



Region One, Objection Review Officer  
U.S. Forest Service  
26 Fort Missoula Road  
Missoula, MT 59804

Re: Nez Perce-Clearwater Land Management Plan Objection

Submitted electronically via: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=44089>

January 29, 2024

To Whom It May Concern,

Pursuant to 36 C.F.R. 219 Subpart B, Great Burn Study Group (dba Great Burn Conservation Alliance) submits this objection to the Draft Record of Decision (DROD), Revised Land Management Plan (LMP), and Final Environmental Impact Statement (FEIS) for the Nez Perce-Clearwater National Forests (NPCNF).

The Great Burn Conservation Alliance (GBCA) is a 52-year-old organization that works to foster the connection between people and place to further conservation and stewardship in the Great Burn ecosystem. Our mission area covers nearly 1.9 million acres, where we partner with the Nez Perce-Clearwater, Lolo, and Idaho Panhandle National Forests to maintain the wild character of the land.

Representatives of the GBCA were involved in RARE I and II, and in the first round of forest planning in the early 1980's. Since that time, GBCA directly participated in the Clearwater National Forests' 2004 planning effort, stakeholder collaborative groups, and have submitted comments on the 2014 Proposed Action, 2018 Framework for Alternative Development and the 2020 Draft Environmental Impact Statement (DEIS). GBCA is deeply committed to and invested in this region.

**Lead Objector**

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## Overview

GBCA's greatest concern with the LMP is the change to the boundaries of the Great Burn Recommended Wilderness Area that shrinks its overall area and removes protection from important, high-elevation landscapes. The Great Burn is a unique and important place. It contains specialized habitat for a range of species, serves as an important linkage for wildlife migration between protected landscapes, and offers superlative opportunities for quiet recreation in a wild, untrammled landscape. In recognition of its multitude of values, the Great Burn has been managed as a Recommended Wilderness Area (RWA) since 1986. Two separate national forests have contributed to that effort and have stewarded the Great Burn in a manner befitting its wild qualities. We want to see the boundaries restored and strong plan components to protect wildlife, the ecosystem, and wilderness characteristics. The losses proposed are far more significant than the benefits of the new RWA additions. Those new areas do not protect the same resources. The best and most effective means to resolve the objections described below is to amend the LMP such that the Great Burn RWA is co-extensive with the Hoodoo Roadless Area.

## Summary of Topics and Objections

- Topic: Changes to the Great Burn Recommended Wilderness Area
  - Objection: The decision to reduce the size of the Great Burn RWA is arbitrary
  - Objection: The plan will negatively impact management of recommended wilderness
- Topic: Mountain Goats
  - Objection: The decision to not include mountain goat as a Species of Conservation Concern was arbitrary and unjustified
  - Objection: The LMP, DROD, and FEIS rely on flawed rationale and offer inadequate protection for mountain goats
  - Objection: Changes to the boundaries of the Great Burn RWA will have negative effects on mountain goats
- Topic: Wolverine
  - Objection: Changes to the boundaries of the Great Burn RWA will harm wolverine
  - Objection: The Preferred Alternative rests on insufficient analysis regarding wolverine
  - Objection: The LMP provides insufficient protection for wolverine
- Topic: Habitat Connectivity
  - Objection: Changes to the boundaries of the Great Burn RWA will decrease habitat connectivity
  - Objection: The analysis supporting the LMP is inadequate and flawed
  - Objection: Because the analysis is inadequate, the LMP fails to provide for adequate enforcement to protect habitat connectivity
- Topic: Whitebark Pine
  - Objection: Changes to the boundaries of the Great Burn RWA will harm whitebark pine
  - Objection: The analysis informing the LMP is inadequate and the protections afforded by the LMP are therefore inadequate.

## Changes to the Great Burn Recommended Wilderness Area

The Preferred Alternative dramatically reduces the size of the Great Burn RWA. The DROD lists this reduction as only 3,710 acres.<sup>1</sup> However, that number is achieved via additions of new recommended wilderness to the west and southeast of the boundaries of Great Burn RWA in the 1987 forest plan.<sup>2</sup> Notably, the plan removes recommended wilderness designation from significant, high-elevation landscapes to the north and south of the Great Burn. The LMP, DROD, and FEIS fail to provide meaningful justification for this decision. Instead, the decision appears to be the result of concessions to limited user groups, valuing over-snow vehicle (OSV) and mountain bike use over wilderness values and the ecological benefits of recommended wilderness. Implementing the LMP as written will negatively impact the management of landscapes in the Great Burn, making it difficult to enforce boundaries and administer the decisions from the plan.

### **Standing**

GBCA has commented on issues involving the boundaries of recommended wilderness throughout the forest planning process. For instance, GBCA's comment letter on the proposed action, dated Nov. 13, 2014, highlighted the uniqueness and ecological importance of the Hoodoo Roadless Area.<sup>3</sup> Further, we explained that any reductions in the size of the Great Burn RWA or a decision to allow over-snow vehicle use in the area as a result of Forest Plan revision would have negative impacts on species such as mountain goats and wolverine. In addition, the 2020 draft plan contained no preferred alternative. Therefore, the changes to RWA boundaries are a new issue. For these reasons, GBCA has standing to object to the provisions of the LMP, DROD, and FEIS that address changes to the boundaries of the Great Burn RWA.

### **Objection: The decision to reduce the size of the Great Burn RWA is arbitrary**

The Great Burn is specifically suited to wilderness designation. The USFS has recognized this suitability for decades. As we stated in our 2020 comments to the Draft Forest Plan and Environmental Impact Statement “[a] wilderness recommendation was first offered during the RARE II process of the 1970s. The 2004 Proposed Action for the Clearwater Forest Plan Revision rated the Great Burn higher for its wilderness potential than any other roadless area on the Clearwater side of the NPCNF.”<sup>4</sup> These qualities were once again recognized in the wilderness assessment that was completed for the NPCNF Forest Plan Revision.<sup>5</sup> The scores from that assessment are high for all the qualities of wilderness character. Further, 44% of the area consists of ecological types that are currently underrepresented in the National Wilderness

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<sup>1</sup> Nez Perce-Clearwater National Forests, *Draft Record of Decision: Revised Land Management Plan*, Nov. 2023, at 30.

<sup>2</sup> Lolo National Forest Plan, *The Lolo National Forest Plan*, Feb. 1986, at III-37.

<sup>3</sup> Great Burn Conservation Alliance, Idaho Conservation League, and The Wilderness Society, *Draft Forest Plan and Environmental Impact Statement Comments*, April 20, 2020, at 21-24. (Appendix A)

<sup>4</sup> *Id.* at 21.

<sup>5</sup> Nez Perce-Clearwater National Forests, *Wilderness Evaluation* (draft), July 2018, at 73.

Preservation System (NWPS).<sup>6</sup> The Great Burn has no existing uses that would jeopardize its consideration for inclusion in the NWPS, a rarity across the USFS Northern Region.

Despite the Great Burn's suitability and history as recommended wilderness, the Preferred Alternative removes that designation from significant portions of the landscape. In doing so, the LMP elevates motorized and mechanized recreation over wilderness. The FEIS and DROD both fail to justify this decision. Instead, the DROD attempts to justify the reductions and alterations to the Great Burn RWA based on purported benefits of concessions to OSV and mountain bike use.

These concessions to OSV and mountain bike use conflict with past decisions. Specifically, the preferred alternative is inconsistent with the 2012 Clearwater Travel Plan and corresponding 2017 ROD.<sup>7</sup> The 2012 travel plan closed Hoodoo to motorized and mechanized recreation to protect wilderness character. The 2017 ROD affirmed that decision.<sup>8</sup> In contrast to the rationale behind the 2012 travel plan and 2017 ROD, the current plan would reverse that decision. Yet, the plan offers no satisfactory justification for its contradictory approach to these same landscapes.

Concessions to OSV use do not justify reduction. The LMP makes significant and detrimental changes to the RWA, providing minimal additional benefit to a small contingent of recreationists. Snowmobile access to backcountry terrain benefits only a limited number of users. The FEIS points to a 2016 survey data showing that only 2.6% of the forest's users engage in snowmobiling.<sup>9</sup> The FEIS further indicates that "[r]ecreation activities expected to show low growth include . . . motorized off-road activities and motorized snow activities . . ." <sup>10</sup> Analysis also indicates that the majority of snowmobiling on the forest occurs on groomed trails, not in remote, roadless landscapes such as the Great Burn.<sup>11</sup>

To serve these limited users, the Forest and region already provide sufficient opportunities for snowmobiling. A local survey conducted by USFS Region 1 to determine the preferences for motorized and mechanized access to federal public lands showed that 61% of local respondents indicated there are adequate or too many accessible sites for snow machine use. In addition, 32% of respondents indicated they didn't know whether there were too many or two few sites available.<sup>12</sup> Although the survey reflected data from across the entire footprint of the NPCNF, and not just the communities adjacent to the Hoodoo Roadless Area, these numbers indicate that there is no need to reduce recommended wilderness in the Great Burn.

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<sup>6</sup> Nez Perce-Clearwater National Forests, *Final Environmental Impact Statement for the Land Management Plan*, Nov. 2023, at 1676.

<sup>7</sup> Clearwater National Forest, *Travel Planning: Record of Decision*, Nov. 2011.

<sup>8</sup> Nez Perce-Clearwater National Forests, *Travel Planning: Final Record of Decision for Recommended Wilderness Areas*, Oct. 2017, at 12-14.

<sup>9</sup> Nez Perce-Clearwater National Forests, *Final Environmental Impact Statement for the Land Management Plan*, Nov. 2023, at 1393.

<sup>10</sup> *Id.*

<sup>11</sup> Clearwater National Forest, *Travel Planning: Final Environmental Impact Statement*, Aug. 2011, at 3-112, 3-186.

<sup>12</sup> Nez Perce-Clearwater National Forests, *Final Environmental Impact Statement for the Land Management Plan*, Nov. 2023, at 1789.

For the further-limited subset of OSV recreationists with the means and ability to take part in backcountry snowmobiling, the NPCNF already provide ample opportunities to recreate in backcountry landscapes. All Inventoried Roadless Areas in the NPCNF, with the exception of those recommended for wilderness designation (Hoodoo, Mallard Larkins, North Fork Spruce-White Sand and Sneakfoot Meadows) remain open to snowmobiling. The character of these Inventoried Roadless Areas would allow the forest to both ensure continued opportunities for OSV use in backcountry areas and protect the Great Burn as RWA throughout the entire extent of the Hoodoo Roadless Area.

As with snowmobiles, the Preferred Alternative's concessions to mountain bike use do not justify alterations and reductions to the Great Burn. Both the 2012 Travel Plan and the 2017 ROD acknowledge little demand for mountain bike use in the Great Burn.<sup>13</sup> The NPCNF and the broader region already provided sufficient additional opportunities for mountain bike use. The 2017 Travel Plan Record of Decision states that there are 988 miles of trail and 4354 miles of road open to bicycles within the Clearwater National Forest alone.<sup>14</sup>

The aforementioned<sup>15</sup> survey conducted by USFS Region 1 to determine the preferences for motorized and mechanized access to federal public lands shows that 51% of local respondents indicated there are adequate or too many accessible sites for mountain bike use and 40% indicated they didn't know whether there were adequate sites. Although the survey reflected data from across the entire footprint of the NPCNF, these numbers indicate that there is currently adequate winter motorized and mountain biking. Therefore, demand for access cannot justify the LMP's reductions to recommended wilderness acreage for the Great Burn. The areas already open to mountain bike use should satisfy this limited demand, with no need to reduce the boundaries of the Great Burn.

Given the lack of justification, the Preferred Alternative's 150-foot corridor excluding Divide Trail #738 (itself part of the Stateline Trail) from recommended wilderness is out of place in LMP and will prove detrimental to the surrounding landscape. This corridor splits the RWA into two units, creating unnecessary complications for management and reducing the ecological benefits provided by an integrated natural landscape. Further, the decision will negatively impact management of the portions of the Great Burn in the adjacent Lolo National Forest (LNF). The Stateline trail intersects both forests. If the NPCNF allows mechanized use, it will be functionally impossible for the LNF to exclude those same uses where the trail crosses into Montana. For the seemingly arbitrary benefit of users with the means and abilities to bring mechanized vehicles into this remote area, the Preferred Alternative will unilaterally force the LNF to either comply with NPCNF's planning decisions or implement a confusing web of management and enforcement practices to maintain the currently existing protections of recommended wilderness.

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<sup>13</sup> Clearwater National Forest, *Travel Planning: Final Environmental Impact Statement*, Aug. 2011, at 3-90; Nez Perce-Clearwater National Forests, *Travel Planning: Final Record of Decision for Recommended Wilderness Areas*, Oct. 2017, at 17.

<sup>14</sup> *Id.*

<sup>15</sup> Nez Perce-Clearwater National Forests, *Final Environmental Impact Statement for the Land Management Plan*, Nov. 2023, at 1393.

The Economic Rational from the DROD does not justify concessions to motorized and mechanized use. The DROD stresses the importance of motorized recreation to local, rural economies.<sup>16</sup> This alleged economic importance is offered in support of the decision to allow motorized and mechanized recreation in areas formerly closed to it. Yet, definite economic analysis does not support this decision.

Specifically, the economic benefits of motorized recreation cited in the DROD are conclusory and not supported by evidence. The DROD represents that motorized recreation is a key economic driver of rural communities.<sup>17</sup> No objective data is offered to support this conclusion. Subjective and anecdotal statements about conversations with business owners in rural communities within the NPCNF forest boundary are referenced as evidence that economic impacts of motorized recreation are “real” and, therefore the decision to support motorized recreation “positively impacts the economic sustainability of rural economies in real ways . . .”<sup>18</sup>

The DROD refers to the Forest Supervisor’s own experience as a former rural small business owner. Yet, there was no formal focus group method and data to substantiate the above claims. A formal focus group would necessitate an adequate and diversified sample of motorized and non-motorized recreation users and include users from outside the NPCNF boundary area. Such a sample could accurately represent the hikers and backpackers from surrounding states and beyond, quiet trail users seeking solitude and potential wildlife sightings.

**Objection: The plan will negatively impact management of recommended wilderness**

A basic tenet of recreation management is to make decisions that will be easy for the public to understand and abide by. This plan contravenes that tenet. The Preferred Alternative sets the public up to fail by making it impossible to distinguish between open and closed areas. As the Forest Service acknowledged in the 2017 Travel ROD, the area is large and rugged and if snowmobiling is allowed, it would be difficult for the Forest Service to control.<sup>19</sup>

The character of the Great Burn makes it difficult to identify and enforce boundaries. Under the Preferred Alternative, users may not know if they are in the NPCNF or the LNF. The Great Burn is characterized as “grassy open meadows and considerable barren land.”<sup>20</sup> In the absence of marked trails, it will be nearly impossible for recreators to know the boundaries of open and closed areas. For instance, along the state line where the Clearwater NF adjoins the LNF the landscape is generally meadowy and flat. These features make it difficult for recreators to distinguish the NPCNF from the Lolo NF, particularly when there is snow on the ground. Although OSV use is prohibited in the Great Burn RWA on the LNF, enforcement will be further complicated by users unable to distinguish the boundaries of where they are allowed to ride. Similar issues are likely to surface in the Blacklead area.

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<sup>16</sup> Nez Perce-Clearwater National Forests, *Draft Record of Decision: Revised Land Management Plan*, Nov. 2023, at 19.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Nez Perce-Clearwater National Forests, *Travel Planning: Final Record of Decision for Recommended Wilderness Areas*, Oct. 2017 at 18-19.

<sup>20</sup> Nez Perce-Clearwater National Forests, *Wilderness Evaluation* (draft), July 2018, at 73.

Beyond the boundaries of the NPCNF, the LMP is inconsistent with management of the adjacent LNF. The areas most attractive to OSV use are often adjacent to the NPCNF, in the LNF. The terrain snowmobile users want to ride is in lake basins and bowls. On the stateline, all those areas are more frequently encountered in the LNF, where snowmobiling is prohibited.<sup>21</sup>

## **Resolution**

We request that the planning team correct the boundaries described in the Preferred Alternative. Specifically, the planning team should update the boundaries of the Great Burn so that they are coextensive with the existing boundary of the Hoodoo Roadless Area. The wilderness, recreational, and ecological values of this landscape are significant. The decision to reduce the RWA is the result of inadequate analysis and arbitrary decision making. Matching the boundaries of the Hoodoo Roadless Area would protect this important landscape and would be consistent with past decision making.

## **Mountain Goats**

Despite documented threats to the species, mountain goats were not included as a Species of Conservation Concern (SCC) for the NPCNF. This omission contradicts the Regional Forester's decision to list mountain goats as a SCC on the adjacent LNF. The rationale which informed the NPCNF decision is unsupported by the evidence and contradicts the rationale informing the listing decision for the LNF. This deficient and arbitrary rationale in turn has shaped the FEIS and LMP, resulting in insufficient protections for the species. In particular, the decision to reduce the size of the Great Burn RWA and open high-elevation habitat to OSV use will have negative impacts on the species.

## **Standing**

GBCA has commented on issues involving mountain goats and the NPCNF throughout the forest planning process. In the GBCA's comment letter on the proposed action dated Nov. 13, 2014, we requested that the mountain goat be included on the list of Species of Conservation Concern for the NPCNF.<sup>22</sup> In the GBCA's comment letter on the Draft Forest Plan and Environmental Impact Statement April 20, 2020, we repeated this request and provided extensive literature references and site-specific information supporting this designation, noting multiple opportunities in the plan and EIS to address threats to mountain goats with species-specific provisions.<sup>23</sup> In addition to these prior comments, this objection addresses new information not previously available, as the Lolo National Forest released its Species of Conservation Concern list on October 25, 2023, including the mountain goat. The GBCA is committed to consistent and scientifically based habitat management across the Great Burn. The consequences of omitting the mountain goat from the Nez-Clear SCC list and failing to include species-specific plan components in the final

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<sup>21</sup> See *Clearwater National Forest, Travel Planning Final Environmental Impact Statement, Aug. 2011, Appendix E, at 15.*

<sup>22</sup> Great Burn Study Group, *Comment on the Nez Perce-Clearwater National Forests Proposed Action*, Nov. 13, 2014, at 9. (Appendix B)

<sup>23</sup> Great Burn Conservation Alliance, Idaho Conservation League, and The Wilderness Society, *Draft Forest Plan and Environmental Impact Statement Comments*, April 20, 2020, at 65-76. (Appendix A)

plan will compromise the integrity of both the NPCNF and LNF plan revisions, with particular impact on the mountain goats inhabiting the Great Burn RWA. For these reasons, GBCA has standing to object to issues related to mountain goats.

**Objection: The decision to not include mountain goat as a Species of Conservation Concern was arbitrary and unjustified**

The Regional Forester failed to list the mountain goat as a SCC in the LMP and FEIS. Mountain goats should have been included on the NPCNF SCC list pursuant to the 2012 Planning Rule, 36 CFR Part 219, which sets out two relevant requirements. First, SCC must be designated. The rule defines SCC as “a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species’ capability to persist over the long-term in the plan area.”<sup>24</sup> Second, a plan must include standards or guidelines to maintain or restore ecological conditions within the plan area to contribute to maintaining a viable population of the species within its range.<sup>25</sup>

The SCC lists for the NPCNF and adjacent LNF offer contradictory information regarding mountain goats. Although released within one month of each other for adjacent forests with overlapping mountain goat habitat, the Regional Forester’s rationale for omitting the mountain goat from the NPCNF SCC list contradicts the rationale for including the mountain goat on the SCC list for the LNF and ignores relevant scientific information and guidance from the Forest Service Handbook.<sup>26</sup>

On October 25, 2023, the Regional Forester released a memorandum<sup>27</sup> summarizing selection of Species of Conservation Concern for the LNF, accompanied by a narrative rationale (species evaluations) used to select animal<sup>28</sup> and plant species as SCC for the LNF’s revised land management plan. The rationale is explained in an executive summary as well.<sup>29</sup> The Regional Forester noted that the threats facing mountain goats are not specific to the LNF but apply throughout the species’ distribution.<sup>30</sup> These broadly applicable threats include:

[T]he tendency for populations to be small and isolated, as is the case within the plan area, which present concerns for genetic variability as well as susceptibility to stochastic events such as weather, predation, and pathogens.<sup>31</sup>

...

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<sup>24</sup> 36 C.F.R. § 219.9(c).

<sup>25</sup> 36 CFR § 219.9(b),(c).

<sup>26</sup> FSH 1909.12.52d(3)(d).

<sup>27</sup> Regional Forester Leanne Martin, Northern Region, *Species of Conservation Concern for Development of the Lolo National Forest’s Revised Land Management Plan*, Oct. 25, 2023, [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd1149532.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1149532.pdf).

<sup>28</sup> Northern Region/Lolo National Forest, *Lolo National Forest Evaluations and Rationale for Identifying Species of Conservation Concern*, Oct. 2023, [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd1149533.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1149533.pdf).

<sup>29</sup> Northern Region/Lolo National Forest, *Lolo National Forest Species of Conservation Concern List and Rationale: Executive Summary*, Oct. 2023, [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd1149535.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1149535.pdf).

<sup>30</sup> Northern Region/Lolo National Forest, *Lolo National Forest Evaluations and Rationale for Identifying Species of Conservation Concern*, Oct. 2023, at 103.

<sup>31</sup> *Id.*



[M]ountain goats are susceptible to infection by *Mycoplasma ovipneumoniae* (Lowrey et al. 2018, Wolff et al. 2019), the bacterium associated with pneumonia in sheep and goats.<sup>32</sup>

...

Compared to other ungulates, the species appears particularly sensitive to human disturbance (Mountain Goat Management Team 2010). Motorized and non-motorized recreation, as well as aerial vehicles, are well documented to affect the species, particularly during winter and kid rearing season, with impacts ranging from permanent or seasonal displace, to changes in behavior and productivity (Idaho Department of Fish and Game 2019, Mountain Goat Management Team 2010, Northern Wild Sheep and Goat Council 2020).<sup>33</sup>

...

The species is expected to be largely negatively affected by climate change (Northern Wild Sheep and Goat Council 2022). Increasing summer temperatures can increase physiological costs to individuals while reducing forage productivity, with subsequent implications for recruitment and survival (White et al. 2011, White et al. 2020, Young et al. 2022, Northern Wild Sheep and Goat Council 2022). Ultimately, the area suitable for sustaining the species is expected to decline (White et al. 2020, Elsen and Tingley 2015), which due to the small population sizes typified by the species, may have additional effects if connectivity among populations is not enhanced (Young et al. 2022).<sup>34</sup>

The Regional Forester concluded that there is sufficient scientific information available to determine if there is substantial concern for long-term persistence of the species in the plan area, and thus included the mountain goat on the SCC list for the Lolo National Forest. The following statement summarizes the Regional Forester's rationale:

All herds within the plan area have demonstrated or are suspected to have population declines. Populations within the plan area are small and isolated and likely have limited connectivity to other populations due to suitable habitat arrangements within the larger landscape. Although the specific cause of the population decline are unknown, multiple threats to the species exist within the plan area, and when coupled with the inherently small populations within the plan area indicate there is substantial concern for the species.<sup>35</sup>

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 104.

Yet, mountain goats were not included as a SCC for the NPCNF. On November 13, 2023, the Regional Forester released a memorandum<sup>36</sup> summarizing selection of SCC for the NPCNF, accompanied by a rationale (species evaluations) used to select animal<sup>37</sup> and plant species as SCC for the NPCNF LMP and FEIS. Although the mountain goat was considered for SCC status, the Regional Forester declined to include it on the list, concluding:

No substantial concern. Most habitat is in designated wilderness or Idaho roadless areas, removed from stressors associated with motorized use and vegetation management. Overhunting was identified as contributing to declines decades ago, but this stressor has been corrected. Although reliable population estimates are lacking, the most recent minimum counts in three of the plan area's PMUs appear to have sufficient abundance and distribution to support long-term persistence.<sup>38</sup>

Although released by the same Regional Forester within a time span of just a few weeks, these rationales present opposite and inconsistent conclusions regarding the same species in a contiguous landscape. In particular, the plans reach contradictory conclusions regarding (1) the nature of threats from winter motorized recreation in the plan area and (2) population trends.

Threats to mountain goats posed by OSV use are treated differently in the two forests' SCC decisions. The LNF SCC rationale highlights threats from winter motorized recreation in the plan area. "Motorized and non-motorized recreation, as well as aerial vehicles, are well documented to affect the species, particularly during winter and kid rearing season, with impacts ranging from permanent or seasonal displace, to changes in behavior and productivity."<sup>39</sup> In contrast, the NPCNF SCC rationale accords less significance to motorized recreation. "There is some concern about unauthorized snowmobile use in the Black Snow PMU (IDFG 2019), but this is unstudied. The area is not open to motorized over-snow use."<sup>40</sup> Importantly, this conclusion assumes that the Black Snow PMU will remain closed to winter motorized recreation, but that is not correct. According to the Idaho Mountain Goat Management Plan, the "Black Snow PMU includes mountain goat habitat within GMUs 7, 9, 10, 10A, and 12."<sup>41</sup> The Idaho Hunt Planner Map<sup>42</sup> clearly shows that GMU 10 includes mountain goat habitat between Kid Lake and Fish Lake that the NPCNF LMP proposes to eliminate from recommended wilderness. Thus, the statement in the NPCNF SCC Rationale is incorrect and the conclusion it supports (that snowmobile use will not negatively impact mountain goats) is unfounded.

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<sup>36</sup> Regional Forester Leanne Martin, Northern Region, *Species of Conservation Concern, Nez Perce-Clearwater National Forests*, Nove. 13, 2023, [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd1153712.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1153712.pdf).

<sup>37</sup> Northern Region, *Species of Conservation Concern: Nez Perce-Clearwater National Forests*, animal xlsx, <https://www.fs.usda.gov/detail/r1/landmanagement/planning/?cid=fseprd500402>.

<sup>38</sup> *Id. at* "Mountain Goat," row 11.

<sup>39</sup> Northern Region/Lolo National Forest, *Lolo National Forest Evaluations and Rationale for Identifying Species of Conservation Concern*, Oct. 2023, at 103.

<sup>40</sup> Northern Region, *Species of Conservation Concern: Nez Perce-Clearwater National Forests*, animal xlsx, at "Mountain Goat," row 11.

<sup>41</sup> Idaho Department of Fish and Game, *Idaho Mountain Goat Management Plan: 2019-2024*, June 2021, at 33. (Appendix C)

<sup>42</sup> Idaho Department of Fish and Game, *Idaho Hunt Planner*, <https://idfg.idaho.gov/ifwis/huntplanner/mapcenter/>, last accessed Jan. 28, 2024. (Appendix D)

As with the threat of motorized recreation, population trends receive different treatments in the two forests' SCC Rationales. The Lolo Rationale emphasizes the decline in mountain goat populations. "Population surveys for the plan area are limited (Smith and DeCesare 2017); however, for the three monitored populations harvest trends suggest populations have declined since the 1970s, a pattern that is common for all native populations in Montana (Smith and DeCesare 2017). Surveys of area biologists further support the notion that native populations of the species are in decline throughout Montana, including the plan area (Smith and DeCesare 2017)."<sup>43</sup> In contrast, the NPCNF Rationale downplays any potential declines in population. "Reliable recent trend data does not exist for the plan area due to the methodology and frequency of surveys. However, there is some thought that goats may be decreasing in some parts of the plan area (particularly the Lower Salmon PMU) while stable or increasing in others (e.g, Black Snow and Seven Devils PMU)(IDFG 2021, 2022). The overall trend in the plan area is unknown."<sup>44</sup>

Although these SCC rationales were prepared by the same Regional Forester for a species whose distribution spans adjacent national forests, the rationale for the NPCNF SCC list fails to reference relevant scientific information that the Regional Forester cited and relied upon in determining that the mountain goat would be listed as a SCC for the LNF. Specifically, the following sources are all cited in the LNF Rationale but are conspicuously absent from the NPCNF Rationale:

Bowyer, T.R., Bleich, V.C., Stewart, K.M., Whiting, J.C., and Monteith, K.L. 2014. Density dependence in ungulates: a review of causes, and concepts with some clarifications. *California Fish and Game* 100 (3): pp. 550-572 pp.

Côté, S.D., and Festa-Bianchet, M. 2003. Mountain goat. Chapter 49. In Feldhamer, G. A., Thompson, B.C. and Champman, J. A., eds., *Wild mammals of North America: biology, management and conservation*. Second edition. Baltimore, MD: John Hopkins University Press. 1061-1075 pp.

Elsen, P.R., and Tingley, M.W. 2015. Global mountain topography and the fate of montane species under climate change. *Nature Climate Change* 5 (8): 772-776 pp. <https://doi.org/10.1038/nclimate2656>

Festa-Bianchet, M., and Côté, S.D. 2012. *Mountain goats: ecology, behavior, and conservation of an alpine ungulate*. Island Press.

Grusing, E.C., Lowrey, B.H., DeVoe, J., and Garrott, R.A. 2020. Evaluating summer migrations to mineral licks by two mountain ungulates. 22nd Biennial Symposium of the Northern Wild Sheep and Goat Council.

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<sup>43</sup> Northern Region/Lolo National Forest, *Lolo National Forest Evaluations and Rationale for Identifying Species of Conservation Concern*, Oct. 2023, at 103.

<sup>44</sup> Northern Region, *Species of Conservation Concern: Nez Perce-Clearwater National Forests*, animal xlsx, at "Mountain Goat," row 11.

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## **Objection: The LMP, DROD, and FEIS rely on flawed rationale and offer inadequate protection for mountain goats**

The FEIS relies on the NPCNF SCC Rationale's flawed rationale and thus inadequately analyzes the impacts of opening currently protected areas to winter motorized recreation, as well as other threats identified and documented in the SCC analysis released for the adjacent Lolo National Forest. Similarly, the LMP relies on this flawed rationale and thus fails to address mountain goat habitat needs in the "fine filter" level of analysis justified for this species, pursuant to the 2012 Planning Rule. The Regional Forester's rationale for omitting the mountain goat from the Nez-Clear SCC list relies on an assumption that existing habitat in wilderness and roadless areas will be protected from the identified stressors of motorized recreation, yet the LMP proposes removal of these protections by substantially reducing recommended wilderness and expanding winter motorized recreation in areas supporting mountain goat populations.

Although the Regional Forester's rationale for omitting the mountain goat from the NPCNF SCC list cites the Idaho Mountain Goat Management Plan 2019-2024,<sup>45</sup> it fails to integrate relevant information about the species' conservation status, threats, and management priorities. As a result, the LMP fails to include management direction supportive of species conservation and recovery goals. "The mountain goat is recognized as a Species of Greatest Conservation Need, priority Tier 3, in the Idaho State Wildlife Action Plan (SWAP, IDFG 2017). The Action Plan is the state's guiding document for managing and conserving species before they become too rare and costly to protect. Proactive guidance in SWAP promotes recovery efforts and appropriate land-use measures, and builds and strengthens partnerships to conserve Idaho's wildlife heritage."<sup>46</sup>

The Idaho Mountain Goat Management Plan addresses "well-documented" human disturbances to mountain goats from recreational activities,<sup>47</sup> including detailed descriptions of the potential for displacement from winter and nursery areas:

Rapidly expanding and innovative technology has resulted in lighter equipment and more powerful machines, allowing more people to access remote alpine environments with increasing frequency. In addition, as climate changes and traditional recreation areas receive less snow, more recreation activity and pressure will be placed on higher elevation, remote habitat typically favored by mountain goats. Several studies have indicated ungulates do not become habituated to repeated, cumulative aerial disturbance, even over multiple years of the same disturbance (Bleich et al. 1994, Frid 2003). Fleeing from disturbance and vigilance can increase with repeated exposure to human disturbance, resulting in sensitization rather than habituation to human presence (Frid and Dill 2002). The long-term result of repeated disturbance by helicopters, snow machines, snow bikes, ATVs, hikers, cross-country skiers, or even logging or road building may

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<sup>45</sup> Idaho Department of Fish and Game, *Idaho Mountain Goat Management Plan: 2019-2024*, June 2021. (Appendix C)

<sup>46</sup> *Id.* at 2.

<sup>47</sup> *Id.* at 7-8.

be displacement from important winter and nursery areas, which could subsequently lead to declines in mountain goat populations.<sup>48</sup>

The Idaho Mountain Goat Management Plan also addresses threats from climate change to mountain goats, citing studies predicting that mountain goat habitat will shrink and become more isolated and fragmented,<sup>49</sup> and that the species potentially has low adaptive capacity.<sup>50</sup>

The Idaho Mountain Goat Management Plan's management directions and strategies<sup>51</sup> include several that should inform and be incorporated into the SCC rationale and Nez-Clear plan components:

Management Direction: IDFG will collaborate with land management agencies (e.g., USFS) to incorporate habitat protection and mitigation measures and strategies in land use and resource management plans.

- Strategy – Place conservation of existing quality mountain goat habitat as high priority for habitat management.
- Strategy – Identify critical areas, including occupied winter ranges and nursery group areas.
- Strategy – Identify and evaluate potential threats to mountain goat habitat and coordinate with land managers (e.g., USFS, Bureau of Land Management [BLM], Idaho Department of Lands [IDL]) and recreation groups to address those activities.
- Strategy -- Work with land managers (e.g., USFS, BLM, IDL) and recreation groups to minimize impacts of disturbance in mountain goat habitats by developing best-management practices for recreational activities, including over-snow recreational activities and helicopter-based recreation, by 2022.
- Strategy – Develop a plan to identify and prioritize research needs for all Idaho mountain goat populations before 2020. Develop proposals for prioritized projects that identify number and type of radio-collars necessary to answer research questions. These projects could include efforts to radio-collar adult mountain goats to examine habitat use and movement patterns where this need is identified as a priority. Use survival and movement data from radio-collared mountain goats to provide insight into effects of recreation.

Management Direction: IDFG staff will work to better understand existing and potential effects of changing climate, specifically changes in severity of winter and summer temperatures, on mountain goat recruitment rates, survival, and distribution, as well as alpine habitat responses.

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<sup>48</sup> *Id.* at 8.

<sup>49</sup> *Id.* at 11.

<sup>50</sup> *Id.* at 12.

<sup>51</sup> *Id.* at 12-13.

- Strategy – Identify and support collaborative research among partners, standardization of methods, and development of opportunities focused on identifying and understanding changes in climatic conditions that could affect mountain goat populations.
- Strategy – Work with university researchers to develop climate models at appropriate scales for management of mountain goats in Idaho.
- Strategy – Engage land management agencies (e.g., USFS) in collaborative efforts to address direct and indirect threats, such as road building, mining, and impacts from recreational activities, to mountain goat populations that may compound effects of climate change.

The Idaho Mountain Goat Management Plan separately sets out management direction and strategies specific to the Black Snow Population Management Unit (PMU),<sup>52</sup> which should inform and be incorporated into the SCC rationale and NPCNF plan components:

Management Direction: IDFG will work to maintain a stable to increasing mountain goat population in Black Snow PMU.

- Strategy – Collaborate with Idaho Panhandle and Nez Perce-Clearwater national forests and BLM to minimize potential impact of motorized and non-motorized recreation on mountain goats.
- Strategy – Work with Idaho Panhandle and Nez Perce-Clearwater national forests to identify ways to improve foraging habitat and population connectivity.
- Strategy – Coordinate with Montana Fish, Wildlife and Parks on surveys, monitoring, and potential harvest.

**Objection: Changes to the boundaries of the Great Burn RWA will have negative effects on mountain goats**

The dramatic reduction in recommended wilderness will impact the mountain goat, primarily due to expanded motorized winter recreation. A dramatic reduction in recommended wilderness in the Hoodoo to accommodate expanded winter motorized recreation threatens the sensitive mountain goat; it is not supported by the cursory analysis presented in the FEIS and contradicts management priorities of Idaho Game and Fish and the adjoining LNF.

As a result of the failure to list the mountain goat as a SCC, the plan provisions and environmental analysis are inadequate to meet the requirements of supporting the species' capability to persist over the long-term in the plan area, especially in the Hoodoo Roadless Area. All the information we provided in our 2020 comments apply equally to the LMP, which not only failed to incorporate beneficial standards and desired conditions but went well beyond prior limitations by proposing to eliminate winter range habitat protections through dramatic reduction in recommended wilderness.

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<sup>52</sup> *Id.* at 33-35.

As we outlined in our 2020 comment letter,<sup>53</sup> other national forest units recognize the need to protect mountain goat populations and have acted by closing winter ranges to motorized vehicles. For example, the Environmental Assessment (EA) for OSV Travel Management in the Northern Portion of the Fairfield Ranger District, Sawtooth National Forest<sup>54</sup> closed areas to over-snow vehicle use based on the expected impacts of such use on mountain goats, lynx, and wolverine. The EA stated:

In order to lessen the increase of potential disturbance effects to mountain goats, lynx, and wolverine denning in the upper headwaters of the upper South Fork Boise River and Big Smoky Creek areas resulting from...increased over-snow vehicle recreation, the District would implement a new over-snow vehicle closure in those areas.<sup>55</sup>

...

Add protection from disturbance for wintering mountain goats, lynx, and wolverine denning in a portion of the headwater area of the South Fork of the Boise River and Big Smoky Creek drainages by closing the area to over-snow vehicle use.<sup>56</sup>

...

Based on discussions with personnel from the Idaho Department of Fish and Game...it was determined that it would be important to add the headwaters areas of Big Smoky Creek to the proposed new closure in order to protect wintering mountain goats.<sup>57</sup>

...

Disturbances that cause mountain goats to flee in the wintertime can have negative consequences to individuals, and repeated disturbances to small populations...can have negative effects to the population.<sup>58</sup>

...

While mountain goats can become habituated to predictable, continuous noise, they are disturbed by sudden, unpredictable stimuli...[B]oth snowmobiles and helicopters can affect mountain goat behavior, depending upon the proximity and duration of the disturbance. Due to increases in technology of over-snow vehicles,

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<sup>53</sup> Great Burn Conservation Alliance, Idaho Conservation League, and The Wilderness Society, *Draft Forest Plan and Environmental Impact Statement Comments*, April 20, 2020, at 73-74. (Appendix A)

<sup>54</sup> Sawtooth National Forest, *Environmental Assessment for Over-snow Vehicle Travel Management in the Northern Portion of the Fairfield Ranger District*, Jan. 2017.

<sup>55</sup> *Id.* at 3.

<sup>56</sup> *Id.* at 18.

<sup>57</sup> *Id.* at 24.

<sup>58</sup> *Id.* at 36.



their increasing popularity and increasing over- snow vehicle users seeking extreme terrain, it is foreseeable that the use of the upper South Fork area would likely increase.<sup>59</sup>

...

[Forest Plan] Objectives 0640 (and 0834) – Provide winter habitat security for mountain goats and reproductive denning habitat security for wolverine in the headwaters area (and headwater tributary areas) of the South Fork Boise River by minimizing disturbance from winter recreation activities.<sup>60</sup>

...

[Forest Plan] Standards 0667 (and 0867) – Restrict or modify winter recreation activities where conflicts exist with mountain goats and/or wolverine.<sup>61</sup>

...

The new proposed over-snow vehicle closure area was developed to protect mountain goats from disturbance by over-snow vehicles.<sup>62</sup>

...

Technology is permitting over-snow vehicles to access areas previously not possible, and this trend is expected to continue...[T]he proximity with which over-snow vehicles can go to ... habitats puts mountain goats at risk of disturbance.<sup>63</sup>

## Resolution

To remedy the objections above, GBCA makes the following requests:

First, we request that the Regional Forester add the mountain goat to the list of Species of Conservation Concern for the NPCNF, incorporating citations and information contained in literature presented in the SCC Rationale for the Lolo National Forest.

Second, we request that the FEIS be amended to sufficiently address threats to mountain goats and impacts of the proposed expansion of motorized and mechanized recreation in mountain goat habitat.

Third, we request that the final plan be amended to reflect this SCC designation, and to address multiple threats to the species within the plan area—particularly those arising from expanded

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<sup>59</sup> *Id.* at 37.

<sup>60</sup> *Id.* at 38.

<sup>61</sup> *Id.* at 38.

<sup>62</sup> *Id.* at 39.

<sup>63</sup> *Id.* at 42.

winter motorized recreation and effects of climate change—coupled with the inherently small populations of mountain goats living within the plan area. These could include, for example:

Standard: Over-snow vehicle use is prohibited in mountain goat winter range.

Desired Condition: Mountain goats are not harassed or displaced from known winter concentration or kidding areas due to human activities.

Most importantly, and fundamental to ensuring persistence of the mountain goat, we request (1) that the LMP be amended to make the boundaries of the Great Burn RWA coextensive with the Hoodoo Roadless Area and (2) that the NPCNF maintain and enforce all current closures of recommended wilderness areas to non-conforming uses.

### **Wolverine**

The U.S. Fish and Wildlife Service (USFWS) recently listed wolverine as a threatened species under the Endangered Species Act (ESA). The NPCNF provides important habitat for this species. In particular, the Great Burn offers important, high-elevation habitat, which is critically important for maternal denning. Under the Preferred Alternative, this habitat would be reduced, altered, and diminished. The decision to do so is the result of inadequate analysis.

### **Standing**

Our comments to the 2020 Draft Forest Plan and Environmental Impact statement address threats to wolverine and wolverine habitat. At that time, we wrote that “[o]ver-snow vehicle users most covet the terrain between Blacklead Mountain and Williams Peak. However, as our comments show, this territory encompasses critical winter range for mountain goats, maternal denning habitat for wolverine, and security habitat for grizzly bears. Opening any portion of the Great Burn to over-snow vehicles and other incompatible uses would be detrimental to these species.”<sup>64</sup> Our comments expressed our desire to see robust protections wolverine, both within the bounds of the Great Burn and in the NPCNF at large.

### **Objection: Changes to the boundaries of the Great Burn RWA will harm wolverine**

One-fifth of the wolverine maternal denning habitat on the Clearwater side of the NPCNF is concentrated in the Hoodoo Roadless Area.<sup>65</sup> Heinemeyer et al. found that wolverines avoided areas of both motorized and non-motorized winter recreation with off-road recreation eliciting a stronger response than road-based recreation. Moreover, female wolverines exhibited stronger avoidance of off-road motorized recreation and experienced higher indirect habitat loss than male wolverines.<sup>66</sup>

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<sup>64</sup> Great Burn Conservation Alliance, Idaho Conservation League, and The Wilderness Society, *Draft Forest Plan and Environmental Impact Statement Comments*, April 20, 2020, at 2. (Appendix A)

<sup>65</sup> *Id.* at 22.

<sup>66</sup> Kimberly Heinemeyer et al., *Wolverines in winter: indirect habitat loss and functional responses to backcountry recreation*, *Ecosphere* 10(2) (2019). (Appendix E)

The USFWS wolverine listing indicates that “[i]ncreased human development, infrastructure, and associated anthropogenic disturbance are expected to have direct and indirect effects to wolverine populations in the contiguous United States, including reducing the number of wolverines that can be supported by available habitat, reducing the ability of wolverines to travel between patches of suitable habitat . . . .”<sup>67</sup> While critical habitat designations have not yet been made for the species, the Hoodoo Roadless Area habitat is both primary wolverine habitat and a predicted high use corridor making it likely that the Great Burn will be designated as wolverine critical habitat within the year. Given its importance to the species, the wilderness character of the Great Burn should be protected to promote wolverine recovery.

**Objection: The Preferred Alternative rests on insufficient analysis regarding wolverine**

The North American wolverine was officially listed as threatened in the contiguous U.S. by USFWS on January 2, 2024.<sup>68</sup> The NPCNF’s Biological Assessment (BA) for this LMP was prepared prior to the USFWS’ listing decision. The BA lacks important considerations regarding climate change and snowpack. Specifically, the BA states “[t]he Nez Perce-Clearwater does not anticipate substantial changes to wolverine maternal or natal denning habitat over the anticipated life of the plan . . . .”<sup>69</sup> This statement does not account for climate change or for reducing the area protected as recommended wilderness in the Great Burn. These subjects receive a passing mention later in the BA. “Potential for backcountry winter recreation to affect wolverines may increase under climate change if the reduced snowpack concentrates winter recreationists and wolverines in the remaining areas of persistent snow cover.”<sup>70</sup>

**Objection: The LMP provides insufficient protection for wolverine**

Despite the precarious state of wolverine populations in the lower 48 states,<sup>71</sup> the LMP’s protection for wolverine is limited to a single Desired Condition (FW-DC-WL-01). The conclusions from the BA regarding wolverine rest in part on the Management Plan for the Conservation of Wolverines in Idaho.<sup>72</sup> That plan contains a map titled Wolverine Predicted Dispersal Corridors, showing the close match between predicted high use corridors and the state border between Idaho and Montana.<sup>73</sup> This stateline area is also mapped as R1 primary wolverine habitat on page 954 of the FEIS.<sup>74</sup> Despite the established significance, the plan lacks any desired conditions, standards, or guidelines specific to wolverines that would protect this corridor and primary habitat from human disturbance if mountain bikes and OSV use are allowed in these areas. The only real protection for wolverines is included in FW-DC-WL-01. “The Nez Perce-Clearwater provides habitat conditions for federally listed threatened, endangered, and

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<sup>67</sup> 88 F.R. 83726, 83762.

<sup>68</sup> *Id.* at 83726.

<sup>69</sup> Nez Perce-Clearwater National Forests, *Biological Assessment for Threatened, Endangered, Proposed Species, and Essential Fish Habitat Assessment*, June 2023, at 387.

<sup>70</sup> *Id.* at 391.

<sup>71</sup> *See* 88 F.R. 83726.

<sup>72</sup> Idaho Department of Fish and Game, *Management Plan for the Conservation of Wolverines in Idaho, 2014-2019*, July 2014. (Appendix F)

<sup>73</sup> *Id.* at 21.

<sup>74</sup> Nez Perce-Clearwater National Forests, *Final Environmental Impact Statement for the Land Management Plan*, Nov. 2023.

candidate plant and animal species that contribute to their recovery to the point at which listing is no longer appropriate. Habitat used by federally listed species provides conditions to meet their life history needs.”<sup>75</sup> This desired condition is broad, non-specific, and difficult to quantify. In contrast, the threats posed by altering and reducing the boundaries of the Great Burn RWA are particularized and imminent.

## **Resolution**

To remedy the objections above, we request the following resolutions. First, the LMP and BA should be updated to reflect new information. The BA was completed in June 2023, while the wolverine was proposed for listing. The BA should be revised to incorporate the status change of the wolverine to threatened. Changes to the BA should then be reflected in corresponding updates to the LMP. Second, we request that the plan establish or reestablish recommended wilderness designation for roadless areas that encompass maternal denning habitat and connecting corridors. This would be best accomplished by making the boundaries of the Great Burn RWA coextensive with the Hoodoo Roadless Area. As an important corollary, this approach will only benefit wolverines if recommended wilderness areas continue to be off-limits to over-snow vehicle use.

Finally, we request that the planning team adopt plan components that limit indirect loss of maternal denning habitat through prohibitions or restrictions on winter recreation activities in maternal denning habitat. The following suggestions describe plan components to address this issue:

Desired condition: Human-caused disturbances do not affect species such as mountain goat, wolverine, and grizzly bear at a frequency or scale that prevents wildlife populations from attaining desired distribution and abundance in the planning area.

Desired condition: Winter recreation activities are managed to avoid or minimize indirect loss of wolverine maternal denning habitat. Wolverine habitat connectivity along the Bitterroot Divide is maintained to ensure genetic interchange with neighboring populations.

Standard: Over-snow vehicle use is prohibited in wolverine maternal denning habitat from February 15th to May 15th.

Guideline: Winter recreation activities along the Bitterroot Divide should be limited to designated routes to minimize displacement of wolverines.

## **Habitat Connectivity**

Currently managed as recommended wilderness, the Great Burn provides significant habitat connectivity for several important wildlife species. As such, GBCA objects to the effects of

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<sup>75</sup> Nez Perce-Clearwater National Forests, *2023 Land Management Plan*, Nov. 2023, at 73.

reductions to the Great Burn RWA as well as the rationale that led to the Preferred Alternative. The Preferred Alternative is the result of misplaced priorities and unfounded assumptions.

The LMP rests on the assumptions that (1) OSV use will remain at a low level and will not motivate summer motorized users to demand similar access; (2) that adequate funding for law enforcement to control illegal trespass will be available; (3) that climate change will not have significant impacts on wildlife; and (4) that future wildlife habitat needs (such as may be required from the listing of wolverines) will be easily accommodated.

In redrawing the recommended wilderness boundary to exclude Blacklead and the area between Fish Lake and Hoodoo Pass, the Forest Service is giving a priority to mechanized over-the-snow winter use over wildlife habitat connectivity. Eliminating both Blacklead and the area south of Hoodoo Pass from recommended wilderness adversely impacts large-scale habitat connectivity in the Northern Rockies. It has the potential to create management difficulties for the LNF. The long-term risks to wildlife and habitat connectivity from this decision are too great and favor a relatively small user group that has reasonable access to similar opportunities elsewhere.

## **Standing**

GBCA addressed wildlife connectivity issues in our joint comments to the Draft Nez Perce–Clearwater Plan dated April 20, 2020. Specifically, our comments addressed the importance of maintaining landscape connectivity, the “[p]rotection of large, core areas that encompass high levels of ecological diversity across topographically complex landscapes, while simultaneously improving connectivity between these large core areas;” the use of recommended wilderness to enhance connectivity; and the threats that motorized and mechanized recreation pose to wildlife.<sup>76</sup>

## **Objection: Changes to the boundaries of the Great Burn RWA will decrease habitat connectivity**

The Preferred Alternative’s changes to the boundary of the Great Burn RWA reduce the quality and potential effectiveness of habitat connectivity for species such as grizzly bears, lynx, and wolverines. Further, these changes reduce protection of significant potential high elevation denning habitat for wolverines and grizzly bears along the Idaho/Montana Divide.

Our objection to the changes to the Great Burn RWA is based in part on the Forest’s inability to assure that the proposed plan components will maintain or restore ecological conditions within the plan area to contribute to maintaining a viable population of species within their range.<sup>77</sup>

The Great Burn RWA facilitates important habitat connectivity. The LMP acknowledges the Great Burn’s importance as a “regional linkage” within the NPCNF’s “vast, contiguous wildland areas,” which form the “largest complex of unroaded lands within the lower forty-eight states.”<sup>78</sup> Further, the Hoodoo Roadless Area “provides important habitat for an abundance of wildlife

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<sup>76</sup> Great Burn Conservation Alliance, Idaho Conservation League, and The Wilderness Society, *Draft Forest Plan and Environmental Impact Statement Comments*, April 20, 2020, at 16-17. (Appendix A)

<sup>77</sup> See 36 CFR § 219.9(b), (c).

<sup>78</sup> Nez Perce-Clearwater National Forests, *2023 Land Management Plan*, Nov. 2023, at 6.

species including elk, black bear, moose, Canada lynx, fisher, mountain goats and, most notably, female wolverine winter denning/rearing habitat”<sup>79</sup> and “connectivity for wide-ranging species such as grizzly bear.”<sup>80</sup>

Habitat connectivity operates at different scales depending on the species of interest. In general, the larger the patch the better. Ament, et al. explain that “[l]inking protected areas, such as national parks and wilderness areas, as well as other crucial habitats, ensures larger, cohesive landscapes of high biological integrity that allow for the migration, movement, and dispersal of wildlife and plants. Improving connectivity is also a proven method for allowing wildlife to move in response to environmental change.”<sup>81</sup>

The location and size of the Great Burn and Mallard-Larkins RWAs in proximity to the Northern Continental Divide and Selway-Bitterroot Grizzly Bear Recovery Areas is exactly what makes this part of the NPCNF so unique and important for wildlife connectivity. In our view, Great Burn RWA and Hoodoo Roadless Area are far more significant and unique as long-term wildlife habitat than as a destination for OSV use. Recommending the entirety of the Hoodoo Roadless Area, will help ensure that the Northern Rockies not only “comprise the largest complex of unroaded lands in the lower forty-eight states,”<sup>82</sup> but will also preserve future options to help safeguard the proper function of the large landscapes and retain the habitat integrity for the suite of wildlife species for which the Northern Rockies are renowned.

The LMP is shaped by flawed assumptions regarding the impacts of climate change and motorized recreation on habitat connectivity. Specifically, the LMP assumes that climate change coupled with OSV travel in the high country of the Hoodoo Roadless Area will have no long-term implications on wildlife such as wolverines and grizzly bears. Even a modest increase in OSV use coupled with climate-induced reductions to the amount, distribution and duration of snowpack has the potential to adversely impact species that are negatively affected by disturbances associated with motorized activity. By permitting OSV use to become established, it will become extremely difficult to curtail that use should it become necessary.

Reducing the size of the Great Burn RWA and allowing increased OSV use in the Hoodoo Roadless Area will have negative impacts on wolverine. Wolverine are highly dependent on high elevation snowfields for denning habitat and have recently been listed under ESA by the USFWS.<sup>83</sup> USFWS is now tasked with identifying critical habitat for the species. The higher elevation habitat of the Great Burn along the entire Idaho Montana Divide could potentially be identified as critical habitat. With the uncertainty regarding the impacts of climate change and of potentially having much if not all the Idaho-Montana border within the Hoodoo Roadless Area designated as critical for wolverines, it would be prudent to protect the entirety of the Hoodoo Roadless Area as recommended wilderness in anticipation of USFWS’ critical habitat determination.

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<sup>79</sup> Nez Perce-Clearwater National Forests, *Draft Record of Decision: Revised Land Management Plan*, Nov. 2023, Appendix II, at 5.

<sup>80</sup> *Id.*

<sup>81</sup> Ament, R., R. Callahan, M. McClure, M. Reuling, and G. Tabor. *Wildlife Connectivity: Fundamentals for conservation action*, Center for Large Landscape Conservation, 2014, at i. (Appendix G)

<sup>82</sup> Nez Perce-Clearwater National Forests, *2023 Land Management Plan*, Nov. 2023, at 6.

<sup>83</sup> 88 F.R. 83726.

The decision to remove from recommended wilderness a 150-foot corridor along Divide Trail #738 will have major implications for habitat connectivity on the adjacent Lolo National Forest. Such management designations in Idaho will make it very difficult to manage the Hoodoo Roadless Area within Montana. Should the LNF favor recommending Wilderness for a significant portion of the Great Burn, it would essentially force the LNF into edge matching the Great Burn RWA with the Idaho side or independently placing the potential boundary along the Stateline, resulting in a much smaller proposed Wilderness and a potential trespass headache for the LNF.

### **Objection: The analysis supporting the LMP is inadequate and flawed**

Many of the Preferred Alternative's shortcomings are related to inadequate or flawed analysis. Specifically, the LMP fails to follow recent Council on Environmental Quality (CEQ) guidance, ignores important issues related to climate change, and rests on inaccurate assumptions involving OSV use.

The NPCNF has given insufficient recognition to recent CEQ direction in "Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors" dated March 21, 2023.<sup>84</sup> That document states: "Federal agencies should consider how their actions can support the management, long-term conservation, enhancement, protection, and restoration of year-round habitat, seasonal habitat, stopover habitat, wildlife corridors, watersheds, and other landscape/waterscape/seascape features and processes that promote connectivity. Connectivity and corridors should factor into high-level planning and decision-making at Federal agencies as well as into individual decisions that lead to well-sited and planned projects."<sup>85</sup>

The Forest has overlooked the potential impacts of climate change on snow abundance and distribution and subsequent impacts on species that require deep snow for denning. The Forest has incorrectly assumed that OSV use will have no significant impact on species such as grizzly bears, lynx, and wolverines. In contrast, The Grizzly Bear Species Status Assessment suggested it is important to consider the potential impact from winter recreation because grizzly bears are easily awakened in their dens.<sup>86</sup> It also suggested that disturbance of grizzly bears in the den can result in cub abandonment or early den exit, which could kill a grizzly.<sup>87</sup> Although no mortality has been documented in the U.S., studies from Scandinavia<sup>88</sup> suggest that abandonment is possible as a result of den disturbance.<sup>89</sup>

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<sup>84</sup> Executive Office of the President, Council on Environmental Quality, *Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors*, March 21, 2023. (Appendix H)

<sup>85</sup> *Id.* at 4-5.

<sup>86</sup> U.S. Fish and Wildlife Service, *Species Status Assessment for the Grizzly Bear (Ursus arctos horribilis) in the Lower-48 States: A Biological Report*, Jan. 2021. (Appendix I)

<sup>87</sup> Nez Perce-Clearwater National Forests, *Biological Assessment for Threatened, Endangered, Proposed Species, and Essential Fish Habitat Assessment*, June 2023, at 227.

<sup>88</sup> Jon E. Swenson et al. *Winter den abandonment by brown bears Ursus arctos: Causes and consequences*, *Wildlife Biology*, 1997, 3:35-38. (Appendix J)

<sup>89</sup> Nez Perce-Clearwater National Forests, *Biological Assessment for Threatened, Endangered, Proposed Species, and Essential Fish Habitat Assessment*, June 2023, at 227.

**Objection: Because the analysis is inadequate, the LMP fails to provide for adequate enforcement to protect habitat connectivity**

Based on the information in the LMP and related documents, the NPCNF can make no assurance that it can provide adequate law enforcement to curtail future illegal trespass by OSV or other unauthorized mechanized users. There is no assurance that winter snow machine use will be confined to the areas designated for winter motorized recreation. Illegal snowmobile use has been regularly documented on the NPCNF and other national forests. The Forest Service has experienced the inability to control illegal winter recreation use elsewhere in Region One, and it is reasonable to expect similar trespass in the Hoodoo Roadless Area. Recent Forest Service budget levels suggest that sufficient law enforcement funding to address trespass is unlikely. Adequate funding for law enforcement needed to ensure compliance with legal winter recreation use will continue to be a problem.

**Resolution**

We request that the NPCNF amend the LMP so that the boundaries of the Great Burn RWA are coextensive with the boundaries of the Hoodoo Roadless Area. We believe that such a modification, coupled with expanded Wilderness recommendation for the Mallard Larkins area, would best accommodate the long-term environmental benefits for wildlife habitat connectivity and species at risk conservation.

Many of the issues associated with wildlife and habitat connectivity within GBCA's mission area center around protecting large blocks of relatively undeveloped habitat to serve as core area anchor points in support of establishing linkages that potentially connect the Northern Continental Divide, Cabinet-Yaak and Selway Bitterroot Grizzly Bear Recovery Areas. Establishing core habitat and linkages for grizzly bears will also accommodate many of the species that have similar habitat connectivity needs.

Recommending boundaries that match the Hoodoo Roadless Area will also aid in coordinating land management activities with the Lolo National Forest on issues that cross the Idaho/Montana boundary. Recommending a larger area for recommended wilderness for the Great Burn should alleviate many potential problems associated with edge matching management direction, creating potential confusion over management direction by the public, minimizing trespass and making things simpler for law enforcement.

**Whitebark Pine**

The NPCNF and the Hoodoo Roadless Area provide important habitat for whitebark pine, a recently listed threatened species. GBCA objects to the inadequate analysis regarding this species, as well as the harm that will be incurred to the species under the Preferred Alternative. The LMP and accompanying documents fail to fully represent physical threats to the species. By allowing OSV use in areas within the Hoodoo Roadless Area where it was formerly prohibited, the LMP will likely hasten the decline of the species in areas that otherwise might function as important refugia.



## Standing

While we did address whitebark pine in GBCA's 2020 joint comments to the Draft Forest Plan, there is additional information and a renewed importance on whitebark pine given its listing as Threatened under the ESA on January 17, 2023.<sup>90</sup> The listing decision took place long after our previous comments were submitted, and so constitutes new information. Our 2020 comments addressed whitebark pine as part of management actions in old growth, such as general management actions; road construction; and vegetation management.<sup>91</sup> Therefore, GBCA has standing to object to issues related to whitebark pine.

### **Objection: Changes to the boundaries of the Great Burn RWA will harm whitebark pine**

Even in its reduced potential configuration under the Preferred Alternative, the Great Burn RWA contains 15,000 acres of whitebark pine habitat.<sup>92</sup> This species occurs at the subalpine treeline, just below the treeline, and in the subalpine zone. For this reason, the high-elevation landscapes of the Hoodoo Roadless Area constitute an important habitat and potential refugia for the species. By reshaping the boundaries of the RWA and reducing its overall acreage, the Preferred Alternative will expose whitebark pine to new threats and damage. Specifically, the Preferred Alternative will allow OSV use where it was previously prohibited, to the detriment of the species.

Whitebark pine is susceptible to physical harm from OSV use. The BA for the LMP cites management guidance from USFWS. This guidance includes recommendations such as "avoidance of physical damage to stands with healthy populations."<sup>93</sup> While blister rust constitutes the most significant discrete threat to the species, USFWS' listing decision also highlights the role of "cumulative interactions between white pine blister rust and other stressors" may play in seed loss and species decline.<sup>94</sup> OSV use poses a particular threat to trees.<sup>95</sup> The USFWS ESA listing decision for whitebark pine indicates recreation can harm trees. "There are numerous other factors that operate on whitebark pine at more local scales, affecting individuals or local areas; these include, but are not limited to, agriculture; energy production and mining; biological resource use (*e.g.*, logging); and recreation."<sup>96</sup> The risk that recreation poses to whitebark pine is further noted in the BA. "In some areas winter recreation also provides a threat to existing trees as portions of the trees that protrude above the snow may be damaged by motorized vehicles."<sup>97</sup>

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<sup>90</sup> 87 F.R. 76882.

<sup>91</sup> Great Burn Conservation Alliance, Idaho Conservation League, and The Wilderness Society, *Draft Forest Plan and Environmental Impact Statement Comments*, April 20, 2020, at 85-87.

<sup>92</sup> Nez Perce-Clearwater National Forests, *Final Environmental Impact Statement for the Land Management Plan*, Nov. 2023, at 1676- 77.

<sup>93</sup> Nez Perce-Clearwater National Forests, *Biological Assessment for Threatened, Endangered, Proposed Species, and Essential Fish Habitat Assessment*, June 2023, at 450.

<sup>94</sup> 87 F.R. 76882, 76895.

<sup>95</sup> See Winter Wildlands Alliance, *Seeing the forest and the trees: assessing snowmobile tree damage in national forests: A report by Winter Wildlands Alliance*, 2009. (Appendix K)

<sup>96</sup> 87 F.R. 76882, 76886.

<sup>97</sup> Nez Perce Clearwater National Forests, *Biological Assessment for Threatened, Endangered, Proposed Species, and Essential Fish Habitat Assessment*, June 2023, at 452.

By altering the boundaries of the Great Burn RWA and reducing its overall area, the Preferred Alternative would allow OSV use in whitebark pine habitat where it was formerly prohibited. Vehicles such as snowmobiles are likely to damage trees where the trees protrude through the snow. Repeated topping by OSV use could stunt tree growth, hampering recovery. While occasional damage to the trees might seem insignificant to recreationists, the cumulative impact of repeated physical harm could contribute to the overall decline of the species. Harm occurring to young trees could delay propagation and reestablishment, particularly given the 60-80 year time frame required for new trees to produce cone crops.<sup>98</sup>

**Objection: The analysis informing the LMP is inadequate and the protections afforded by the plan are therefore inadequate**

The plan purportedly rests on analysis that properly considers and mitigates the threat of climate change. For instance, the BA describes how agencies should consider climate related threats to species such as whitebark pine. “Rare and disjunct species and communities require adaptation strategies and tactics focused on encouraging regeneration, preventing damage from disturbance, and establishing refugia.”<sup>99</sup> Further, the BA gives some attention to anticipated impacts from recreation. “The plan components are adequate to support persistence of at-risk plant populations and habitat on the Nez Perce-Clearwater as human populations and demands increase. However, population and use trends suggest not only that public land will play an increasingly important role in the conservation of these species in the future, but also that management of human use impacts to ensure recovery and prevention of federal listing of species will be an increasingly difficult challenge.”<sup>100</sup>

Yet, the plan fails to account for specific and imminent climate-related threats to whitebark pine. In particular, climate change will lead to less consistent snowpack, concentrating OSV use at higher elevations and in a smaller area. Concentrating use in the high-elevation portions of the Great Burn will increasingly damage and threaten whitebark pine at individual and population level. While the Hoodoo Roadless Area could serve as refugia for whitebark pine, the Preferred Alternative disregards that potential, and instead threatens the ecological integrity of the region in order to appease a small number of users interested in using snowmobiles in this particular landscape.

**Resolution**

To resolve both objections related to whitebark pine we request that the plan be amended to limit OSV use in areas with known stands of whitebark pine. The Forest must acknowledge that climate change will negatively affect whitebark pine and associated species, by concentrating over-snow use at higher and higher elevations. Consideration should be given to making the Hoodoo Roadless Area an area of refugia for the species. The best and most effective means to accomplish this goal is to make boundaries of the Great Burn RWA coextensive with the Hoodoo Roadless Area and to continue to prohibit motorized recreation in recommended wilderness.

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<sup>98</sup> *Id.* at 450.

<sup>99</sup> *Id.*

<sup>100</sup> *Id.* at 455.

**Meeting Request**

GBCA requests a meeting with the relevant USFS representatives to discuss and resolve these objections, pursuant to 36 C.F.R. Section 219.57(a).

**Conclusion**

Thank you for your time, and for your willingness to engage with our objections. We look forward to continuing this process. Please reach out with any questions or for clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Hayley Newman", with a long horizontal line extending to the right.

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