

January 5, 2024

Michael Feiger

District Ranger

Cabinet Ranger District

2693 Highway 200

Trout Creek, Montana 59874

Dear Ranger Feiger,

Please accept these scoping comments from me on behalf of the Alliance for the Wild Rockies, Center for Biological Diversity, Council on Wildlife and Fish, and Native Ecosystems Council on the Tuscor project.

Please demonstrate that there is an emergency that requires this project.

Please demonstrate that this project qualifies for a CE.

The scoping notice does not adequately demonstrate that all Forest Plan standards and requirements will be met.

Please demonstrate that the project is meeting the Kootenai National Forest Forest Plan's standards.

Public Law 117 - 58 - Infrastructure Investment and Jobs Act states(f) Exclusions.--An eligible activity may not be carried out under the Program--

- (1) in a wilderness area or designated wilderness study area;***
- (2) in an inventoried roadless area;***
- (3) on any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or***
- (4) in an area in which the eligible activity would be inconsistent with the applicable land and resource management plan.***

The scoping notice does not demonstrate that the project follows all Forest Plan requirements or the following law:

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- (A) that has been approved for an extension of funding by the Secretary of Agriculture prior to the date of enactment of this Act; or***
- (B) that has been recommended for an extension of funding by the advisory panel established under section 4003(e) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(e)) prior to the date of enactment of this Act that the Secretary of Agriculture subsequently approves; and***
- (3) select project proposals for funding under the Program in a manner that--***
 - (A) gives priority to a project proposal that will***

treat acres that--

(i) have been identified as having very high wildfire hazard potential; and

(ii) are located in--

(I) the wildland-urban interface; or

(II) a public drinking water source area;

The term "wildland-urban interface" has the meaning given the term in section

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101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

The scoping notice does not adequately demonstrate that the project follows the Healthy Forest Restoration Act of 2003 definition of a wildland -urban interface which is 1 1/2 miles from a community.

Please demonstrate that the entire project area is a drinking water source area for the community.

Page 3 of the scoping notice states:

The proposed treatments are located in wildland urban interface (WUI); or outside the wildland urban interface in Condition Classes 2 or 3 and Fire Regime Groups I, II, or III; or both.

The Healthy Forest Restoration Act defines the WUI as “...an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan...” (16 USC 6511). Sanders County has a Community Wildfire Protection Plan in place which describes the process for identifying WUI areas and at-risk communities in accordance with HFRA.

The proposed treatments fall entirely within the delineated WUI in the Sanders County Community Wildfire Protection Plan. Additionally, the proposed treatments are within Condition Class 2 and Fire Regime Groups I and III.

The Healthy Forest Act defines the Wildland Urban Interface as:

(1) AT-RISK COMMUNITY.—The term “at-risk community” means an area—

(A) that is comprised of—

(i) an interface community as defined in the notice

entitled “Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire” issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or

(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

It goes on to state:

(ii) an area within 1 1/2 miles of the boundary of an at-risk community, including any land that (I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community;

(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top; or

(III) is in condition class 3, as documented by the Secretary in the project-specific environmental analysis; and

(iii) an area that is adjacent to an evacuation

route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.

Please demonstrate that the project complies with the Healthy Forest Act.

We believe because of the size of the project and the cumulative effects of past current and future logging by the Forest Service and private logging in the area the Forest Service must complete a full environmental impact statement (EIS) for this Project. The scope of the Project will likely have a significant individual and cumulative

impact on the environment. Alliance has reviewed the statutory and regulatory requirements governing National Forest Management projects, as well as the relevant case law, and compiled a checklist of issues that must be included in the EIS for the Project in order for the Forest Service's analysis to comply with the law. Following the list of necessary elements, Alliance has also included a general narrative discussion on possible impacts of the Project, with accompanying citations to the relevant scientific literature. These references should be disclosed and discussed in the EIS or for an EA for the Project.

I. NECESSARY ELEMENTS FOR

PROJECT EIS or EA:

A. Disclose all Kootenai National Forest (KNF) Forest Plan requirements for logging/burning projects and explain how the Project complies with them;

B. Will this project comply with forest plan big game hiding cover standards and the eastside assessment?

C. Disclose the acreages of past, current, and reasonably foreseeable logging, grazing, mining, and road building activities within the Project area;

D. Solicit and disclose comments from the Washing Department of Fish and Wildlife regarding the impact of the Project on wildlife habitat;

E. Solicit and disclose comments from the Washington Department of Environmental Quality regarding the impact of the Project on water quality;

F. Disclose the biological assessment for the candidate, threatened, or endangered species with potential and/or actual habitat in the Project area;

G. Disclose the biological evaluation for the sensitive and management indicator species with potential and/or actual habitat in the Project area;

H. Disclose the snag densities in the Project area, and the method used to determine those densities;

I. Disclose the current, during-project, and post-project road densities in the Project area;

J. Disclose the KNF's record of compliance with state best management practices regarding stream sedimentation from ground-disturbing management activities;

K. Disclose the KNF's record of compliance with its monitoring requirements as set forth in its Forest Plan;

L. Disclose the KNF's record of compliance with the additional monitoring requirements set forth in previous DN/FONSI and RODs on the KNF;

M. Disclose the results of the field surveys for threatened, endangered, sensitive, and rare plants in each of the proposed units;

N. Please formally consult with the US FWS on the impacts of this project on candidate, threatened, or endangered species and plants;

O. Please consult with the US FWS on the impacts of this project on lynx critical habitat and potential lynx critical habitat;

P. Will this Project exacerbate existing noxious weed infestations and start new infestations?

Q. Do unlogged old growth forest store more carbon than the wood products that would be removed from the same forest in a logging operation?

R. What is the cumulative effect of National Forest logging on U.S. carbon stores? How many acres of National Forest lands are logged every year? How much carbon is lost by that logging?

S. Is this Project consistent with “research recommendations (Krankina and Harmon 2006) for protecting carbon gains against the potential impacts of future climate change? That study recommends “[i]ncreasing or maintaining the forest area by avoiding deforestation,” and states that “protecting forest from logging or clearing offer immediate benefits via prevented emissions.” That study also states that “[w]hen the initial condition of land is a productive old-growth forest, the conversion to forest plantations with a short harvest rotation can have the opposite effect lasting for many decades” The

study does state that thinning may have a beneficial effect to stabilize the forest and avoid stand-replacing wildfire, but the study never defines thinning. In this Project, where much of the logging is clear-cutting and includes removing large trees without any diameter limit, and where the removal of small diameter surface and ladder fuels is an unfunded mandate to the tune of over \$3 million dollars, it is dubious whether the prescriptions are the same type of “thinning” envisioned in Krankina and Harmon (2006).

T. Please list each visual quality standard that applies to each unit and disclose whether each unit meets its respective visual quality standard. A failure to comply with visual quality Forest Plan standards violates NFMA.

U. For the visual quality standard analysis please define “ground vegetation,” i.e. what age are the trees, “reestablishes,” “short term,” “longer term,” and “revegetate.”

V. Please disclose whether you have conducted surveys in the Project area for this Project for wolverines, whitebark pine, grizzly

bears, pine martins, northern goshawk and lynx as required by the Forest Plan.

W. Please disclose how often the Project area has been surveyed for wolverines, pine martins, northern goshawks, whitebark pine, monarch butterflies, grizzly bears, whitebark pine and lynx.

X. Is it impossible for a wolverines, pine martins, monarch butterflies, northern goshawks, grizzly bears, whitebark pine and lynx to inhabit the Project area?

Y. Would the habitat be better for wolverines, monarch butterflies, pine martins, northern goshawks, grizzly bears, whitebark pine and lynx if roads were removed in the Project area?

Z. What is the U.S. FWS position on the impacts of this Project on wolverines, pine martins, monarch butterflies, northern goshawks, grizzly bears, whitebark pine and lynx? Have you conducted ESA consultation?

AA. Please provide us with the full BA for the wolverines, monarch butterflies, pine martins, northern goshawks, grizzly bears, white-bark pine and lynx.

BB. What is wrong with uniform forest conditions?

CC. Has the beetle kill contributed to a diverse landscape?

DD. Why are you trying to exclude stand replacement fires when these fires help aspen and whitebark pine?

EE. Please disclose what is the best available science for restoration of whitebark pine.

FF. Disclose the level of current noxious weed infestations in the Project area and the cause of those infestations;

GG. Disclose the impact of the Project on noxious weed infestations and native plant communities;

HH. Disclose the amount of detrimental soil disturbance that currently exists in each proposed unit from previous logging and grazing activities;

II. Disclose the expected amount of detrimental soil disturbance in each unit after ground disturbance and prior to any proposed mitigation/remediation;

JJ. Disclose the expected amount of detrimental soil disturbance in each unit after proposed mitigation/remediation;

KK. Disclose the analytical data that supports proposed soil mitigation/ remediation measures;

LL. Disclose the timeline for implementation;

MM. Disclose the funding source for non- commercial activities proposed;

NN. Disclose the current level of old growth forest in each third order drainage in the Project area;

OO. Disclose the method used to quantify old growth forest acreages and its rate of error based upon field review of its predictions;

PP. Disclose the historic levels of mature and old growth forest in the Project area;

QQ. Disclose the level of mature and old growth forest necessary to sustain viable populations of dependent wildlife species in the area;

RR. Disclose the amount of mature and old growth forest that will remain after implementation;

SS. Disclose the amount of current habitat for old growth and mature forest dependent species in the Project area;

TT. Disclose the amount of habitat for old growth and mature forest dependent species that will remain after Project implementation;

UU. Disclose the method used to model old growth and mature forest dependent wildlife habitat acreages and its rate of error based upon field review of its predictions;

VV. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security currently available in the area;

WW. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security during Project implementation;

XX. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security after implementation;

YY. Disclose the method used to determine big game hiding cover, winter range, and security, and its rate of error as determined by field review;

ZZ. Disclose and address the concerns expressed by the ID Team in the draft Five-Year Review of the Forest Plan regarding the failure to monitor population trends of MIS, the inadequacy of the Forest Plan old growth standard, and the failure to compile data to establish a reliable inventory of sensitive species on the Forest;

AAA. Disclose the actions being taken to reduce fuels on private lands adjacent to the Project area and how those activities/or lack thereof will impact the efficacy of the activities proposed for this Project;

BBB. Disclose the efficacy of the proposed activities at reducing wildfire risk and severity in the Project area in the future, including a two-year, five-year, ten-year, and 20-year projection;

CCC. Disclose when and how the KNF made the decision to suppress natural wildfire in the Project area and replace natural fire with logging and prescribed burning;

DDD. Disclose the cumulative impacts on the Forest-wide level of the KNF's policy decision to replace natural fire with logging and prescribed burning;

EEE. Disclose how Project complies with the Roadless Rule;

FFF. Disclose the impact of climate change on the efficacy of the proposed treatments;

GGG. Disclose the impact of the proposed project on the carbon storage potential of the area;

HHH. Disclose the baseline condition, and expected sedimentation during and after activities, for all streams in the area;

III. Disclose maps of the area that show the following elements:

1. Past, current, and reasonably foreseeable logging units in the Project area;
2. Past, current, and reasonably foreseeable grazing allotments in the Project area;
3. Density of human residences within 1.5 miles from the Project unit boundaries;
4. Hiding cover in the Project area according to the Forest Plan definition;
5. Old growth forest in the Project area; 6. Big game security areas;
7. Moose winter range;

The best available science, Christensen et al (1993), recommends elk habitat effectiveness of 70% in summer range and at least 50% in all other areas where elk are one of the primary resource considerations. According to Figure 1 in Christensen et al (1993), this equates

to a maximum road density of approximately 0.7 mi/sq mi. in summer range and approximately 1.7 mi/sq mi. in all other areas.

Do any of the 6th Code watersheds in the Project area meet either of these road density thresholds? It appears the Project area as a whole also far exceeds these thresholds. Please disclose this type of Project level or watershed analysis on road density.

Christensen et al (1993) state that if an area is not meeting the 50% effectiveness threshold of 1.7 mi/sq mi, the agency should admit that the area is not being managed for elk: “Areas where habitat effectiveness is retained at lower than 50 percent must be recognized as making only minor contributions to elk management goals. If habitat effectiveness is not important, don't fake it. Just admit up front that elk are not a consideration.” The Project EIS does not make this admission.

The Forest Service should provide an analysis of how much of the Project area, Project area watersheds, affected landscape areas, or affected Hunting Districts provide “elk security area[s]” as defined

by the best available science, Christensen et al (1993) and Hillis et al (1991), to be comprised of contiguous 250 acre blocks of forested habitat 0.5 miles or more from open roads with these blocks encompassing 30% or more of the area.

Please provide a rational justification for the deviation from the Hillis security definition and numeric threshold that represent the best available science on elk security areas.

We believe that best available science shows that Commercial Logging does not reduce the threat of Forest Fires. What best available science supports the action alternatives?

The project does not demonstrate that it will meet the purpose and need of the project.

Please see the attached paper by Della-Sala 2022.

Please see the attached paper by Baker et al 2023.

Please see the column below by Dr. Chad Hanson.

<https://thehill.com/blogs/congress-blog/energy-environment/590415-logging-makes-forests-and-homes-more-vulnerable-to>

Logging makes forests and homes more vulnerable to wildfires

The West has seen some really big forest fires recently, particularly in California's Sierra Nevada and the Cascade Mountains of Oregon. Naturally, everyone is concerned and elected officials are eager to be seen as advancing solutions. The U.S. Senate is negotiating over the Build Back Better bill, which currently contains nearly \$20 billion in logging subsidies for "hazardous fuel reduction" in forests. This term contains no clear definition but is typically employed as a euphemism for "thinning", which usually includes commercial logging of mature and old-growth trees on public lands. It often includes clearcut logging that harms forests and streams and intensifies wildfires.

Logging interests stand poised to profit, as they tell the public and Congress that our forests are overgrown from years of neglect. Chainsaws and bulldozers are their remedy. Among these interests are agencies like the U.S. Forest Service that financially benefits from selling public timber to private logging companies.

In this fraught context, filled with a swirling admixture of panic, confusion, and opportunism, the truth and scientific evidence are all too often casualties. This, unfortunately, can lead to regressive policies that will only exacerbate the climate crisis and increase threats to communities from wildfire. We can no longer afford either outcome.

*Many of the nation's top climate scientists and ecologists recently urged Congress to **remove the logging subsidies** from the Build Back Better bill. Scientists noted that logging now emits about as much carbon dioxide each year as does burning coal. They also noted that logging conducted under the guise of "forest thinning" does not stop large wildfires that are driven mainly by extreme fire-weather caused primarily by climate change. In fact, it can often make fires burn faster and more intensely toward vulnerable homes. Unprepared towns like Paradise and Grizzly Flats, Calif., unfortunately burned to the ground as fires raced through heavily logged surroundings.*

*Nature prepares older forests and large trees for wildfires. As trees age, they develop thick impenetrable bark and drop their lower limbs, making it difficult for fire to climb into the tree crowns. Older, dense forests used by owls burn in **mixed intensities** that is good for the owl and hundreds of species that depend on these forests for survival. Our national parks and wilderness areas also burn in **lower** fire intensities compared to heavily logged areas.*

*Occasionally even some of the largest trees will succumb to a severe fire but their progeny are born again to rapidly colonize the largest and most **severe burn patches**. Dozens of cavity-nesting birds and small mammals make their homes in the fire-killed trees. Soon after fire in these forests, nature regenerates, reminiscent of the mythical phoenix, aided by scores of pollinating insects and seed carrying birds and mammals.*

Wildfires are highly variable, often depending on what a gust of wind does at a given moment, and even the biggest fires are primarily comprised of lightly and moderately-burned areas where most mature trees survive. By chance, in any large fire there will

always be some areas that were thinned by loggers that burned less intense compared to unthinned areas. Before the smoke fully clears, logging interests find those locations and take journalists and politicians to promote their agenda. What they fail to disclose are the many examples where managed forests burned hotter while older, unmanaged forests did the opposite.

This sort of self-serving show boating occurred after the 2020 Creek Fire in the Sierra National Forest in California, as news stories echoed the logging industry's "overgrown forests" narrative based on a single low-intensity burn area. When all of the data across the entire fire were [analyzed](#), it turned out that logged forests, including commercial "thinning" areas, actually burned the most intensely.

In Oregon, The Nature Conservancy has been conducting intensive commercial thinning on its Sycan Marsh Preserve. Based on satellite imagery, the northern portion of the 414,000-acre Bootleg Fire of 2021 swept through these lands. Within days, TNC began promoting its logging program, focusing on a single location around Coyote Creek, where a "thinned" unit burned lightly. They failed to mention that nearly all of the dense, unmanaged forests burned lightly too in that area. Well-intentioned environmental reporters were misled by a carefully picked example.

Billions of dollars are being wasted to further this false logging industry narrative—funds that instead should be used to prepare communities for more climate-driven wildfires. Congress can instead redirect much needed support to damaged communities so they can build back better and adopt proven fire safety measures that harden homes and clear flammable vegetation nearest structures.

*The path forward is simple, with two proven remedies that work. Protect forests from logging so they can absorb more carbon dioxide from the atmosphere and moderate fire behavior, and **adapt** communities to the new climate-driven wildfire era.*

Please take a hard look at how the project effect the carbon storage of the project area and how the project effects climate change. The federal district court of Montana recently ruled against the Kootenai National Forest on the same boiler plate analysis,

writing: *Ultimately, greenhouse gas reduction must happen quickly, and removing carbon from forests in the form of logging, even if trees are going to grow back, will take decades to centuries to re-sequester. Put more simply, logging causes immediate carbon losses, while re-sequestration happens slowly over time, time that the planet may not have.*

Please find the court's order attached.

The Infrastructure Investment and Jobs Act (PL 117-58) requires:

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“(aa) documentation of an effective reforestation project plan;

“(bb) the ability to measure the progress and success of the project; and

“(cc) the ability of a project to provide benefits relating to forest function and health, soil health and productivity, wildlife habitat,

*improved air and water quality,
carbon sequestration potential,
resilience, job creation, and
enhanced recreational
opportunities.'*

The project does not adequately demonstrate that it is improving the carbon sequestration potential and resilience of the project area.

How will the [roject make the forest more resilient?

Please follow NEPA and take a hard look at the impact of the project on climate change.

Please

- Disclose the biological assessment for the candidate, threatened, or endangered species with potential and/or actual habitat in the Project area;
- Disclose the biological evaluation for the sensitive and management indicator species with potential and/or actual habitat in the Project area;
- Disclose the snag densities in the Project area, and the method used to determine those densities;
- Disclose the current, during-project, and post-project road densities in the Project area;

- Disclose the Kootenai National Forest's record of compliance with state best management practices regarding stream sedimentation from ground-disturbing management activities;
- Disclose the Kootenai National Forest's record of compliance with its monitoring requirements as set forth in its Forest Plan;
- Disclose the Kootenai National Forest's record of compliance with the additional monitoring requirements set forth in previous DN/FONSI and RODs on the Kootenai National Forest;
- Disclose the results of the field surveys for threatened, endangered, sensitive, and rare plants in each of the proposed units;
- Disclose the level of current noxious weed infestations in the Project area and the cause of those infestations;
- Disclose the impact of the Project on noxious weed infestations and native plant communities;
- Disclose the timeline for implementation;

. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security currently available in the area;

- . Disclose the amount of big game (moose and elk) hiding cover, winter range, and security during Project implementation;
- . Disclose the amount of big game (moose and elk) hiding cover, winter range, and security after implementation;
- . Disclose the method used to determine big game hiding cover, winter range, and security, and its rate of error as determined by field review; de-
- . Disclose and address the concerns expressed by the ID Team in the draft Five-Year Review of the Forest Plan regarding the failure to monitor population trends of MIS and the failure to compile data to establish a reliable inventory of sensitive species on the Forest; able
- . Disclose how Project complies with the Roadless Rule; Are there any inventoried roadless areas in the project area?

Please include a complete cost benefit analysis for the project.

Please consult with the Washington State Historic Preservation Office to ensure the project complies with the National Historic Preservation Act.

Please formally consult with the FWS on the impact of this project on wolverines, lynx, lynx critical habitat, monarch butterfly, white-bark pine, grizzly bears, bull trout, bull trout critical habitat, Upper Columbia River steelhead DPS, Upper Columbia River Spring-Run Chinook ESU, Upper Columbia River Spring-Run Chinook and Upper Columbia River Steelhead Designated Critical Habitat.

Please fully address all relevant habitat standards for Columbia River Bull Trout, Upper Columbia River steelhead DPS, Upper Columbia River Spring-Run Chinook ESU, Columbia River Bull Trout Designated Critical Habitat, Upper Columbia River Spring-Run Chinook and Upper Columbia River Steelhead Designated Critical Habitat

Who many openings over 40 acres are proposed?

There have been two groundbreaking articles about lynx. “Correlates of Canada Lynx Reproductive Success in Northwestern Montana” by Megan K. Kosterman.

And “Understanding and predicting habitat for wildlife conservation: the case of Canada lynx at the range periphery” by HOLBROOK et al that confirms Kosterman’s findings.

Does the action alternative comply with Kosterman and Holbrook’s recommendations?

1) USFS needs to take a hard look at impacts to lynx under NEPA, apply the lynx conservation measures and standards of the NRLMD, and consult on lynx via section 7 of the ESA b/c the best available science -- including recent tracking surveys conducted by WTU -- confirm lynx's presence and use of the area;

(3) USFS has failed to survey for lynx as required by the Biological Opinion on the Northern Rockies Lynx Management Direction (NRLMD).

In order to meet the requirements of the FS/USFWS Conservation Agreement, the FS agreed to insure that all project activities are consistent with the Lynx Conservation Assessment and Strategy (LCAS).

LCAS requirements include:

Project planning—standards.

1. Within each LAU, map lynx habitat. Identify potential denning habitat and foraging habitat (primarily snowshoe hare habitat, but also habitat for important alternate prey such as red squirrels), and topographic features that may be important for lynx movement (major ridge systems, prominent saddles, and riparian corridors). Also identify non-forest vegetation (meadows), shrub-grassland commu-

nities, etc.) adjacent to and intermixed with forested lynx habitat that may provide habitat for alternate lynx prey species.

2. Within a LAU, maintain denning habitat in patches generally larger than 5 acres, comprising at least 10 percent of lynx habitat. Where less than 10 percent denning habitat is currently present within a LAU, defer any management actions that would delay development of denning habitat structure.

3. Maintain habitat connectivity within and between LAUs.

Programmatic planning-standards.

1. Conservation measures will generally apply only to lynx habitat on federal lands within LAUs.

2. Lynx habitat will be mapped using criteria specific to each geographic area to identify appropriate vegetation and environmental conditions. Primary vegetation includes those types necessary to support lynx reproduction and survival. It is recognized that other vegetation types that are intermixed with the primary vegetation will be used by lynx, but are considered to contribute to lynx habitat only where associated with the primary vegetation. Refer to glossary and description for each geographic area.

3. To facilitate project planning, delineate LAUs. To allow for assessment of the potential effects on an individual lynx, LAUs should be at least the size of area used by a resident lynx and contain sufficient year-round habitat.

4. To be effective for the intended purposes of planning and monitoring, LAU boundaries will not be adjusted for individual projects, but must remain constant.

5. Prepare a broad-scale assessment of landscape patterns that compares historical and current ecological processes and vegetation pat-

terns, such as age-class distributions and patch size characteristics. In the absence of guidance developed from such an assessment, limit disturbance within each as follows: if more than 30 percent of lynx habitat within an LAU is currently in unsuitable condition, no further reduction of suitable conditions shall occur as a result of vegetation management activities by federal agencies.

Project planning-standards.

1. Management actions (e.g., timber sales, salvage sales) shall not change more than 15 percent of lynx habitat within a LAU to an unsuitable condition within a 10- year period.

Programmatic planning-standards.

1. Identify key linkage areas that may be important in providing landscape connectivity within and between geographic areas, across all ownerships.
2. Develop and implement a plan to protect key linkage areas on federal lands from activities that would create barriers to movement. Barriers could result from an accumulation of incremental projects, as opposed to any one project.

Please demonstrate that project activities are consistent with above and all other applicable programmatic and project requirements.

The U.S. Court of Appeals for the Ninth Circuit hold that “[o]nce an agency is aware that an endangered species may be present in the area of its proposed action, the ESA requires it to prepare a biological assessment” *Thomas v. Peterson*, 753 F. 2d 754, 763 (9th Cir. 1985). If the biological assessment concludes that the proposed action “may affect” but will “not adversely affect” a threatened or endangered species, the action agency must consult informally with the appropriate expert agency. 50 C.F.R. §§ 402.14 (b)(1), 402.12(k)(1).

Canada lynx are listed under the ESA.

Canada lynx may be present in the project area and the proposed project may affect lynx by temporarily increasing road density, removing vegetative cover, and engaging in mechanized activities that could displace lynx.

Please complete a biological assessment for lynx and formally consult with USFWS regarding the project's potential impacts on lynx.

Grizzly Bears

In May 2019, the United Nations released a report finding that the current rate of species extinction “is already at least tens to hundreds of times higher than it has averaged over the past 10 million years.”¹ The mountain caribou in the lower 48 states went extinct just a few months ago. Like the Selkirk grizzly bear, the mountain caribou lived primarily on National Forest land, had a population of less than 50 individuals, and was threatened by logging and roads.

Alliance reiterates this point here because the agencies issued similar assurances regarding the mountain caribou that they now issue for the Selkirk grizzly bear. For example, in litigation to protect the mountain caribou in this Court, the agencies represented that they would “meet caribou needs” by using the best available science and applying forest plan protections, and not approving logging projects unless they concluded that the project was “not likely to adversely affect” the mountain caribou. *Jayne v. Sherman*, 706 F.3d 994, 1001 (9th Cir.2013)(quoting FWS Biological Opinion).

In *Jayne*, these statements were accepted as adequate protections for the mountain caribou. Now the mountain caribou is extinct. It is not

too late to avoid the same fate for the Selkirk grizzly bear. As members of Congress stated when

¹https://www.ipbes.net/sites/default/files/downloads/spm_unedited_advance_for_posting_htn.pdf

they passed the ESA: “The agencies of Government can no longer plead that they can do nothing about [the grizzly bear]. They can, and they must. The law is clear.” *Tennessee Valley Auth. v. Hill*, 437 U.S. 153, 184 (1978) (quoting Congressional Record).

The preservation of endangered species takes “priority over the ‘primary missions’ of federal agencies.” Accordingly, courts must “afford[] endangered species the highest of priorities,” and act with “institutionalized caution” when reviewing ESA cases. *Cottonwood Env’tl. Law Ctr. v. USFS*, 789 F.3d 1075, 1091 (9th Cir.2015). This Court holds that the “fundamental principle [of institutionalized caution] remains intact and will continue to guide district courts when confronted with requests for injunctive relief in ESA cases.” *Id.* Although the district court did not apply this fundamental principle in this case, this Court may now remedy that error by issuing a temporary injunction pending appeal to preserve the status quo until a final decision is issued on the merits.

The project will not maintaining and enhancing grizzly habitat and will increase the potential for grizzly-human conflicts in violation of NFMA, NEPA, the APA and the ESA.

The Forest does not have a good track record of keeping closed roads closed. The Forest Service does not disclose the road mileage behind these ineffective closures; therefore it is unclear how many miles of additional open and total roads must be added to the existing condition calculations as a result of these ineffective closures.

How many road closure violations have occurred in the Ranger District in the last 5 years?

Chronic recurring road closure breaches cannot reasonably be construed as “temporary.”

Because of the serious impacts to grizzly bears, please demonstrate compliance with Forest Plan standards relevant to grizzly bears, and analyze the direct, indirect, and cumulative impacts to grizzly bears.

The FS should be identifying key habitat components for grizzly bears for prioritizing road density reductions (Proctor, et al., 2020) so populations can recover.

The project will not maintaining and enhancing grizzly habitat and will increase the potential for grizzly-human conflicts in violation of NFMA, NEPA, the APA and the ESA.

The Forest does not have a good track record of keeping closed roads closed. The Forest Service does not disclose the road mileage behind these ineffective closures; therefore it is unclear how many miles of additional open and total roads must be added to the existing condition calculations as a result of these ineffective closures.

In a recent Ninth Circuit Opinion, the court found that the Forest Service had failed to establish whether similar “undetermined” roads of unknown origin caused an increase above the Tobacco BORZ baseline:

The error cannot be treated as harmless in light of the ambiguity in the record as to whether the “undetermined” roads at issue were, in fact, included in the Access Amendments baseline calculation.

There are at least three problems with the KNF's record of amount of roads. First, because "undetermined" is a sub-category of "unauthorized" roads, it is possible that the particular undetermined roads at issue in this case were created—without authorization from the Forest Service—in the interim between the measurement of the Access Amendments baseline and the Forest Service's survey of existing roads for the Project.

All. for the Wild Rockies v. Savage, 897 F.3d 1025, 1036, n.18 (9th Cir. 2018). In light of these circumstances that (1) road closures/barriers are regularly breached but the Forest Service conducts no systematic monitoring to determine how many miles of illegal road use are occurring behind barriers each year, and (2) the Forest Service simply ignores illegal "undetermined" roads and does not include them in its calculations for open or total roads in the annual monitoring reports, the open and total road numbers in the monitoring reports are not accurately reflecting the conditions on the ground. It is therefore reasonable to assume that the baselines in the project area regularly exceeded because the reported conditions hover at or near the baseline.

Chronic recurring road closure breaches cannot reasonably be construed as "temporary;" and illegal road use does not fall within the scope of Access Amendment "temporary" roads.

The Forest Service and FWS have acknowledge that road closure breaches (and resulting illegal road use) are not addressed in the Access Amendment. Nonetheless, the agencies argue that all road closure breaches regardless of whether they are chronically recurring and regardless of how long they last on the landscape must be construed as "temporary" road increases. Onto this premise, the agencies then bootstrap an additional argument that because certain spe-

cific types of temporary roads were addressed in the Access Amendment, that discussion must also apply to “temporary” road increases from illegal road use.

First, it is not reasonable to construe recurring illegal road use as “temporary” road density increases. The monitoring reports indicate that public users may repeatedly breach the same closure year after year. See, e.g., AR42:000059-62 (noting that boulders placed in 2015 have been removed and unauthorized users are again circumventing gate on Road 2236). Moreover, the Forest Service may take years to act on known violations. See, e.g., AR42:000061 (“The Clatter Creek gate (268) was included on the 2015 gate repair contract but after the bids came in the Clatter Creek gate was dropped due to repair costs for all gate repairs exceeding available funding. In BY2016 the gate remained damaged and ineffective.”); see also AR43:000081-82 (note 2)(during planning for the Hanna Flats logging project, the Forest Service found illegal motorized use on 15.7 miles of road that were not included in the baseline but the agency postponed remedial action until implementation of the logging project; in the 2018 monitoring report, the agency concedes it has still not yet eliminated this illegal use); see also AR232:000767 (finding that four barriers did not effectively prevent motorized use but deferring any action to fix the problems).

Thus, while the Forest Service insists that all breaches are temporary, those same breaches may be recurring or may have lasted for many years prior to discovery and remedial action, resulting in a chronic situation. The situation with the BORZ is a good illustration of this problem S although the Forest Service insists that it fixes all breaches as soon as possible, nonetheless at least four out of seven BORZ areas chronically fail to meet both the open and total road

baseline conditions from the Access Amendment, as shown above in the table in Section B.

Second, even assuming that illegal road use could be construed as “temporary,” it still does not have the same effect as lawful temporary road use. A breach of a closure device that results in public motorized use in effect results in an open road. The Access Amendment severely restricts temporary increases in open roads: “immediately following completion of all mechanized harvest and post-harvest slash activities requiring use of the road, to allow motorized public use during the bear summer season prior to the fall bear hunt (i.e., June 16 - August 31) for activities such as personal firewood collection. This public access would only be provided in cases where the mechanized harvest and/or post-harvest slash activities occurred during the same active bear year.”

Thus, temporary increases in open roads are limited to a June 16-August 31 window, and may only occur in the same year in which logging activities have already occurred and used that particular road, presumably because grizzlies would have already been displaced from those areas. In contrast, illegal motorized use behind road closure breaches is not limited to a June 16-August 31 window, and is not limited to a single year entry on a road along and on which logging activities have already been occurring.

Moreover, illegal road use would also constitute an increase in total roads. However, temporary increases in total roads are only permitted if the roads are “effectively” gated to prevent public use during a project, (2) after project use, the roads are treated so as to “effectively prevent[] motorized access” and require no motorized access for

maintenance for at least 10 years, and (3) upon project completion, the area is “returned to or below the baseline levels contained in Table 16” of the Access Amendment ROD. Obviously a road that has illegal road use is not “effectively” gated to prevent public use.

Thus, illegal road use does not comply with the restrictions set for lawful increases in temporary roads neither open nor closed in the Access Amendment and therefore cannot possibly have the same effects. It is simply implausible that unlimited illegal road use occurring at any time in any location would have the same effect on grizzly bears as Access Amendment temporary roads that are significantly restricted in both timing and location. Indeed, illegal road use is illegal precisely because the Forest Service has already closed these specific roads to protect grizzly bears. If illegal motorized use occurs on these roads that were closed to protect grizzly bears, it may displace grizzly bears from areas that they would otherwise not be displaced from.

2017 DNA sampling identified only 44 individual bears. 1 Specifically, the recent sampling identified 20 females and 24 males, with 23 bears in the Cabinets and 21 bears in the Yaak portion of the ecosystem.

Recognizing that the grizzly bear population in the Cabinets portion of the ecosystem is likely much smaller than the estimated population for the entire ecosystem, we are likely looking at a much larger percentage of the population being seriously impacted during the life because of this project.

Because of the serious impacts to grizzly bears, please demonstrate compliance with Forest Plan standards relevant to grizzly bears, and analyze the direct, indirect, and cumulative impacts to grizzly bears.

The Forest Service must comply with National Forest Management Act (“NFMA”) and its implementing regulations. NFMA requires the Forest Service to ensure that site-specific management projects are consistent with the applicable forest plan. 16 U.S.C. § 1604(i). Thus, the Forest Service must ensure that all aspects of the proposed action comply with the Kootenai Panhandle National Forests Land Management Plan.

The Grizzly Bear Access Amendment set standards for open motorized route density (“OMRD”), total motorized route density (“TMRD”), and retention of core grizzly bear habitat within the Cabinet-Yaak and Selkirk Recovery Zones bear management units. This Amendment is incorporated as a standard (FW-STD-WL-02) in the Kootenai National Forest Plan at Appendix B. The Forest Service must comply with the Access Amendment TMRD standards during and after project implementation, if not the project directly violates NFMA.

Dr. David Mattson makes the following points.

The assessment of prospective effects of the this project on grizzly bears in the is premised on several critical assumptions. First, status of the Cabinet-Yaak grizzly bear population is assumed to have improved since 2012. Second, and related, the KNF assumes that some erosion of security for grizzly bears is therefore permissible, conditioned on a related assumption that security and road access standards employed by the Kootenai National Forest (NF) are sufficient for recovery of grizzly bears in this ecosystem.

All of these assumptions are unwarranted.

Briefly:

- The weight of available evidence does not support concluding that population status has improved. For one, the methods used to estimate trend and current population size are beset with a host of problems. For another, the information able to be distilled from demographic data suggests that any improvement has stalled since 2014.
- Variations in population size and trajectory between 1999 and 2010 are more likely attributable to variations in abundance of natural foods—berries in particular—that affect exposure of bears to humans rather than to any increased mitigations. During years of scant berries, bears likely forage more widely and more often end up in conflict situations or exposed to malicious killing.
- The population of bears in the Yaak/Yahk is far smaller than even the smallest size posited to be viable by any researcher. Related, the population remains acutely vulnerable to even the smallest increases in bear mortality that are predictably more likely to occur with any increase in road access and associated human activity.



1

- Malicious and other unjustified killing by humans remains the dominant cause of death for grizzly bears in the Cabinet-Yaak Ecosystem. These kinds of killings are predictably associated with roads. As a result, levels of road access need to be substantially reduced and related levels of habitat security substantially increased rather than the opposite, as is being proposed for the Knotty Pine Project.
- Road density and habitat security standards used by the Kootenai NF are patently deficient, partly because they are based on research that conflates behavioral phenomena such as avoidance and displacement with demographic phenomena, notably survival. The scale is wrong as well, given that exposure to mortality hazards logically accrues over years as a consequence of cumulative annual movements of bears vis-à-vis hazardous environs. As a corollary, the fact that standards on the Kootenai NF are more lax than standards on the Flathead NF is self-evidently nonsensical given that grizzly bears in the Cabinet-Yaak Ecosystem remain in a much more precarious status compared

to grizzly bears in the Northern Continental Divide Ecosystem.

- There is little or no evidence that food abundance is a significantly limiting factor for grizzly bears in the Cabinet-Yaak Ecosystem—especially as manifest in reproduction. On the other hand, there is ample evidence that human-caused mortality had governed and continues to govern the fate of this population, with food effects manifest primarily in the extent to which grizzly bears are exposed to human-related hazards during years when berries are in shorter supply.
- Compounding prospective problems with the project, proposed activities are concentrated in an area that is vital for facilitating movement of grizzly bears between core habitats. Project activities will diminish rather than enhance security needed not only to facilitate transit of bears, but also increase odds that exposed bears will survive.
In short, the Knotty Pine project promises to harm grizzly bears in the Cabinet-Yaak Ecosystem.

2

A. Weight of Evidence Does Not Support Concluding that Status of the Cabinet-Yaak Population has Improved Since 2012

A.1. The 2.1% Per Annum Growth Rate for the Cabinet-Yaak Population is Not Justified or Applicable

Use of a 2.1% per annum growth rate to project total size of the Cabinet-Yaak population from the Kendall et al. (2016) 2012 point estimate, as was done by Kasworm et al (2018), is not defensible. Such use is, moreover, guaranteed to produce spurious results that cannot legitimately be used to reach conclusions of management relevance. There are several unambiguous reasons.

A.1.a. The growth rate is not representative of the total population

First, the estimated 2.1% per annum growth rate only applies to an unknown fraction of the total Cabinet-Yaak grizzly bear population. Vital rates used to estimate this growth rate were based solely on “native” or “natural” research-trapped bears, and expressly excluded bears captured because of conflicts or part of the augmentation program (Kasworm et al. 2018: 10). The growth rate, moreover, applies almost exclusively to the Yaak portion of the population given that 95% of the data used to estimate survival rates and 85% of the data used to estimate reproductive rates came from this subpopulation (ibid: 36)—protestations by the authors notwithstanding (ibid: 36). On top of this, the 2.1% per annum rate was estimated only for the female portion of this high-grade (ibid: 10), which is of consequence even though female survival is disproportionately important in determining growth rate, as such.

In other words, the 2.1% per annum growth rate can only be legitimately applied to females residing in the Yaak subpopulation that were not trapped and marked as a result of conflicts nor part of the augmentation program. Put another way, management-trapped bears, augmentation bears, and males would need to be represented in a modeling framework if any estimated population growth rate were to be *prima facie* representative of the total population. Moreover, if the fates of all such bears were to be considered, estimated population growth rate would almost certainly be lower given that survival rates

of males, augmentation bears, and management bears are substantially less than survival rates of the females used to estimate the 2.1% per annum growth rate (ibid: 33-35).

If a growth rate were to be used to project a total population estimate, comparable to the Kendall et al. 2012 point estimate of 49 bears (95% CI = 44-62), then such a growth rate would need to represent birth and death rates of the total population, and apply specifically to the period of interest (e.g., 2012-2017) rather than a longer period of time that masks the relevant trajectory (see my point below).

A.1.b. The growth rate does not represent 2012-2017

The 2.1% per annum growth rate used by Kasworm et al to project 2017 population size was calculated using data that span 1983-2017 and so, therefore, axiomatically represent a generalized growth rate for Yaak females during this lengthy 35-year period. Put another way, the 2.1% per annum growth is not an estimate of growth for the period 2012-2017. For it to be so, the rate would have necessarily been estimated only using data from the approximate 2012-2017 period.

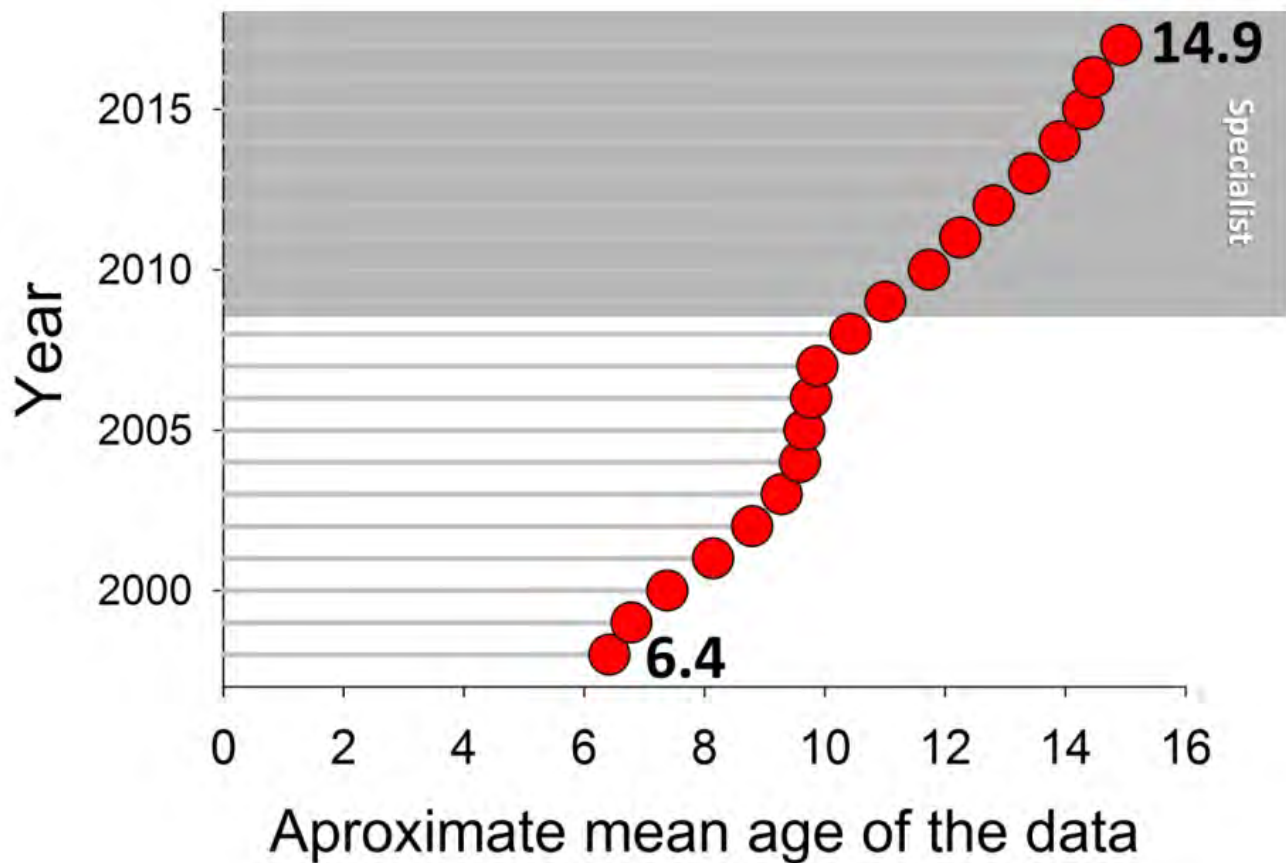
More to the point, estimates of growth for the Yaak female population are increasing back-weighted by inclusion of data that are, on average, increasingly old. Figure 1 (herein) shows the approximate average age of data used to calculate vital rates with the passage of time (from ibid: Table 17, 40-42). Notice that average age has increased from around 6-7 years in 1998 to nearer 15 years in 2017. In other words, with the progression of time estimates of population growth for the female segment of the Yaak population have become increasingly irrelevant to judging current population trajectory.

The Government retort to these contentions would probably be that the data from such a short period of time would be so sparse as to preclude a usefully accurate estimate. That is almost certainly the case, and a commentary in its own right on the profound limitations imposed by intrinsically small sample sizes. Nonetheless, this does not negate the point that the 2.1% per annum growth rate for 1983-2017 is spurious when applied to the 2012-2017 period. As Figure 11 clearly suggests (ibid: 37), population growth rate has almost certainly varied over time, albeit in largely indeterminate ways (see my following point).

Figure 1. Trend in mean age of data used to calculate vital rates of Cabinet-Yaak grizzly bears with passage of years from 1998 to 2017. Mean age has more than doubled, with trend towards increased aging accelerating since deployment of a conflict management specialist in the ecosystem. Increasing age renders estimated vital rates increasingly irrelevant to current conditions.

A.1.c. Uncertainty of the growth rate as currently (or even ideally) calculated debars use

Small sample sizes impose very real constraints on the precision and accuracy of all demographic rates being used by Cabinet-Yaak researchers and managers. These constraints follow ineluctably from the small size of the Cabinet-Yaak grizzly bear population, which is a non-negotiable feature of this ecosystem.



As a practical upshot, all of the population growth rates calculated to date have uncertainty intervals (e.g., 95% confidence intervals) that not only substantially overlap zero (i.e., no growth) but also, over time, each other. More specifically, despite purporting to show trend in cumulative growth rate over time, the confidence intervals shown in Figure 10 (ibid: 37) all overlap—most almost completely (see also Figure 2A herein). Because of this, there is little or no basis for concluding that growth rate has varied with time. Likewise, taking a precautionary approach, there is little or no justifiable basis for concluding that growth rate is currently positive, despite statements in Kasworm et al. such as “The probability that the population was stable or increasing was 73%” (ibid: 36), especially in light of the fact that the point estimate of 2.1% per annum is a cumulative rate span-

ning 1983-2016 with little or no known relationship to current rate of population increase or decline.

Moreover, when the totality of point estimates and uncertainty is taken into consideration for the period 1998-2017, there is a cumulative 62% probability that the population was declining during these 19 years, consistent with the 2017 estimate of population size for Yaak females still being around 52% less than the estimate of population size for 1998 (Figure 2A and 2B herein).

The implications of uncertainty are thrown into relief by examining the specifics of projecting population size forward in time from 1983 to 2017 using the 1.021 (95% CI = 0.949-1.087) growth rate, noting up front that uncertainty in annual growth rate magnifies exponentially over time when manifest in population size. For example, after back-casting to obtain a plausible 1983 population starting point, deterministic projections of population size using the upper and lower confidence intervals of growth allow for a current population (2017) of anywhere between 3 and 256. Stochastic projections, e.g., using the software RISKMAN, generate a similar and not particularly useful range of 4 to 154 individuals.

The point here is that the raw cumulative uncertainty is huge, especially when dealing with a time period as long as 1983-2017. It is also important to note that this exercise takes the 1.021 estimate of lambda at face value, which, as per my previous points, is unwarranted.

Related to this last point, the current basis for modeling population growth rate using Booter (ibid: 10- 11) is egregiously simplistic given the self-evident structural complexity of grizzly bear population demography in the Cabinet-Yaak Ecosystem. For any estimate of growth rate to be realistic, explanatory, relevant, and accurate, all of the main structure needs to be accommodated. More specifically, a

relevant demographic model would ideally include source-sink structures accounting for management- trapped versus research-trapped bears, bears in the Yaak area versus the Cabinet Mountains, augmentation bears versus in situ bears—in addition to accounting for the male segment as well as inter-annual variation attributable to variation in key food resources (see later). The model described in Kasworm et al. does none of this.

Again, the probable retort would be that sample sizes are too small to support estimating the many rates required for such a model. But that is, indeed, the point. And no amount of hand-waving or protest will make it otherwise nor redeem the deficiencies in current estimates of demographic rates. The uncertainty is real and unavoidable, and should be acknowledged in management decision-making.

A.2. Even taking estimated growth rate at face value, current population status is problematic

Even taking the population growth rate estimated by Kasworm et al. at face value, the most defensible conclusions would be, first, that status of the population has worsened during 2014-2017 compared to 2006-2013, and, second, that numbers are still substantially less than the presumed peak reached around 1998. These conclusions are based on trend in population growth rate over time (as per *ibid*: 37), and trend in population size estimated by projections using year-specific cumulative population growth rates (e.g., projecting population size for 1998 using the 1983-1998 growth rate estimate, and then doing the same for each successive year, with 1983 the starting year throughout).

Figure 2 (herein) shows seminal results. In Figure 2A I've identified three periods typified by trends in population growth: rapid decline

of 2% per annum during 1998-2006, coincident with the berry famine (see below); a nearly as rapid 1.1% rate of improvement during 2006-2014; followed by stalling in the rate of improvement to around 0.2% per annum since 2014—an 82% decline in rate of change—coincident with population growth rate finally reaching positive territory. Importantly, this refers to the per annum rate of deterioration or improvement in population trajectory, which is perhaps the most relevant information to be gleaned from the estimates of population growth rate presented by Kasworm et al.

Finally, Figure 2B (herein) shows trend in estimated size of the Yaak female population, both as a central tendency (dark green line) as well as bounding uncertainty (light green band, based on projections using the upper and lower confidence intervals for each cumulative estimate of growth rate). Parenthetically, I transformed the values to a natural log scale in Figure 2B to visually emphasize trends given that the bounds of uncertainty explode with projections increasingly farther forward in time. The take-away point is that, according to these values, population size peaked during 1998, reached a nadir during the height of the berry famine in 2006, increased through 2014, and then stalled during 2015-2017 at a size that was still around 52% less than peak numbers reached during 1998.

The key points here are that improvement in status of the female segment of the Yaak population stalled beginning in 2014 at numbers that were still approximately 52% less than the peak reached during 1998. Having said this, both of these conclusions remain severely compromised by the intrinsic uncertainties, lack of relevance, and bias of methods used by Kasworm et al.

A.3. Conclusion

The upshot of all this is that there is no legitimate basis for estimating current population size (e.g., 55- 60) by applying a biased 1983-

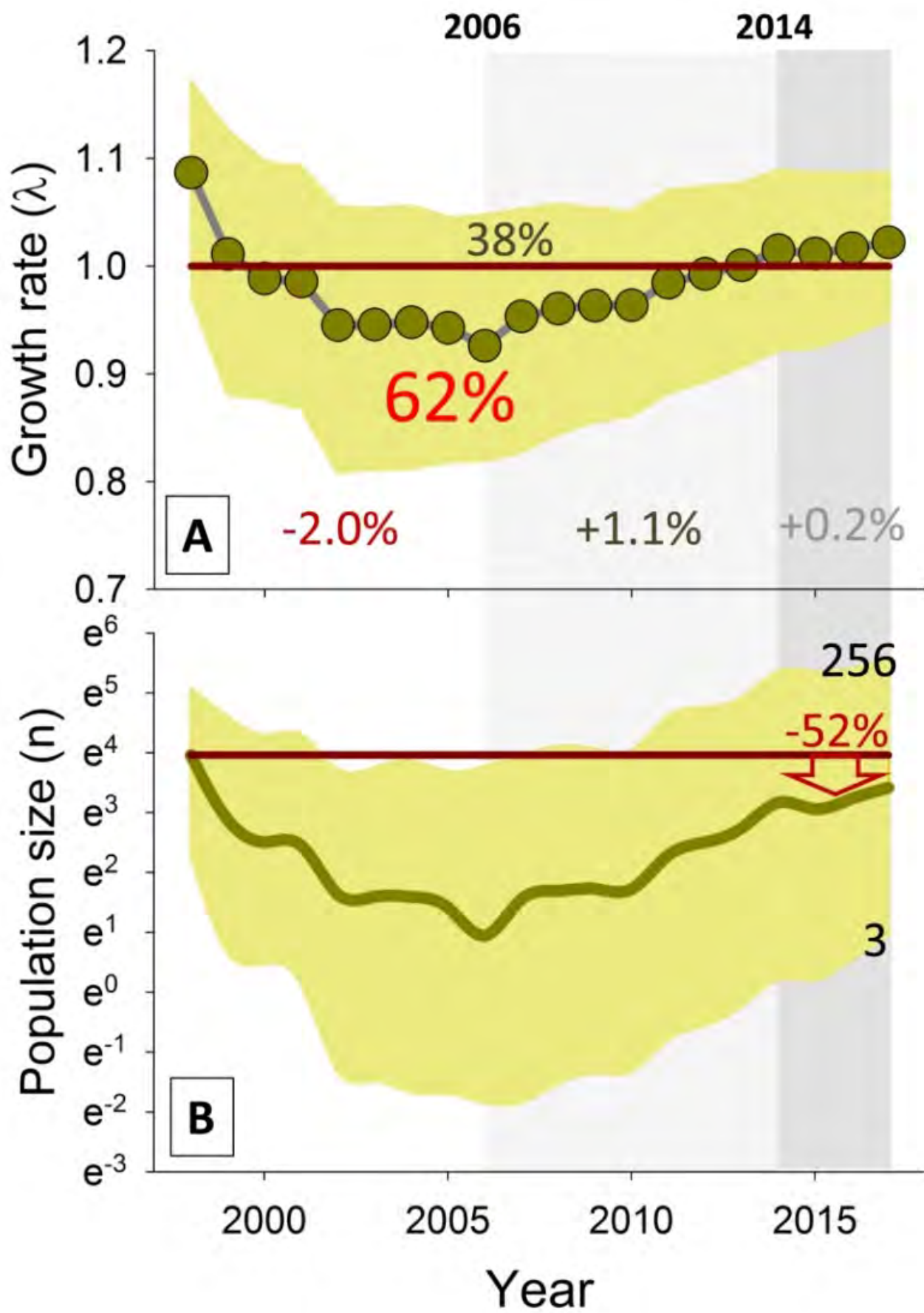
2017 growth rate—based on high-graded data representing only a fraction of the population—to a point population estimate made during 2012. Moreover, even taken at face value, the current cumulative population growth rate shows stalled improvement in population status and a population still substantially less than peak numbers reached during 1998.

The best that can be perhaps be invoked is a contrast between the presumed minimum estimate of 35 bears during 2014-2017 (ibid: 27) and the 2012 estimate of 49 (44-62) bears reported by Kendall et al.

(2016). The estimate of 35 for 2014-2016 is self-evidently less than the lower bound of the 2012 confidence interval, more consistent with a static or even declining population than with an increasing one. Of greater relevance to the draft EIS, this general conclusion also holds for comparisons specific to the Cabinet population (a current minimum of 13 bears compared to lower confidence intervals of around 20 reported by Kendall et al. for 2012).

Figure 2. Trend in estimated population growth rate (A) and related estimated total population size (B) for Cabinet-Yaak grizzly bears, with the notable proviso that both sets of estimates are based almost wholly on data obtained from female grizzly bears in the Yaak population. Dark green dots or lines denote central tendencies, large green bands bounds of uncertainty. The horizontal dark red line in (A) denotes no growth, with any values above leading to increase and any values below leading to decline. The red line in (B) corresponds with estimated population size in 1998. In (A) I also show the cumulative weight of evidence for population declines versus increases for 1998-2017 along with average annual rates of change in lambda during three periods characterized by non-stationary shifts in dynamics.

The numbers at right in (B) correspond to the range in estimated population size given uncertainties in growth rate (3-256), as well as the deviance in current estimated population size from the 1998 benchmark.



B. Comparison of Pooled Survival Rates in Kasworm et al. (2018) is Not Legitimate

As ancillary support for the proposition that size of the Cabinet-Yaak population has increased between 1999-2006 and 2007-2017, Kasworm et al state that “Grizzly bear survival of all sex and age classes decreased from 0.899 during 1983–1998 to 0.792 during 1999–2006 and then rose to 0.934” (ibid: 34), and then summarize these same numbers in Table 13 (ibid: 34).

Most of the problems and associated bias noted above applies to this comparison. Note, first, that the 95% confidence intervals reported in Table 13 for pooled estimates from all three time periods overlap, which precludes confidently concluding there is any difference in mean rates. Moreover, note the restriction to “native” bears, which excludes any consideration of conflict-trapped or augmentation bears, which were very much a component of the 2012 point estimate of population size.

The other problematic aspect of this comparison is that data from all bear sex and age-classes were pooled, without any apparent attempt to determine whether this collapse of data preserves representation of the population at large. Are males over- or under-represented?...likewise subadults versus adults? Some sort of weighting scheme reflective of current or even stable population structure could provide some remedy, but without compensating for other biases.

The other interesting aspect of this data-pooling is the extent to which it is at odds with other results and commentary in Kasworm et al. More specifically, this aggregation of data ignores the disproportionate importance of subadult females to population dynamics. This

importance is evident in the near 85% variance in estimated population trend attributed to survival of subadult and adult female bears in Booter calculations (but with 60% attributable to subadult female survival, Table 15; *ibid*: 37), as well as the different contextual emphasis placed by the authors on female survival on Pages 32 (“...it is important to consider the rate of female mortality”) and 37.

The implication of all this is that the comparison of survival rates estimated from pooled data presented by Kasworm et al on Pages 33 and 34 does not mitigate the many fatal problems with their estimates of population growth rate.

C. Comparison of Annual Average Deaths in Kasworm et al. (2018) is Uninformative

Kasworm et al. (2018) present information on grizzly bear deaths in the Cabinet-Yaak Ecosystem in terms of numerous contrasts and adjustments presumably designed to be of relevance to various management deliberations. On pages 15-16 a running average of annual mortalities is related to recovery criteria; on pages 16-18 a full list of deaths with ancillary details is provided; and on pages 31- 33 mortality is summarized in multiple ways presumably relative to different management considerations. Throughout, the parsing, categories, and nomenclature are confusing, obfuscated, and confounded. As a result, I needed to reconstruct much of the analysis of mortalities presented by

Kasworm from the raw data on pages 16-18. The contrast among time periods presented in Table 11 (*ibid*: 33) was a particular focus.

C.1. Table 11 in Kasworm et al. (2018) is a Tangled Mess

The totals in the column farthest right in Table 11 of Kasworm et al. (2018) include all mortalities— human-caused, natural, within 16-km of the Recovery Area boundary, in the US as well as Canada— plus the estimated unrecorded human-caused mortalities. For some inexplicable reason, and unlike in the NCDE and GYE, natural mortalities and mortalities of unknown cause were not accounted for in estimations of unrecorded mortalities.

The upshot is that the row totals in Table 11 represent a mishmash of natural, human-caused, and estimated unrecorded human-caused mortalities, without any straight-forward connection to judging overall population status. In fact, the inattention and even outright dismissal in this context of natural mortality as a factor in judging population status is mystifying given that a dead bear, for whatever reasons, matters in assessing the toll taken by mortality.

C.2. Comparison of ‘rates’ between 1999-2006 and 2007-2017 is Uninformative

By contrast, the comparison of annually-averaged human-caused mortality between 1999-2006 and 2007-2017 on Page 32 of Kasworm et al. only considers human-caused mortality, but without including any of the estimated unrecorded human-caused mortality included in Table 11—and without any cogent explanation. The confusion implicit to this inexplicable parsing is compounded by use of the term ‘rate’ in reference to an annual average, in context of ‘rate’ being used elsewhere in reference to survival and reproductive rates referenced to fates of individual bears. On top of this, a typo was made in reference to the 2007-2017 ‘rate,’ which should be 2.2, not 2.1. This error amplified the potential for confusion arising from comparing ‘2.1’ with ‘2.25’ and calling the first value an increase over the second.

Reducing this chaos to something comprehensible: the annually averaged number of known and probable human-caused deaths during 1999-2006 was 2.13. Using all currently available data, for 2007-2018 the average was 2.08. When the estimate of unreported human-caused deaths is included, the average for 1999-2006 was 2.75 (95% CI 1.6-3.9). For 2007-2018 it was 3.2 (95% CI 2.2-4.2). Considering total known-probable mortality plus estimated unreported human-caused mortality—but without any correction for unreported natural deaths—the annual averages for 1999-2006 and 2007-2018 were virtually identical: 3.9 and 3.8.

The important point is, here again, that rote statistical uncertainty debars any conclusion about increase, stasis, or decrease in numbers of human-caused deaths. The confidence intervals of annual averages overlap substantially, which is not surprising given the small sample of years and dead bears. This statistical uncertainty is amplified by uncertainty attached to detecting any bear death other than that of an actively radio-monitored animal. Considering only human-caused deaths, this certainly holds for poached bears, deaths ‘under investigation,’ and deaths from unknown (but human-related) causes. A back-of-the-envelope calculation suggests that such deaths need to be increased by around 70 to 120% in year-end tallies.

In the face of such irrefutable uncertainty, Kasworm et al resort to focusing on and then emphasizing female mortality, which reduces the absolute values of calculated averages even further. When an estimate of unreported human-caused female mortalities is added to known mortalities (using the long-term proportion of F:M deaths=0.4), the result is an annual average of 1.75 (95% CI 0.83-2.67) female deaths for 1999-2006 and 0.80 (95% CI 0.34-1.54) female deaths for 2007-2018. All of the reported differ-

ences in mean values are so far within the range of statistical uncertainty as to render these comparisons a bit absurd.

C.3. Conclusion

Again, researchers and managers in this ecosystem might argue that small samples prevent any degree of certainty about conclusions, but this does not obviate the obligation to acknowledge uncertainty. Nor does it eliminate the practical consequences of small sample sizes and the compromising effects of chance processes—highlighted recently by a jump in recorded deaths from 1 in 2017 to 3 in 2018, a tripling in just one year. More certainly, it recommends humility and precaution in the face of such statistical ambiguities.

But all of this still leaves open the question of why natural mortalities as well as mortalities that cannot be definitively ascribed to human causes are not accounted for in assessing population status. This question is especially relevant given that Kasworm et al comment in several places on the extent to which variation in abundance of key natural foods likely drives population dynamics, often through the ‘natural’ death of dependent young (see below). Or, even, why, when considering only human-caused mortality, adjustments to account for unrecorded deaths were not included. This is all a bit mystifying as well as *prima facie* unjustified.

D. Status of the Cabinet-Yaak Population Remains Highly Precarious

The current vulnerability of the Cabinet-Yaak population can be illustrated through a simple exercise, even without accounting for spatial structure of the Cabinet and Yaak subpopulations. I input vital rates into a commonly-used risk management program named RISKMAN (currently being proposed for management of grizzly bear mortality in the NCDE). Using the stochastic function, I was

able to reconstruct the c. 2.1% growth rate reported by Kasworm et al (2018) for 1983-2017. More specifically, the cumulative geometric mean growth rate (λ) varied from a maximum of 1.035 to a minimum of 1.008. Accounting for variation in vital rates, the median ending population size at year 34 was 43, although the upper and lower 95% percentiles of simulated trajectories produced ending populations as small as 4 and as large as 154.

I then simulated what would have happened if just one additional female died each year. In this scenario, the geometric cumulative mean growth rate dropped from 0.952 (already much less than 1) to an astounding 0.202 at year 34 of the simulation (Figure 3 herein). Median total population size had reached 0 by year 23, with an upper 95th percentile of only 11 animals at the end of simulations. Results were not much improved when an additional 1 female was lost only once every 2 or 3 years. This is not

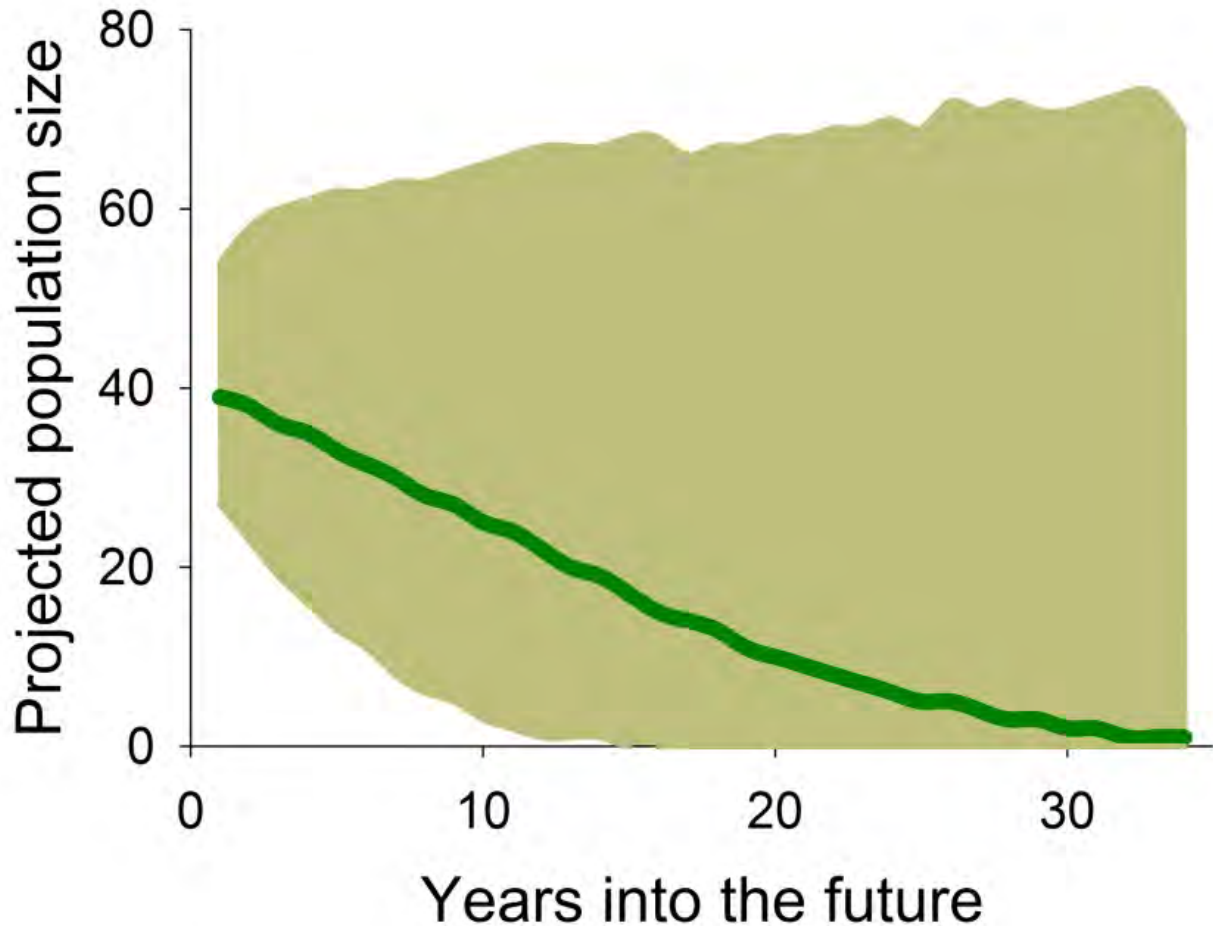
presented as any definitive modeling result, but rather illustrative of how little the margin of error is, and how vulnerable this population is to even the smallest increased increments of mortality (e.g., Kendall et al. 2016). This point is especially germane given that one adult female was killed by humans each of the last two years, during 2018 and 2019. And this does not account for adult females that died and were not documented.

Figure 3. Results of RISKMAN projections for the Cabinet-Yaak population using vital rates reported by Kasworm et al. (2018), but introducing the death of an additional female grizzly bear once every 2 years. The thick green line represents the median trend of projections; the dusky green band above and below the variability of projections.

E. Weight of Available Evidence Emphasizes the Continued Importance of Malicious Killing

The extent to which poaching, malicious killing, or other suspect circumstances are associated with human-caused deaths is also instructive regarding the overall effectiveness of conflict mitigation efforts during 1999-2017 to offset the problematic effects of road-access and poaching. By its nature, malicious killing/poaching is a criminal act undertaken by criminals. Such behavior is rooted in attitudes and outlooks that are notoriously unresponsive to education and ‘outreach’. The phenomenon is about willful malfeasance. As such, limitations on road access coupled with improved law enforcement and successful prosecutions are logically the most appropriate redress—not, for example, conflict mitigation by a specialist who is not tasked primarily with law enforcement.

Before pursuing this any farther, some clarification of obfuscations in the dead bear database is needed. During 1999-2017 a number of deaths were ascribed to ‘Undetermined’ human causes, ‘Poaching’ or listed as ‘Under investigation’. The first and last categories are not explicit, but nonetheless strongly suggestive. Certainly, ‘Under investigation’ suggests that the death occurred under suspicious circumstances warranting investigation—with a strong likelihood of either poaching or other



unwarranted lethal action by the involved people. Such suspicions are rarely definitively resolved. ‘Undetermined’ is also more suggestive of malfeasance rather than innocence on the part of the involved people. Given the alternatives, such deaths are more defensibly allocated to causes more resistant than not to mitigation.

With all of this as context, there were a total of 7 known-probable deaths during 1999-2006 attributed to either poaching or undetermined causes, representing 58% of total human-caused deaths. During 2007-2018 there were a total of 13 deaths either under investigation or ascribed to poaching, representing a nearly identical 59% of the total known-probable human-caused deaths. These are major fractions in their own right, but leave estimated numbers of unre-

ported deaths unaccounted for. As Kasworm et al make clear (ibid: 33), their estimate of ‘unreported’ deaths did not apply to bears that were radio-collared or removed by managers, which leaves this unreported estimate levied almost entirely against malicious or otherwise suspect causes. When these unreported estimates are added to the known-probable toll taken by poaching, unknown causes, or suspicious circumstances, the percentage increases to around 70% during 1999-2006 and approximately 77% during 2007-2016.

Taken together, these figures support concluding that (1) malicious or otherwise suspect causes account for a large portion—if not majority—of grizzly bear deaths in the Cabinet-Yaak Ecosystem; (2) the fraction and even total numbers of deaths attributable to such causes did not decrease from 1999-2006 to 2007-2018; and (3) that aggressive limitations to road access by the USFS are needed, especially in areas with concentrations of productive habitat (Proctor et al. 2015, 2017).

F. Access Management is Critical to Limiting Malicious & Other Unjustified Killing

The consensus of relevant research is unambiguous about the link between road access and grizzly bear mortality. The more access, the more dead bears there are, with disproportionate concentrations near roads (Brannon et al. 1988; Benn & Herrero 2002; Nielsen et al. 2004; Wakkinen & Kasworm 2004; Boulanger & Stenhouse 2014; McLellan 2015; Proctor et al. 2017, 2018). Dead bears tend to be concentrated within 100 to 500 m of roads, averaging around 300 m (± 195 m) among studies where distance was noted.

Unfortunately, there is a common conflation of the extent to which radio-marked grizzly bears spatially avoid roads with the geospatial configuration of mortality risk and, even more important, decrements in survival and population growth. These parameters are not

synonymous. Even though a bear might underuse habitats within a certain distance of roads, this does not translate into a 1:1 correlation with exposure to risk of human-related mortality during a bear's lifetime. Conflation of avoidance with mortality risk has led to the unstated assumption that the former can be used to set standards for the latter. Such is the case for road density and habitat security standards set by the Kootenai National Forest based on the results of Wakkinen & Kasworm (1997).

Taking 300 m as a ballpark figure, road densities of roughly 0.6 km/km² translate into areas remote from where human-caused mortality is concentrated that amount to only 84 ha (208 acres), which is trivially

small for a grizzly bear. This sort of geospatial buffer still means that grizzly bears are frequently exposed to hazards of human-caused death to the predictable extent that they must and will move from one presumably secure area to another—even assuming that these bears exhibit “average” avoidance of human features such as roads. In other words, the level of buffering from human-caused mortality offered by road density and related security standards invoked in the Knotty Pine Project is guaranteed to be inadequate.

The inadequacy and inappropriateness of road density and security standards used by the Kootenai National Forest in application to the Knotty Pine Project are highlighted in contrast to standards applied in the Northern Continental Divide Ecosystem (NCDE), as well as in contrast to trajectories of populations in the NCDE and Greater Yellowstone Ecosystem. The populations of already relatively numerous grizzly bears in the NCDE and GYE have increased substantially since the early 1990s to 2000s, in contrast to in the Cabinet-Yaak

where precariously few bears have fared poorly (see my Points A-D, herein). Tellingly, Wilderness Areas and Inventoried Roadless Areas where road access is not allowed comprise around 56% of the NCDE and GYE. In the Cabinet-Yaak Ecosystem this figure is less than half as much, nearer 21%. This difference alone can explain much of the corresponding difference in fates of grizzly bear populations.

Despite these telling differences in fates and trajectories of grizzly bear populations, the road density and habitat security standards applied by the Kootenai National Forest are more lax, not less, than those applied on the Flathead National Forest. On the Kootenai, areas allowed with >1 mile/mile² of roads are 1.7-times greater; areas with >2 miles/mile² of roads are 1.4-times greater; and extents of secure habitat nearly 20% less compared to what is ostensibly allowed on the Flathead NF. These disparities are perverse and not able to be explained on the basis of differences in the extent of movements by grizzly bears. If anything, bears range more widely in the Cabinet-Yaak Ecosystem compared to the NCDE (Kasworm et al. 2018).

As a bottom line, existing and proposed access management in the Knotty Pine Project Areas has jeopardized and will continue to jeopardize grizzly bears.

G. More Grizzly Bear Deaths Are Occurring On USFS Jurisdictions Now Compared to During 1999-2006

The argument for more aggressive management to prevent human-caused grizzly bear mortality on USFS jurisdictions is given greater weight by differences in locations of bear deaths between 1999-2006 and 2007-2018. Data from Kasworm et al. (2018) and Kasworm (2018) show an increase in the proportion of grizzly bear deaths on USFS lands from 25% (95% CI = 0.5-49.5%) during 1999-2006 to 56.5% (36.3-76.8%) during 2007-2018. Although sample sizes are

small, confidence intervals large, and overlap of the intervals non-trivial (17%), these results do not support concluding that hazards for grizzly bears have remained constant or declined on USFS lands. Rather, by weight of evidence, the better supported conclusion is that hazards have increased and, because of that, imperatives to control

mortality on public lands have likewise increased, including on lands part of the proposed Knotty Pine Project. As per my point F, above, the most efficacious means available to the USFS for addressing this imperative is through providing increased rather than diminished habitat security, axiomatically through reducing road access in the Project area.

Activities of the Knotty Pine Project Are Problematic in a Larger Geospatial Context

Please examine the cumulative effects of this project.

Please evaluate the impacts of proposed activities on grizzly bears in a larger geospatial context. Mattson & Merrill (2004) and Proctor et al. (2015) are perhaps most relevant to such an evaluation. The former research mapped existing core habitat as well as higher-probability source habitats in the Cabinet-Yaak

Moreover, with the Cabinet-Yaak Recovery Area as a logical unit of analysis, any assessment of cumulative effects needs to account for other on-going and planned human activities associated with forest treatments and harvest in this Ecosystem, as well as foreseeable impacts associated with the proposed Rock Creek and Montanore Mines; as well as on-going and foreseeable impacts associated with the human transportation infrastructure (e.g., railways and associated

highways that already fragment grizzly bear distribution in this Ecosystem, Mattson et al. [2019b]), all with the potential to amplify impacts arising from the Knotty Pine Project.

K. A Devil's Bargain Will Not Rescue This Small Population

K.1. The Cabinet-Yaak Population is Not Viable and Remains Acutely Vulnerable to Increased Mortality

The Cabinet-Yaak grizzly bear population is smaller than the smallest census population size ever posited as being viable. The Yaak/Yahk subpopulation has limited connectivity with grizzly bear populations elsewhere, and the Cabinet Mountains subpopulation is more isolated yet (Apps et al. 2016; Kendall et al. 2016; Proctor et al. 2012, 2015). Such isolation is well-known to magnify risk. The degree of this risk is evident in the fact that fates of populations as small of that of the Cabinet-Yaak grizzlies can be dictated solely by chance variation in birth and death rates, known as demographic variation. Yet demographic variation is a relatively minor stressor compared to environmental variation, catastrophes, negative deterministic trends, and loss of genetic diversity—all of which are documented or potential factors in the Cabinet-Yaak. The contemporary consensus of researchers is that populations of large mammals such as grizzly bears need to consist of thousands of animals to withstand all of these stochastic and deterministic threats over meaningful periods of time.

The Yaak and Cabinet grizzly bear populations remain acutely vulnerable to even small changes in levels of mortality. Under such circumstances, a precautionary approach to managing spatial hazards and habitat security is not only advisable, but mandatory. Unfortu-

nately, there is no evidence of caution or even meaningful recognition of threats to the Cabinet population.

K.2. Variation in Population Trajectory Has Likely Been Driven by Exposure to Humans

As a hypothetical, it is worth taking claims regarding an improvement in status of the Cabinet-Yaak grizzly bear population between 1999-2006 and 2007-2018 at face value. Again, the emphasis here is on the hypothetical given all of the compromising or even fatal flaws in analyses and conclusions reported in Kasworm et al. More specifically, if an improvement did occur, what was (were) the likely driver(s)?

Causation is notoriously hard to establish with any reliability or confidence. Nonetheless, even taking comments in Kasworm et al (again) at face value, one can establish how these authors ascribed causation based on the balance of their comments. The relevant quotes include:

“The increase in total known mortality beginning in 1999 may be linked to poor food production during 1998-2004 (Fig. 9). Huckleberry production during these years was about half the long term average...Poor nutrition may not allow females to produce cubs in the following year and cause females to travel further for food, exposing young to greater risk of mortality from conflicts with humans, predators, or accidental deaths.” (emphasized in Figure 10; *ibid*: 32; see Fig. 6, herein).

“Some of this decrease [in survival] in the 1999-2006 period could be attributed to an increase in natural mortality probably related to poor berry production during 1998-2004. Mortalities on private lands within the U.S. increased during this period, suggesting that

bears were searching more widely for foods to replace the low berry crop.” (ibid: 34).

In reference to a probable increase in size of the Cabinet Mountains subpopulation from around <15 (possibly 5-10) in 1988 to around 22-24 in 2012: “These data indicate the Cabinet Mountains population has increased 2-4 times since 1988, but this increase is largely a product of the augmentation effort with reproduction from that segment.” (ibid: 36).

L. Conclusion

Reiterating my conclusion in the Introduction to these comments, the Knotty Pine Project as described in the scoping notice promises to harm grizzly bears in the Cabinet-Yaak Ecosystem. The Forest Service could unequivocally benefit grizzly bears in this area by the closure and retirement of roads.

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The Forest Service must comply with National Forest Management Act (“NFMA”) and its implementing regulations. NFMA requires the Forest Service to ensure that site-specific management projects are consistent with the applicable forest plan. 16 U.S.C. § 1604(i). Thus, the Forest Service must ensure that all aspects of the proposed action comply with the Kootenai National Forest Land Management Plan.

1. Will the Forest Service be considering binding legal standards for noxious weeds in its Land Management Plan?
2. Has the State Historic Preservation Office signed off that this project complies with the Historic Preservation Act? The project is in violation of the National Historic Preservation Act if this is not done.
5. How effective has the Forest Service been at stopping (i.e. preventing) new weed infestations from starting during logging and road building operations?

6. Is it true that new roads are the main cause of new noxious weed infestations?
7. Is it true that noxious weeds are one of the top threats to biodiversity on public lands?
8. How can the Forest Service be complying with NFMA's requirement to maintain biodiversity if it has no legal standards that address noxious weeds?
9. How will the decreased elk security affect wolverines and have you formally consulted with the FWS on the effects of this project on wolverines? The wolverine was recently determined to be warranted for listing under the ESA. 75 Fed.

Reg.78030 (Dec. 14, 2010). It is currently a candidate species, proposed for listing.. The USFWS found that “[s]ources of human disturbance to wolverines include . . . road corridors, and extractive industry such as logging . . .” . The Forest Service must go through ESA formal consultation for the wolverine for this project.

Please prepare a Biological Assessment and formally consult with the USFWS as required by law.

THE AGENCIES MUST COMPLETE A BIOLOGICAL ASSESSMENT, BIOLOGICAL OPINION, INCIDENTAL TAKE STATEMENT, AND MANAGEMENT DIRECTION AMENDMENT FOR THE

RMP FOR THE WOLVERINE.

The agencies do not have in place any forest plan biological assessment, biological opinion, incidental take statement, and management direction amendment for wolverines.

THE AGENCIES MUST CONDUCT ESA CONSULTATION FOR THE WOLVERINE.

Wolverines may be present in the Project area. The Forest Service concedes that the Project “may affect” wolverines. The agencies’ failure to conduct ESA consultation for a species that may be present and may be affected by the Project violates the ESA. Wolverines are currently warranted for listing under the ESA. As the agencies are well aware, the scheduled, court ordered listing date for the wolverine is this year. In fact, FWS has recently filed the a document in federal court committing to a listing date for the wolverine. Accordingly, the wolverine will be listed under the ESA before the final decision is made to authorize and implement this Project, and long before any project activities commence. Regardless, even candidate species must be included in a biological assessment.

Did the Forest Service survey for wolverines in the project area? Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habi-

that must be well distributed so that those individuals can interact with others in the planning area. Ruggiero et al 2000;

Wolverines generally scavenge for ungulates along valley bottoms and forage and den in remote, high-elevation areas (Hornocker and Hash 1981; Morgan and Copeland 1998). Thus if managers wished to provide habitat for wolverines, they could pay particular attention in the planning process to ungulates winter range and other aspects of habitat quality for ungulates to provide a consistent supply of carcasses for wolverine to scavenge. In addition, wolverines generally avoid areas of human activity. To limit the threat of human-caused disturbance or mortality, managers could restrict access to portions of the landscape where wolverines are most likely to occur.

In order to meet this viability mandate, the 1982 NFMA planning regulations require that the Forest Service select “management indicator species” whose “population changes are believed to indicate the effects of management activities.” 36 C.F.R. § 219.19 (1) (2000). 253.

The 1982 NFMA planning regulations require the Forest Service to monitor the population trends of these species and to state and evaluate land management alternatives

“in terms of both amount and quality of habitat and of animal population trends of the management indicator species.” 36 C.F.R. § 219.19 (2),(6) (2000).

The wolverine was recently determined to be warranted for listing under the ESA. 75 Fed. Reg. 78030 (Dec. 14, 2010). It is currently a proposed species, waiting for work to be completed on other species before it is officially listed. The USFWS found that “[s]ources of human disturbance to wolverines include . . . road corridors, and extractive industry such as logging . . .” .The Forest Service admits

that the wolverine and/or its habitat are present within the project area and would be impacted by the project. The Forest Service must go through ESA consultation for the wolverine for this project.

Would native species such as grizzly bears, lynx, wolverine, elk, bull trout and bull trout critical habitat be better off if you instead spent this money removing roads in the project area?

Why did you not analyze a restoration only alternative that did not include logging?

Has the money already been appropriated to do restoration work called for in the EA?

Do the action alternatives comply with PACFISH-INFISH?

Are you meeting the INFISH Riparian Management Objectives for temperature, pool frequency, and sediment?

With all of the bull trout spawning streams and designated as critical habitat in the project area we would expect robust road decommissioning and culvert removals, and no logging in riparian areas of streams. Instead the project is a robust logging and roading project that will degrade, not improve aquatic ecosystems.

The best available science shows that roads are detrimental to aquatic habitat and logging in riparian areas is not restoration.

Fish evolved with fire, they did not evolve with roads and logging.

What are the redd counts in bull trout critical habitat in the project area? Please also provide the all the historical bull counts that you have in the project area?

The EIS must fully and completely analyze the impacts to bull trout critical habitat and westslope cutthroat trout habitat. What is the standard for sediment in the Forest Plan? Sediment is one of the key factors impacting water quality and fish habitat. [See USFWS 2010]

The introduction of sediment in excess of natural amounts can have multiple adverse effects on bull trout and their habitat (Rhodes et al. 1994, pp. 16-21; Berry, Rubinstein, Melzian, and Hill 2003, p. 7). The effect of sediment beyond natural background conditions can be fatal at high levels. Embryo survival and subsequent fry emergence success have been highly correlated to percentage of fine material within the stream-bed (Shepard et al. 1984, pp. 146, 152). Low levels of sediment may result in sublethal and behavioral effects such as increased activity, stress, and emigration rates; loss or reduction of foraging capability; reduced growth and resistance to disease; physical abrasion; clogging of gills; and interference with orientation in homing and migration (McLeay et al. 1987a, p. 671; Newcombe and MacDonald 1991, pp. 72, 76, 77; Barrett, Grossman, and Rosenfeld 1992, p. 437; Lake and Hinch 1999, p. 865; Bash et al. 2001n, p. 9; Watts et al. 2003, p. 551; Vondracek et al. 2003, p. 1005; Berry, Rubinstein, Melzian, and Hill 2003, p. 33). The effects of increased suspended sediments can cause changes in the abundance and/or type of food organisms, alterations in fish habitat, and long-term impacts to fish populations (Anderson et al. 1996, pp. 1, 9, 12, 14, 15; Reid and Anderson 1999, pp. 1, 7-15). No threshold has been determined in which fine sediment addition to a stream is harmless (Suttle et al. 2004, p. 973). Even at low concentrations, fine-sediment deposition can decrease growth and survival of juvenile salmonids.

Aquatic systems are complex interactive systems, and isolating the effects of sediment to fish is difficult (Castro and Reckendorf 1995d, pp. 2-3). The effects of sediment on receiving water ecosystems are complex and multi-dimensional, and further compounded by the fact that sediment flux is a natural and vital process for aquatic systems (Berry, Rubinstein, Melzian, and Hill 2003, p. 4). Environmental factors that affect the magnitude of sediment impacts on salmonids include duration of exposure, frequency of exposure, toxicity, temperature, life stage of fish, angularity and size of particle, severity/magnitude of pulse, time of occurrence, general condition of biota, and availability of and access to refugia (Bash et al. 2001m, p. 11). Potential impacts caused by excessive suspended sediments are varied and complex and are often masked by other concurrent activities (Newcombe 2003, p. 530). The difficulty in determining which environmental variables act as limiting factors has made it difficult to establish the specific effects of sediment impacts on fish (Chapman 1988, p. 2). For example, excess fines in spawning gravels may not lead to smaller populations of adults if the amount of juvenile winter habitat limits the number of juveniles that reach adulthood. Often there are multiple independent variables with complex inter-relationships that can influence population size.

The ecological dominance of a given species is often determined by environmental variables. A chronic input of sediment could tip the ecological balance in favor of one species in mixed salmonid populations or in species communities composed of salmonids and non-salmonids (Everest et al. 1987, p. 120). Bull trout have more spatially restrictive biological requirements at the individual and population levels than other salmonids (USFWS (U.S. Fish and Wildlife

Service) 1998, p. 5). Therefore, they are especially vulnerable to environmental changes such as sediment deposition.

Aquatic Impacts

- Classify and analyze the level of impacts to bull trout and westslope cutthroat trout in streams, rivers and lakes from sediment and other habitat alterations:

Lethal: Direct mortality to any life stage, reduction in egg-to-fry survival, and loss of spawning or rearing habitat. These effects damage the capacity of the bull trout to produce fish and sustain populations.

Sublethal: Reduction in feeding and growth rates, decrease in habitat quality, reduced tolerance to disease and toxicants, respiratory impairment, and physiological stress. While not leading to immediate death, may produce mortalities and population decline over time.

Behavioral: Avoidance and distribution, homing and migration, and foraging and predation. Behavioral effects change the activity patterns or alter the kinds of activity usually associated with an unperturbed environment. Behavior effects may lead to immediate death or population decline or mortality over time.

Direct effects:

Gill Trauma - High levels of suspended sediment and turbidity can result in direct mortality of fish by damaging and clogging gills (Curry and MacNeill 2004, p. 140).

Spawning, redds, eggs - The effects of suspended sediment, deposited in a redd and potentially reducing water flow and smothering eggs

or alevins or impeding fry emergence, are related to sediment particle sizes of the spawning habitat (Bjornn and Reiser 1991, p. 98).

Indirect effects:

Macroinvertebrates - Sedimentation can have an effect on bull trout and fish populations through impacts or alterations to the macroinvertebrate communities or populations (Anderson, Taylor, and Balch 1996, pp. 14-15).

Feeding behavior - Increased turbidity and suspended sediment can affect a number of factors related to feeding for salmonids, including feeding rates, reaction distance, prey selection, and prey abundance (Barrett, Grossman, and Rosenfeld 1992, pp. 437, 440; Henley, Patterson, Neves, and Lemly 2000, p. 133; Bash et al. 2001d, p. 21).

Habitat effects - All life history stages are associated with complex forms of cover including large woody debris, undercut banks, boulders, and pools. Other habitat characteristic important to bull trout include channel and hydrologic stability, substrate composition, temperature, and the presence of migration corridors (Rieman and McIntyre 1993, p. 5).

Physiological effects - Sublethal levels of suspended sediment may cause undue physiological stress on fish, which may reduce the ability of the fish to perform vital functions (Cederholm and Reid 1987, p. 388, 390).

Behavioral effects - These behavioral changes include avoidance of habitat, reduction in feeding, increased activity, redistribution and

migration to other habitats and locations, disruption of territoriality, and altered homing (Anderson, Taylor, and Balch 1996, p. 6; Bash et al. 2001t, pp. 19-25; Suttle, Power, Levine, and McNeely 2004, p. 971).

- How will this project affect native fish? What is the current condition in the riparian areas?

How will this project protect rather than adversely impact fish habitat and water quality? No logging or road building should be done in riparian areas. There should not be any stream crossings. Roads should be decommissioned and removed, not upgraded and rebuilt.

- Hauer, et al. (1999) found that bull trout streams in wilderness habitats had consistent ratios of large to small and attached to unattached large woody debris. However, bull trout streams in watersheds with logging activity had substantial variation in these ratios. They identified logging as creating the most substantive change in stream habitats.

“The implications of this study for forest managers are twofold: (i) with riparian logging comes increased unpredictability in the frequency of size, attachment, and stability of the LWD and (ii) maintaining the appropriate ratios of size frequency, orientation, and bank attachment, as well as rate of delivery, storage, and transport of LWD to streams, is essential to maintaining historic LWD characteristics and dynamics. Our data suggest that exclusion of logging from riparian zones may be necessary to maintain natural stream morphology and habitat features. Likewise, careful upland management is also necessary to prevent cumulative effects that result in al-

tered water flow regimes and sediment delivery regimes. While not specifically evaluated in this study, in general, it appears that patterns of upland logging space and time may have cumulative effects that could additionally alter the balance of LWD delivery, storage, and transport in fluvial systems.

These issues will be critical for forest managers attempting to prevent future detrimental environmental change or setting restoration goals for degraded bull trout spawning streams.”

Muhlfeld, et al. (2009) evaluated the association of local habitat features (width, gradient, and elevation), watershed characteristics (mean and maximum summer water temperatures, the number of road crossings, and road density), and biotic factors (the distance to the source of hybridization and trout density) with the spread of hybridization between native westslope cutthroat trout *Oncorhynchus clarkii lewisi* and introduced rainbow trout *O. mykiss* in the upper Flathead River system in Montana and British Columbia.

They found that hybridization was positively associated with mean summer water temperature and the number of upstream road crossings and negatively associated with the distance to the main source of hybridization. Their results suggest that hybridization is more likely to occur and spread in streams with warm water temperatures, increased land use disturbance, and proximity to the main source of hybridization.

The EIS must use the best available science to analyze how logging riparian habitat will impact native fish and water quality.

We wrote in our scoping comments:

The following article from the 9/25/15 Missoulian disagrees with the Forest Service and says it is habitat destruction causing bull trout declines.

http://missoulian.com/news/local/montana-fwp-biologist-despite-successes-bull-trout-populations-still-in/article_2798e4c6-0658-522f-be4c-4274f903129e.html

Montana FWP biologist: Despite successes, bull trout populations still in peril

Ladd Knotek is disturbed by the lack of attention being paid to the many western Montana streams where bull trout populations are struggling to survive.

The fisheries biologist with Montana Fish, Wildlife and Parks knows people love to latch on to the success stories from streams like Fish Creek and several Blackfoot tributaries, where bull trout populations are viable.

“But what nobody talks about is all these other populations that, 50 years ago, these were all viable populations,” he said Tuesday as part of a presentation on bull trout in Rattlesnake Creek. “You know, Gold Creek, Belmont Creek, Trout Creek, there’s a whole list of them. There’s a whole bunch of them that are just basically on the verge of disappearing. And what we like to talk about are the ones that are doing OK. But in places like Lolo Creek and some

Bitterroot tributaries, bull trout there are just barely hanging on.”

Bull trout have faced a long, slow decline over the past century, to the point where they are now listed as a threatened species under the Endangered Species Act. Success is a relative term even in the places where they are doing well.

“They’re nowhere near what they were historically,” Knotek said of the tributaries where the populations are relatively healthy. “But they have a fair number of adult spawners coming in. People see them in the fishery. But we need to start looking at all these other tributaries that used to be bull trout spawning tributaries and recognize what’s going on in the bigger picture. We’re just looking at a very thin slice instead of looking at the whole thing. A lot of this stuff is just symptoms of what’s going on at the larger scale. Bull trout are the canary. They’re very susceptible to environmental change, whether it’s temperature, whether it’s physical, whether it’s sediment. There’s something going on in these drainages and the symptoms we’re seeing are the bull trout distribution is shrinking, we’re losing populations and we’re seeing expansion of nonnatives.”

Bull trout – which are native to the Columbia River Basin and are only found west of the Continental Divide in Montana – need clear, cold mountain waters to spawn and require clean gravel beds, deep pools, complex cover, good

in-stream flows in the fall and large systems of interconnected waterways for their migrations. Rising temperatures and falling water levels trigger their migration to spawning tributaries in June, and they hang out until they spawn in the fall. They are much more susceptible to warming temperatures and habitat change than nonnative species such as brown and rainbow trout.

Knotek was the featured presenter Friday for a discussion on restoration efforts and the importance of Rattlesnake Creek as a bull trout habitat. The event was organized by the Clark Fork Coalition, a nonprofit in Missoula that aims to protect water quality for the 22,000-square-mile Clark Fork River Basin.

Knotek explained that because Rattlesnake Creek is south-facing and doesn't have much groundwater recharging, it has much less of a buffer against a warming climate than other streams.

“The water temperatures are significantly higher than they were 10 years ago,” he said. “The types of temperatures we’re seeing in late summer and early fall, we never saw those 10 to 15 years ago. Water temperature is driving a lot of what we’re talking about. It’s definitely stressful on fish. It doesn’t spell good news for bull trout.”

Knotek said it’s a common misconception that brown trout

and rainbows are driving out bull trout, and he explained that those nonnative species are simply moving in because the native species is dying off.

“It’s replacement rather than displacement,” he said.

In Rattlesnake Creek, biologists have conducted redd counts of the migratory population in the lower reaches since 1999. There is a healthy resident population in the upper reaches, but researchers are more interested in the fish that actually migrate to the Clark Fork River.

The results have been disturbing.

They found a high of 36 in 2006 and 24 in 2008, before Milltown Dam was removed. There was an expected drop to just four redds – spawning beds – after the dam was removed in 2009, because of the massive disturbance. However, the number of redds has not bounced back since, and researchers found just six last year.

“That tells us that it wasn’t just the dam removal that caused it, because they should be recovering by now,” Knotek said. “And there are lots of populations like this stream that are not doing well but need more attention. We’ve got a problem here, but it’s not inconsistent with other tributaries. There’s something bigger going on.”

Knotek said that Rattlesnake Creek was historically

braided before the area was developed, and that eliminated a lot of the back channels the juvenile fish need to grow.

“You need complexity,” he said. “When you have a straight ditch in a system that used to be braided, it ain’t good.”

He’s also seen much more algae growth in the upper sections, something that is obviously related to higher temperatures and added nutrients.

“We have browns and rainbows progressing upstream, and we attribute that to water temperature,” he said. “That’s consistent with other streams, too. It’s very obvious something is going on here.”

Knotek believes that a “ramping up” of current conservation work is the only thing that can save bull trout populations. Fish screens, the removal of dams, awareness of anglers and water conservation – especially by people using stream irrigation to water their lawns – is crucial.

“Bull trout are the canary,” he said. “But there are a lot of other species that we could be looking at as indicators as well. A lot of research needs to be done. There’s a lot of species being affected.”

As Knoteck pointed out, bull trout need clear, cold mountain waters to spawn and require clean gravel beds, deep pools, complex cover, good in-stream flows in the fall and large systems of interconnected waterways for their migrations.

How many bull trout will be killed during the implementation of the project?

How will the Chumstick to Lower Peshastin project make the waters clearer in the short term?

How will the Chumstick to Lower Peshastin project make the waters colder in the short term?

How will the Chumstick to Lower Peshastin project make the gravel beds of the streams in the project area cleaner in the short and long term?

How will the Chumstick to Lower Peshastin project make the affect deep pools in streams in the project area in the short and long term?

How will the Chumstick to Lower Peshastin project make the affect complex cover over the streams in the project area in the short and long term?

How will the Chumstick to Lower Peshastin project make the affect the in-stream flows in the fall in the short and long term?

How will the Chumstick to Lower Peshastin project make the affect large systems of interconnected waterways for bull trout migrations?

Critical habitat receives protection under section 7 of the Endangered Species Act through the prohibition against destruction or adverse modification of critical habitat with regard to actions carried out, funded, or authorized by a Federal agency. There is no exception for the short run? How long is the project scheduled to last?

Will this project adversely modify bull trout critical habitat in the short run?

How will the Chumstick to Lower Peshastin project affect the temperature of the streams in the project area including bull trout critical habitat?

Will all of the proposed logging increase the temperature of the streams in the project area?

Will all of the proposed road building and road use by log truck, clearcutting, and other logging put more sediment into streams in the project area?

How will this affect bull trout and bull trout critical habitat?

When was the last time the project area was surveyed for bull trout?

What was the results of these surveys?

The EA does not characterize or evaluate the project area watersheds based on the Watershed Condition Framework or the baseline condition developed for bull trout. We do not know what the current condition of streams are in the project area, i.e., are they functioning acceptably, at risk or at unacceptable risk? And for what ecosystem parameters? How will this project affect stream function, i.e., degrade, maintain, restore?

- The project relies on BMPs to protect water quality and fish habitat. First, there is no evidence that application of BMPs actually protects fish habitat and water quality.
- Second, BMPs are only maintained on a small percentage of roads or when there is a logging project.

BMPs fail to protect and improve water quality because of the allowance for “naturally occurring degradation.” In Montana, “naturally-occurring degradation” is defined in ARM 16.20.603(11) as that which occurs after application of “all reasonable land, soil and water conservation practices have been applied.” In other words, damage caused directly by sediment (and other pollution) is acceptable as long as BMPs are applied. The result is a never-ending, downward spiral for water quality and native fish.

Here’s how it works:

- Timber sale #1 generates sediment damage to a bull trout stream, which is “acceptable” as long as BMPs are applied to project activities.
- “Natural” is then redefined as the stream condition after sediment damage caused by Timber Sale #1.

- Timber sale #2 – in the same watershed – sediment damage would be acceptable if BMPs are applied again – same as was done before.
- “Natural” is again redefined as the stream condition after sediment damage caused by Timber Sale#2.

The downward spiral continues with disastrous cumulative effects on bull trout, westslope cutthroat trout and most aquatic life. BMPs are not “reasonable.” Clearly, beneficial uses are not being protected. In Montana, state water quality policy is not being followed. § 75-5-101 et seq. and ARM 16.20.701 et seq.

- The EA does not include an analysis of climate change and how that will impact the project.
- The Purpose and Need for this project is solely to prop up the timber industry at the expense of wildlife, fish and water quality. This project is a money-loser, the logging portion should be dropped and the road decommissioning in Alternative 4 should be implemented.

The U.S. Fish and Wildlife Service found that bull trout are exceptionally sensitive to the direct, indirect, and cumulative effects of roads. Dunham and Rieman demonstrated that disturbance from roads was associated with reduced bull trout occurrence. They con-

cluded that conservation of bull trout should involve protection of larger, less fragmented, and less disturbed (lower road density) habitats to maintain important strongholds and sources for naturally recolonizing areas where populations have been lost. (USFS 2000, page 3-82).

Hitt and Frissell showed that over 65% of waters that were rated as having high aquatic biological integrity were found within wilderness-containing subwatersheds.

Trombulak and Frissell concluded that the presence of roads in an area is associated with negative effects for both terrestrial and aquatic ecosystems including changes in species composition and population size. (USFS 2000, pages 3-80-81).

"High integrity [forests] contain the greatest proportion of high forest, aquatic, and hydrologic integrity of all are dominated by wilderness and roadless areas [and] are the least altered by management. Low integrity [forests have] likely been altered by past management are extensively roaded and have little wilderness." (USFS 1996a, pages 108, 115 and 116).

"Much of this [overly dense forest] condition occurs in areas of high road density where the large, shade-intolerant, insect-, disease- and fire-resistant species have been harvested over the past 20 to 30

years. Fires in unroaded areas are not as severe as in the roaded areas because of less surface fuel, and after fires at least some of the large trees survive to produce seed that regenerates the area. Many of the fires in the unroaded areas produce a forest structure that is consistent with the fire regime, while the fires in the roaded areas commonly produce a forest structure that is not in sync with the fire regime. In general, the effects of wildfires in these areas are much lower and do not result in the chronic sediment delivery hazards exhibited in areas that have been roaded." (USFS 1997a, pages 281-282).

"Increasing road density is correlated with declining aquatic habitat conditions and aquatic integrity An intensive review of the literature concludes that increases in sedimentation [of streams] are unavoidable even using the most cautious roading methods." (USFS 1996b, page 105).

"This study suggests the general trend for the entire Columbia River basin is toward a loss in pool habitat on managed lands and stable or improving conditions on unmanaged lands." (McIntosh et al 1994).

"The data suggest that unmanaged systems may be more structurally intact (i.e., coarse woody debris, habitat diversity, riparian vegetation), allowing a positive interaction with the stream processes (i.e.,

peak flows, sediment routing) that shape and maintain high-quality fish habitat over time." (McIntosh et al 1994).

"Although precise, quantifiable relationships between long-term trends in fish abundance and land-use practices are difficult to obtain (Bisson et al. 1992), the body of literature concludes that land-use practices cause the simplification of fish habitat." (McIntosh et al 1994).

"Land management activities that contributed to the forest health problem (i.e., selective harvest and fire suppression) have had an equal or greater effect on aquatic ecosystems.

If we are to restore and maintain high quality fish habitat, then protecting and restoring aquatic and terrestrial ecosystems is essential." (McIntosh et al 1994).

"Native fishes are most typically extirpated from waters that have been heavily modified by human activity, where native fish assemblages have already been depleted, disrupted, or stressed []." (Moyle et al 1996).

"Restoration should be focused where minimal investment can maintain the greatest area of high-quality habitat and diverse aquatic biota. Few completely roadless, large watersheds remain in the Pacific Northwest, but those that continue relatively undisturbed are critical

in sustaining sensitive native species and important ecosystem processes (Sedell, et. al 1990; Moyle and Sato 1991; Williams 1991; McIntosh et al. 1994;

Frissell and Bayles 1996). With few exceptions, even the least disturbed basins have a road network and history of logging or other human disturbance that greatly magnifies the risk of deteriorating riverine habitats in the watershed." (Frissell undated).

"[A]llocate all unroaded areas greater than 1,000 acres as Strongholds for the production of clean water, aquatic and riparian-dependent species. Many unroaded areas are isolated, relatively small, and most are not protected from road construction and subsequent timber harvest, even in steep areas. Thus, immediate protection through allocation of the unroaded areas to the production of clean water, aquatic and riparian-dependent resources is necessary to prevent degradation of this high quality habitat and should not be postponed." (USFWS et al 1995).

"Because of fire suppression, timber harvest, roads, and white pine blister rust, the moist forest PVG has experienced great changes since settlement of the project area by Euroamericans. Vast amounts of old forest have converted to mid seral stages."(USFS/BLM 2000, page 4-58).

"Old forests have declined substantially in the dry forest PVG []. In general, forests showing the most change are those that have been roaded and harvested. Large trees, snags, and coarse woody debris are all below historical levels in these areas."

(USFS/BLM 2000, page 4-65).

"High road densities and their locations within watersheds are typically correlated with areas of higher watershed sensitivity to erosion and sediment transport to streams. Road density also is correlated with the distribution and spread of exotic annual grasses, noxious weeds, and other exotic plants. Furthermore, high road densities are correlated with areas that have few large snags and few large trees that are resistant to both fire and infestation of insects and disease. Lastly, high road densities are correlated with areas that have relatively high risk of fire occurrence (from human caused fires), high hazard ground fuels, and high tree mortality." (USFS 1996b, page 85, parenthesis in original).

In simpler terms, the Forest Service has found that there is no way to build an environmentally benign road and that roads and logging have caused greater damage to forest ecosystems than has the suppression of wildfire alone. These findings indicate that roadless areas in general will take adequate care of themselves if left alone and

unmanaged, and that concerted reductions in road densities in already roaded areas are absolutely necessary.

Indeed, other studies conducted by the Forest Service indicate that efforts to “manage” our way out of the problem are likely to make things worse. By “expanding our efforts in timber harvests to minimize the risks of large fire, we risk expanding what are well established negative effects on streams and native salmonids. The perpetuation or expansion of existing road networks and other activities might well erode the ability of [fish] populations to respond to the effects of large scale storms and other disturbances that we clearly cannot change.” (Reiman et al 1997).

The following quotes demonstrate that trying to restore lower severity fire regimes and forests through logging and other management activities may make the situation worse, compared to allowing nature to reestablish its own equilibrium. These statements are found in “An Assessment of Ecosystem Components in the Interior Columbia Basin and Portions of the Klamath and Great Basins, Volume 3 (ICBEMP):

“Since past timber harvest activities have contributed to degradation in aquatic ecosystems, emphasis on timber harvest and thinning to restore more natural forests and fire regimes represent risks of extending the problems of the past.” (ICBEMP page 1340).

“Proposed efforts to reduce fuel loads and stand densities often involve mechanical treatment and the use of prescribed fire. Such activities are not without their own drawbacks -- long-term negative effects of timber harvest activities on aquatic ecosystems are well documented (see this chapter; Henjum and others 1994; Meehan 1991; Salo and Cundy 1987).” (ICBEMP page 1340).

“Species like bull trout that are associated with cold, high elevation forests have probably persisted in landscapes that were strongly influenced by low frequency, high severity fire regimes. In an evolutionary sense, many native fishes are likely well acquainted with large, stand-replacing fires.” (ICBEMP page 1341).

“Attempts to minimize the risk of large fires by expanding timber harvest risks expanding the well-established negative effects on aquatic systems as well. The perpetuation or expansion of existing road networks and other activities might well erode the ability of populations to respond to the effects of fire and large storms and other disturbances that we cannot predict or control (National Research Council 1996). (ICBEMP page 1342).

“Watersheds that support healthy populations may be at greater risk through disruption of watershed processes and degradation of habitats caused by intensive management than through the effects of fire.” (ICBEMP page 1342).

"Timber harvest, through its effects on forest structure, local microclimate, and fuels accumulation, has increased fire severity more than any other recent human activity. If not accompanied by adequate reduction of fuels, logging (including salvage of dead and dying trees) increases fire hazard by increasing surface dead fuels and changing the local microclimate. Fire intensity and expected fire spread rates thus increase locally and in areas adjacent to harvest". (USFS 1996c, pages 4-61-72).

"Logged areas generally showed a strong association with increased rate of spread and flame length, thereby suggesting that tree harvesting could affect the potential fire behavior within landscapes...As a by-product of clearcutting, thinning, and other tree-removal activities, activity fuels create both short- and long-term fire hazards to ecosystems. Even though these hazards diminish over time, their influence on fire behavior can linger for up to 30 years in dry forest ecosystems of eastern Oregon and Washington". (Huff et al 1995).

The answer, therefore, is not to try managing our way out of this situation with more roads and timber harvest/management. In summary:

- Roads have adverse effects on aquatic ecosystems. They facilitate timber sales which can reduce riparian cover, increase water temperatures, decrease recruitment of coarse woody debris, and disrupt the

hydrologic regime of watersheds by changing the timing and quantity of runoff. Roads themselves disrupt hydrologic processes by intercepting and diverting flow and contributing fine sediment into the stream channels which clogs spawning gravels. High water temperatures and fine sediment degrade native fish spawning habitat.

According to the U.S. Forest Service 82% of all bull trout populations and stream segments range-wide are threatened by degraded habitat conditions. Roads and forest management are a major factor in the decline of native fish species on public lands in the Northern Rockies and Pacific Northwest.

- An open road density (ORD) of one mile per square mile of land reduces elk habitat effectiveness to only 60% of potential. When ORD increases to six miles per square mile, habitat effectiveness for elk decreases to less than 20%. (Lyon 1984).

Thank you for your time.

Sincerely yours,
Mike Garrity
Executive Director

Alliance for the Wild Rockies (Alliance)
PO Box 505
Helena, MT 59624;
phone 406-459-5936

And for

Steve Kelly

Director, Council on Wildlife and Fish

P.O. Box 4641

Bozeman, MT 59772

And for

Sara Johnson Director
Native Ecosystems Council (NEC)
PO Box 125
Willow Creek, MT 59760

And for

Kristine Akland
Center for Biological Diversity (CBD)
P.O. Box 7274
Missoula, MT 59807

kakland@biologicaldiversity.org