birds is not proposed, nor is it required in the HLC RFP. Nor is the impact of logging and associated activities, including prescribed burning, on mortality for forest birds even addressed in the HLC RFP.

The HLC RFP is also a violation of the 2012 Planning Rule, which requires that conservation strategies be developed for at-risk species, which are species of conservation concern. The State of Montana, as well as the U.S. Fish and Wildlife Service, have identified at least 16 species of coniferous forest birds that are species of conservation concern. Yet the HLC RFP only included 2 of these species,

the Flammulated Owl and Lewis Woodpecker, as at-risk species. The HLC did not define why only 2 of the 16 recognized at-risk bird species were identified in the RFP as at-risk species on this forest. The failure to include 14 species of concern as at-risk species appears to simply be an arbitrary measure made without any supporting science. Due to only identifying 2 of the 16 Montana SOC and/or USFWS BCC as species of conservation concern, the HLC RFP is also violating the 2012 Planning Rule, which requires species conservation strategies be included in Forest Plan for at-risk species. The HLC RFP "assumes" that the habitat needs of 12 of the 16 at-risk bird species will be met by all logging/fuels treatments as these will move towards restoration of the NRV. No actual analysis was provided as to why any logging and fuels treatment activities provide habitat conservation plans for 14 species of concern.

There are examples of conservation strategies for many of the old growth and snag-associated Montana SOC or USFWS BCC. For example, the RFP for the Targhee National Forest (USDA 1997) included conservation strategies for the Flammulated Owl, Great Gray Owl, and Northern Goshawk. Also, Reynolds et al. (1992) provided a well-developed conservation strategy for the Northern Goshawk. Bull and Holthausen (1993) identified a conservation strategy for the Pileated Woodpecker. Also, Goggans et al. (1987) provided a conservation strategy for the Black-backed Woodpecker. Yet none of these existing conservation strategies for these Species of Concern were used to include similar strategies for these species on the HLC in the RFP.

The HLC also has site-specific identified conservation measures for the Northern Goshawk, recommendations that were not included in the HLC RFP. For example, a 2004 Forest Plan monitoring report on the Lewis and Clark National Forest (USDA 2004) reported that goshawk post-fledging areas contained an average of 14% old growth. This requirement was not included for goshawk management, however, in the HLC RFP. There is no mention of this monitoring information, as well, for the Wood Duck Project. Goshawk postfledging areas are not identified. The impact of logging 482 acres of old growth forest in the Wood Duck Project is unknown for goshawk postfledging areas.

Murphy (2014) and summarized by Johnson (2015) also identified the importance of goshawk postfledging areas to this species of concern. He reported that on average these areas range in size from 180-300 acres. Maintenance of natural forest conditions in these postfledging areas is essential for a number of factors for young goshawks, including hiding cover that provides protection from severe weather events and from predators. He also noted that these postfledging areas are very limited on the Lewis and Clark National Forest. The minimum size of postfledging areas that can be suitable for goshawks was estimated at 120 acres.

In spite of this important monitoring data, the HLC RFP does not include this information for management of goshawks on this forest. Nor is this information included for management of goshawks in the Wood Duck Project. These areas are not identified in that project area, so one or more such areas, if they exist, could likely be destroyed by the project. This loss will be cumulative to goshawk postfledging habitat that has likely been lost in the Wood Creek Fire of 2021.

There are 7 species of concern that occur on the HLC that are dependent upon forested snag habitat, or snag forests after fire. Yet the snag management program for the HLC, as defined in the RFP, does not require that natural processes that actually create snags for these birds be maintained across any lower-elevation areas of this national forest. In fact, as is noted in the FEIS for the HLC RFP, as well as demonstrated in the Wood Duck NEPA analysis, the vegetation and timber desired conditions, standards and guidelines strongly emphasize reducing insect infestations on the forest. There are no requirements to maintain these natural processes across the landscape (well distributed means every 10,000 acres as per Suring et al. 1993 and USDA 1990) to maintain wildlife species. In addition, there is no required mitigation for wildlife that may actually use snags in harvest units, including clearcuts, as snags that exist elsewhere in the landscape can be “substituted” as snags in harvest units. This process of “substitution” of snags from other locales to supposedly provide snags within harvest units is biologically impossible, yet is the HLC RFP direction for snag management. Birds are somehow expected to fly long distances between their nesting and foraging sites and still maintain their populations.

One of these snag-associated wildlife species where no conservation strategies have been developed in the HLC RFP is the Williamson's Sapsucker. Although identified as a BCC by the USFWS for quite a few years, more recent information has identified significant declines of this species since the 1990s (State of the Birds Report in 2022). This species is dependent upon both old growth forests as well as snags (USDA 1990), yet the HLC RFP does not have a valid conservation measure for this species of conservation concern. The Wood Duck Project is a good example of how the HLC RFP addresses this species. All old growth that has been identified in the project area outside of roadless lands will be logged. And no snags will be left in any harvest unit. There is zero habitat management for this species of concern.

The 22 State of the Birds Report also identified 4 other bird species that have experienced a 50% loss in their populations since the 1970s. These include the Olive-sided Flycatcher, the Pinyon Jay, Rufous Hummingbird, and Evening Grosbeak. The latter three of these have also been defined as "Tipping Point Species." In addition to their loss of 50% or more of their populations during 1970-2019, they are on a trajectory to lose another 50% of their populations in the next 50 years. Of these species, the Pinyon Jay occurs on the HLC, as well as in the Wood Duck landscape. It has also been documented as sensitive for vegetation treatments, including the loss of key tree species as the limber pine and juniper, which are used for both nesting and foraging; it has suffered severe population declines in recent years (Somershoe et al. 2020). Yet the HLC RFP does not have a conservation strategy for this species.

Eight of the Montana SOC or USFWS BCC are identified as being associated with old growth forests in Montana (USDA 2018; USDA 1990). In spite of these at-risk species, the HLC RFP has no protections for old growth. As is noted for the Wood Duck Project, all identified old growth (482 acres) is going to be logged (Vegetation Report at 6). The Project Vegetation Report at 6 defines this old growth logging as "improvement cutting." The Old Growth Report for the Wood Duck Project states: All old growth units would receive an improvement cut

silviculture harvest method so that old growth characteristics can be maintained. These Douglas-fir old growth stands can be logged down to minimum Green et al. (1992) old growth criteria (HLC RFP FW-VEGF-GDL 04: vegetation management of old growth needs to retain the minimum characteristics for old growth). For Douglas-fir old growth minimum criteria include only 4-5 larger, older trees per acre (RF FEIS Table 8; Project Vegetation Report Table 7). Thus old growth can be logged down to what is essentially a seed tree cut, or a 60 basal area.

B. The HLC RFP violates the NFMA by failing to ensure the necessary levels of old growth habitat will be available for dependent species; the HLC RFP also violates the NEPA and the NFMA by claiming that logging will retain old growth forests while never demonstrating wildlife values will be maintained; monitoring on the Lewis and Clark National Forest defined Douglas-fir old growth vastly different from the minimum Green et al. (1992) old growth criteria.

The HLC RFP has no standards for old growth, other than those that allow logging down to minimum criteria of Green et al. (1992). RFP FW-VEG-GDL 04 states that vegetation management of old growth needs to retain the minimum characteristics (the glossary defines these as per Green et al. 1992). In Douglas-fir forests that will be logged in the Wood Duck Project (482 acres) this means stands can be logged down to 4-5 larger, older trees per acre (e.g., Vegetation Report Table 7). There are no requirements in the HLC RFP for any level of old growth. A Desired Condition in the HLC RFP is the only direction provided. FW-VEG-DC 07 states that forest conditions support the amount and patch size of old growth consistent with NRV (natural range of variation). This NRV is noted to be 20-25% (HLC RFP FEIS 85). This is actually a low estimate, as a published estimate of historical old growth for the Northern Rockies is 20-50% (Lessica 1996). Currently there is an estimated 11% old growth on the HLC (RFP Table 10). For warm-dry forest types, such as the Wood Duck area, old growth is estimated to be only 8%. The HLC needs to increase old growth forests up to 20-25% to meet the

desired conditions identified in the RFP. This 20-25% level of old growth would meet the minimum recommendations for forest birds at 20-25% (Montana Partners in Flight), the 25% recommendation for the Pileated Woodpecker (Bull and Holthausen 1993), and the Northern Goshawk at 20% (Reynolds et al. 1992).

The level of old growth in the Wood Duck Project Area was never identified, even though the RFP notes that old growth should be identified at the project scale. The only old growth identified was in 482 acres of treatment units. This amount of old growth (482) would be 0.8% of the forests (61,002 as per Vegetation Report Table 2). Since no project area inventories for old growth were completed for the Wood Duck Project, landscape level of old growth is unknown. However, it is likely very low due to the 37,000 acre Wood Creek Fire in 2021, along with 5,200 acres of past logging (Terrestrial Wildlife Diversity Report at 47). One can expect, however, that the level of old growth in this 65,814 acre project area is very low. Given that old growth needs to be distributed every 10,000 acres (USDA 1990; Suring et al 1993), the Wood Duck Project Area would require this distribution of old growth at even 20% as per the desired condition of old growth for the HLC RFP of 12,200 acres. Given it is unlikely this level of old growth exists in this landscape, this is a current significant adverse impact on wildlife, an impact that will be exacerbated with additional loss of 482 acres of old growth due to logging.

The agency's claim that only 482 acres of old growth will be logged for the Wood Duck Project appears suspect. For example, the proposed clearcutting of over 200 acres of lodgepole pine is likely lodgepole pine old growth, and if not, would quality as early seral old growth for lodgepole pine (USDA 1993 as per Hamilton). This early seral old growth would be important for old growth-associated birds, due to the paucity of old growth in this landscape, but would also be important for species as the pine marten, who require complex forest structure as winter habitat rather than simply old growth (Chapin et al. 1997). ere identified as per inventory information provided to NEC as a result of a FOIA. There was no information on why the lodgepole pine stands to be clearcut were not early seral or developed old growth in the old growth survey information provided to NEC via a FOIA.

Neither the Wood Duck analysis or the HLC RFP FEIS evaluated how the current estimated level of old growth on the forest (11%) meets the needs of wildlife, in spite of the 7 species of conservation concern associated with this habitat, as well as 9 other bird species associated with old growth. Nor was there any analysis in the HLC RFP FEIS as to how the NRV of 20-25% old growth would be achieved for these 16 associated bird species. This desired condition was not addressed in the site-specific Wood Duck Project as per meeting Forest Plan direction.

Of greater significance is the failure of the HLC RFP FEIS to define specifically for 16 bird species associated with old growth forest as to why logging such habitat down to the minimum criteria as per Green et al. (1992) maintains habitat for these species, as well as the pine marten. Without an substantiation that this is a valid conservation strategy for 16 bird species associated old growth, this direction was implemented in the HLC 2021 RFP, in violation of both the NEPA and the NFMA, as well as the MBTA and the APA. This unsubstantiated management strategy for old growth effectively allows the HLC to entirely eliminate old growth across the forest without any actual analysis of wildlife impacts and without disclosing this planned impact to the public.

There are relevant 2 existing reports that are easily available to the HLC that contradict their claim that logging old growth maintains its values for wildlife. For example, a 1990 Region 1 report developed by Nancy Warren defines old growth stands as similar to the complete definitions of old growth stands as defined by Green et al. (1992), including dense canopies, and complex stand structures. More specifically, a Master's research project on the Lewis and Clark National Forest provided extensive descriptions of Douglas-fir old growth. Whiteford (1993) including the following criteria for Douglas-fir old growth: the average canopy cover in old growth was 55%; the average number of trees over 8 inches dbh was 1,395 per acre; the average number of trees under 8 inches dbh was 206 per acre; the average number of seedlings was 413 per acre; the average number of juniper shrubs was 267 per acre, with total shrubs averaging 715 per acre; 62% of the stands have at least canopy layers; the average snag dbh was 11 inches; the

average number of total snags per acre was 45 over 4 inches in dbh; the average number of logs per acre was 195. It is highly unlikely that any logging in Douglas-fir old growth on the HLC, or within the Wood Duck Project, will maintain these habitat features characteristic of old growth.

The HLC RFP also does not require any recruitment of old growth forests, including in the Wood Duck Project Area. Even though a forest stand is not currently meeting old growth criteria as per Green et al. (1992) it can be developing old growth, or early seral old growth. Whitford (1991) noted that early seral Douglas-fir old growth provides important habitat conditions for many wildlife species. USDA (1993) authored by Hamilton also noted that early seral lodgepole pine old growth should be managed; this would be especially important for lodgepole pine stands, where insects and disease can create optimal old growth conditions for wildlife even though the age of the stand may fall below the 150 year age requirement for old growth as per criteria due to an abundance of snags. This is why early seral old growth lodgepole pine is noted to provide high quality habitat for the pine marten just because of the abundance of snags (Chapin et al. 1997). As we noted previously it is unclear why there was no lodgepole pine old growth identified in the proposed treatment units, including clearcuts. It is likely that these proposed clearcut units are providing important and high limited old growth habitat for wildlife, in the form of the early seral stage due to past pine beetle infestations. The HLC RFP claims that the NRV for old growth was 20-25%, while the existing forest level is only 11%. There clearly needs to be a significant effort for the agency to essentially double this level of old growth to meet the NRV, or a stated vegetation purpose of the RFP as well as the Wood Duck Project. Given that all the logging in the Wood Duck Project is claimed as being done to restore the NRV, it is unclear why the restoration needs for old growth are not included in these project objectives. The HLC RFP is being arbitrarily implemented in the Wood Duck Project Area to promote timber production, instead of promoting all desired conditions, including old growth. This is an NFMA violation.

C. The HLC RFP is a violation of the NEPA and the NFMA because management and mitigation measures to maintain viability of wildlife associated with snag habitat are not based on any current science or past monitoring of the effectiveness of prior Forest Plan snag management direction.

The HLC RFP FEIS for management of snags for wildlife is generally a carry-over of previous Forest Plan direction from the Helena and the Lewis and Clark National Forests. This strategy of leaving some snags in harvest units was never monitored for effectiveness in maintaining associated species on either National Forest during the previous planning cycle, from 1986 to 2021, or 35 years. In the interim, the strategy of mitigating wildlife impacts from logging by leaving some snags in harvest units has been identified as an invalid conservation strategy for wildlife (e.g., Goggans et al. 1986; Bull et al. 1997). It is both a NEPA and an NFMA violation for the HLC RFP to use the optional retention of snags in harvest units as a valid conservation strategy for the 25 or more bird species that require snags as a part of their life requirements, including 7 species of conservation concern, since almost all these birds required snags within a forest (Bull et al. 1997).

In addition to this failure of the HLC to demonstrate previous snag management strategies were actually effective, the current HLC RFP strategy for snags is essentially meaningless. First, there are so many loopholes that in effect, no snags are required to be retained in logging units. This is clearly demonstrated in the Wood Duck Project. The Terrestrial Wildlife Diversity report at 14 states that due to the overall abundance of snags in the project area snag retention in treatment units is not required to meet Forest Plan retention guidelines. This is because of all the snags in the Wood Creek Fire. The current best science recommends that snags be provided on at least every 25 acres to ensure that snags are present within individual bird territories (Bull et al. 1997). It is ridiculous for the Forest Service to claim that snags located across the 65, 814 acre project area will provide nesting habitat for birds in treatment units, regardless of landscape distribution and distance from logging units, which may be many miles.

Claiming that the RFP snag direction will prevent significant adverse impacts on wildlife, such as when implemented in the Wood Duck Project, is also a NEPA violation. This is a false mitigation measure, first because most birds require snags in forests, and second, because in many or most cases, such as in the Wood Duck Project, no snags will actually be left in harvest units.

The HLC RFP snag direction is also a NEPA violation because even if some snags are left as mitigation in harvest units, even if not actually required, this is only a short-term mitigation measure. In clearcuts, snags will not likely last long, as they will be blown over by winds. In partial harvest units, retained snags will last much longer, but recruitment of new snags will be much reduced as compared to an unlogged stand. Holloway and Malcolm (2006) measured larger snag densities in unlogged and partially logged stands in Ontario, and reported that snag densities in unlogged stands decreased from 11.1 to only 4.7 per acre after logging, which is a 58% decline in snag numbers. Also, as the number of total trees, as well as diseased and defective trees will be reduced in partial harvests for the Wood Duck Project (Vegetation Report), this will most likely significantly reduce the potential for new snag recruitment. Thus the adverse impacts on wildlife dependent upon snags will not be mitigated by any requirements in the HLD RFP. In effect, there is no valid conservation strategy for the 23 or more bird species on the HLC to ensure their persistence, as is required by the NFMA.

We note that there was no information, and apparently no monitoring, of snag availability in the 5,200 acres of forest previously logged in this project area (Terrestrial Wildlife Diversity Report 47). This is important information, especially for those past logging areas that were clearcuts. These areas are likely completely devoid of snags. As well, past partial harvested areas will also be deficient in larger snags, given such reductions have been measured at up to 58% (Holloway and Malcolm 2006). This past logging was not addressed as a cumulative impact on snag-associated wildlife. There was also no map provided to demonstrate the location of proposed harvest units with past harvest unit, to assess the local availability of snag habitat and how this would be impacted by the proposed

project. It is clear from the maps provided for the Wood Duck treatment units that large areas will be largely devoid of snags for many years. The overall acreage and patch size of limited to no snag habitat was never addressed. Thus there was no actual analysis as to how past and planned logging treatments could significantly impact wildlife associated with snags, in violation of the NEPA.

D. The HCL RFP and associated FEIS did not define how logging of unsuitable timber lands promotes wildlife resources, in violation of the NEPA and NFMA.

The HLC RFP only includes a brief notation at page 98 that unless prohibited by other plan components, harvest may occur to meet other resource needs. Harvest on unsuitable timber lands in the Wood Duck Project includes 1,105 acres, or over a third of all proposed logging units (Terrestrial Vegetation Report page 3). This report claims that treatments proposed in the Wood Duck Project are designed to address Douglas-fir bark beetle hazard and infestation, and improve stand vigor, growth, and resilience, and that treatment on lands unsuitable for timber production are appropriate.

It is clear that logging of unsuitable timber lands is being done to promote timber harvest, not wildlife, in violation of the HLC RFP direction. Douglas-fir bark beetle infestations provide important wildlife habitat, from food resources of beetle larvae and adults, as well as providing snags for 26 species dependent upon these for nesting and/or foraging. Logging to improve stand vigor is clearly a timber management objective. The agency did not cite any available conservation measures released for wildlife that indicate forest thinning to promote tree vigor is a valid management objective. Promoting tree vigor promotes timber production, while it reduces both the current density of snags, by potentially over 50%, to limiting the long-term production of snag recruitment. Within clearcuts, there are clearly no benefits to 26 species of wildlife dependent upon snags. In addition to violating management recommendations in the HLC RFP, the agency is

also violating the NEPA by providing false claims for the need to log unsuitable timber lands on 1,105 acres of the Wood Duck Project Area.

E. The HLC RFP is a violation of the NEPA, the NFMA, and the MBTA by allowing unlimited clearcutting, including unlimited opening sizes, across the forest without have any side-boards for local amounts of clearcutting based on wildlife habitat needs, and without having a single conservation strategy for 16 bird species identified as SOC or BCC, or other forest birds dependent upon the forests that would be removed with clearcutting.

Objectors jointly submitted 60-day comments on the proposed clearcutting program for the Wood Duck Project on 2/2/23. These comments are hereby “incorporated” into this Objection, in order to avoid extensive repetition. The major emphasis of these 60-day comments include the following:

- the HLC RFP does not include any programmatic analysis of how openings under and over 40 acres in size will affect wildlife over the planning period.

- the HLC RFP exception to the 40 acre limit on clearcut openings sizes applies when it has been determined as necessary to achieve desired ecological conditions, but there is no analysis ever provided as to why clearcutting will achieve desired ecological conditions for any wildlife species; as per the NFMA, desired ecological conditions require maintaining a diversity of wildlife; it is not clear why clearcutting of any size is needed to maintain wildlife species diversity.

- the HLC RFP does not include any sideboards to balance clearcutting impacts with wildlife; the RFP lacks a single conservation strategy for any bird species, including species of concern; habitat for these species will be eliminated with clearcutting, so clearcutting must be balanced with wildlife habitat needs, which is defined as “sideboards.”

-examples of wildlife species that require limitations of clearcutting in their habitat were provided, including the Northern Goshawk, the Great Gray Owl, the Flammulated Owl, the Lewis Woodpecker, the Brown Creeper, the Black-backed Woodpecker, the Clark's Nutcracker, the Cassin's Finch, and 16 species of western forest birds that are associated with old growth or older forest habitats for viability, whose habitat would be removed with clearcutting for over 100 years. This habitat loss includes a loss of conifer seed sources for food, nesting sites, hiding cover, thermal cover, and tree canopy and tree understory habitat that provides all these features, including insects.

-the HLC RFP falsely claims that clearcuts are needed to restore the NRV, but clearcuts are an abnormal habitat condition for wildlife that did not occur in historic times. Clearcuts clearly do not replicate early seral conditions that occurred historically, because clearcuts lack the large amounts of standing dead trees that are created with fire (Hutto 1995; Hutto et al, 1995). These standing dead trees, or snag forests created by fire, cannot be replicated with clearcuts, and as such, the huge value of these snag forests to wildlife cannot also be replicated with clearcuts; there is no analysis in the HLC RFP FEIS that defines why clearcuts replicate historical habitat conditions for a vast number of wildlife species, including 25 forest birds dependent upon snag habitat for nesting.

-the HLC RFP does not include any limits on clearcutting within pine marten habitat, even though the current best science indicates that when a pine marten territory of several thousand acres has over 25% clearcuts, this habitat could be abandoned (Hargis et al. 1999). The Montana Department of Fish, Wildlife and Parks noted this issue with pine marten in a 2003 article by Fager in Montana Outdoors, where clearcutting reduces pine marten habitat.

F. The Wood Duck Project demonstrates that the HLC RFP lacks any measurable standards for the management of elk habitat, and as such, cannot be used as a conservation measure to retain elk on summer, fall and winter range on the HLC; the RFP also cannot meet the requirements of a Forest Plan, which is to determine whether a project will have significant adverse impacts on elk

based on compliance with Plan habitat standards; yet without any habitat standards, the Wood Duck NEPA analysis concluded there will be no significant adverse impacts on elk; this is based on a complete lack of habitat standards for elk in the RFP.

The Wood Duck analysis of impacts to elk is an excellent example of how the HLC RFP requires management of this important public interest species. In spite of a severe lack of elk security in this landscape, the agency has determined that further reductions will have no significant cumulative impacts to elk, as there are no standards/guidelines for elk security in the HLC RFP. Since a standard/guideline will not be violated, because there is no such standard/guideline, this is used by the agency to determine that project impacts on elk will not be significant, which is an important function of the NEPA.

It is not possible for the public to determine how elk security was measured for the Wood Duck Project. There is no analysis of current or planned security in the Wood Duck Project Area of 65,814 acres. Since security requires large blocks of hiding cover, it may well be very limited in the Wood Duck Project Area due to the 2021 Wood Creek Fire that burned 37,000 acres of forest (hiding cover). Since the direct impacts of the project on elk security were not provided to the public, it is unclear how the project will affect security. It does appear that existing security is already a significant adverse effect, due to the fire. And currently,, elk security is reported to range from 3-12%, and "preferred security" is reported to range from 4-6% within 5 affected herd units (cumulative effects analysis). The term "preferred security" apparently comes from the publication by Lowrey et al. (2019), where elk levels of use of security were rated based on the percentage of elk that used different levels of canopy cover. If Lowrey et al. (2019) was the method used to measure elk security, this requires a higher displacement distance from active motorized roads, including up to 2 miles instead of 0.5 miles. Thus it is important for the analysis methods to be defined to the public. This analysis also requires mapping of current and planned elk security blocks in the

Wood Duck Project Area, so the public can see how management will impact this key habitat.

There is no discussion as to how the very low levels of security in the Wood Duck landscape (5 herd units) is affecting displacement of elk from public lands during the hunting season. As noted in the USDA/MFWP 2013 collaborative recommendations for management of elk, elk displacement to private lands in the hunting season is an important ecological and social issue. Yet this issue was completely ignored in the Wood Duck NEPA analysis. However, it is clear that the project will further reduce what must be very limited elk security in this project area. Failure to disclose this reduction in security to the public is a NEPA violation. The recommended level of security by Hillis et al. (1991) is at least 30%. This requires block of contiguous forest cover at least 250 acres at least 0.5 miles from an active motorized route. Lowrey et al. (2019) also provides recommendations for security based on canopy cover areas of 250 acres, but require much greater distances from active motorized routes, up to 2 miles.

The analysis of project impacts to elk is also a NEPA violation because the agency claims that the increase of 24 miles of new roads, and opening another 5 miles of currently closed roads will not create any displacement effects to elk (habitat effectiveness levels as per Christensen et al. 1993) because the roads will not be open to the public. This is directly contradicted by the USDA/MFWP 2013 collaborative recommendations, which note that vehicle travel as limited as 2 trips per 12 hours displaces elk. There is actually no information provided to the public as to what the habitat effectiveness level will be in the project area during project implementation, in violation of the NEPA. If effectiveness levels are below 50%, then significant adverse impacts are triggered. This level of significant adverse effects already exists for the cumulative effects analysis for the 5 affected elk herd units. Table 32 of the EA shows that currently, this level is not being met in any of the 5 affected herd units.

The HLC RFP has not habitat standards for elk winter range. The Wood Duck Project will do partial logging on 1,455 acres of winter range, and clearcut logging on another 93 acres of winter range. The public is never provided any information as to how this logging will promote elk winter habitat, as there are no habitat criteria defined for winter range. The public is simply expected to believe that the existing condition of these roughly 1500 acres of elk winter range are in bad shape, where logging will improve this. Without any habitat standards provided to the public, as defined within the HLC RFP, any claims that logging will improve elk winter range are merely unfounded assumptions, which are inappropriate within a NEPA document.

It is clear that the HLC RFP cannot direct any habitat management of elk for habitat effectiveness in the summer, elk security in the fall hunting season, or management of elk winter range, because there are no habitat standards for any of these habitat features for elk. In addition, without any habitat standards, the HLC RFP has no basis for measuring and defining when significant adverse impacts to elk are triggered by vegetation treatments. As a result, the direct project and cumulative impacts of the Wood Duck Project on elk are entirely unknown, but clearly have the potential to be significant. The HLC is clearly violating the NEPA by claiming to the public that timber management will have no significant adverse impacts to elk so that no actual habitat standards are required. This assumption was never supported with any actual analysis in the HLC RFP FEIS.

Appendix A for the Objection against the Wood Duck Project on the Townsend Ranger District of the Helena-Lewis and Clark National Forest filed by NEC, AWR, Y2U and CBD on May 23, 2023.

Appendix A contains hard copies of some references cited in this Objection. Those references previously provided on this project to the Forest Service when Objectors submitted 60-day comments on large openings on 2/2/23 are not provided again.

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