Certified Mail # 9589 0710 5270 0699 7264 79

February 22, 2024

Forest Service

Bonner Ferry Ranger District

Attn; Doug Nishek

6286 Main Street

Bonners Ferry, ID 83805

RE: SCOPING COMMENTS FOR THE PROPOSED KATKEE FUELS PROJECT

Hello,

Native Ecosystems Council, the Alliance for the Wild Rockies, the Council on Wildlife and Fish, Yellowstone to Uintas Connection, Wildlands Defense, and the Center for Biological Diversity would like to submit the following scoping comments for the proposed Katkee Fuels Project on the Idaho Panhandle National Forest. Please note that we are requesting, as per the requirements of the National Environmental Policy Act (NEPA), that the Forest Service notify each group identified in these joint comments of any future public involvement activities for the Katkee Fuels Project.

1. Please identify the designation of the Idaho Roadless Rule within the Katkee Project Area, as to whether this area has been delineated as a Wildland Recreation Area, a Primitive Area, a Special Area, a Backcountry/Restoration Area, or an area assigned to General Forest Management. Please also define the specific direction as per the Idaho

Roadless Rule for the Katkee Project Area roadless lands. As per these designations, also please map the Wildland Urban Interface, as defined in the Healthy Forest Restoration Act, and map as well the Community Protection Zone (CPZ) as defined in the Idaho Roadless Area diretion.

2. The Idaho Roadless Rule requires that the Forest Service adhere to management requirements for Threatened and Endangered Species, which would include the grizzly bear, Canada lynx, wolverine, and whitebark pine, as well as follow mitigation measures for sensitive species. Please define how the proposed treatments, including logging and road construction, within IRA lands in the Katkee Project Area adhere to the management requirements of these species as per Forest Plan direction or have been identified in other documents, including published research reports and the recent standing analysis for whitebark pine completed by the U.S. Fish and Wildlife Service in 2023.

3. Please define the level of impact of the proposed project on forest birds that feed on conifer seeds. These include at least the following 22 forest bird species:

Clark's Nutcracker, Cassin's Finch, Pine Siskin, Northern Flicker, Lewis's Woodpecker, Canada Jay, Stellar's Jay, Winter Wren, Robin, English Sparrow, Brown-headed Cowbird, Evening Grosbeak, Pine Grosbeak, Goldfinch, Red Crossbill, Slate-colored Junco, Oregon Junco, Chipping Sparrow, Mountain Chickadee, Hairy Woodpecker, White-headed Woodpecker, and Boreal Chickadee.

How will the proposed reduction/elimination of conifer seeds across over 60% of the project area affect the carrying capacity for these bird populations? What is the expected level of population reduction due to the loss of forage resources, and what level of reduction in their carrying capacity is considered a significant local impact? What level of loss of carrying capacity is required to trigger significant impacts, and what is this based on?

4. Please define the expected reduction in carrying capacity for 22 species of seed-eating forest birds as a result of logging within Idaho Roadless lands on 1,582 acres, including 1136 acres of clearcutting, 135 acres of commercial thinning, and 312 acres of understory removal, or trees that will eventually grow to seed-producing conifers.
5. Please discuss the science that demonstrates that stand-replacing fires are detrimental to wildlife, especially many forest birds, which thus requires fuels reduction activities within Idaho Roadless lands in order to protect forest birds.
6. Please discuss why total removal of habitat for birds by clearcutting is a better means of ensuring viability, including within roadless lands and as is required by the National Forest Management Act (NFMA), than allowing natural fire processes to occur. What is the data that demonstrates that clearcuts are equivalent for burned forest habitat for birds?
7. Please define what forest bird species are promoted by clearcutting, or result in "habitat restoration" from clearcutting, and why these bird species are identified as species of conservation concern that require clearcutting.
8. Please define how impacts, including significance, are going to be evaluated for western forest birds associated with old growth forests. These include the following 11 forest bird species that have been identified as having a conservation status in the Idaho Partners in Flight Program or the U.S. Fish and Wildlife Service Birds of Conservation Concern in Region 10 (these species status was identified in the Idaho Panhandle 2015 Forest Plan Final Environmental Impact Statement (FEIS):

Lewis's Woodpecker, Williamson's Sapsucker, Flammulated Owl, White-headed woodpecker, Northern Goshawk, Black-backed Woodpecker, Brown Creeper, Varied Thrush, Townsend's Warbler, Hammond's Flycatcher, and Vaux's Swift.

The Katkee Project area contains 690 acres of old growth, which would constitute 4.6% of this landscape. The Idaho Panhandle National Forest in 2007 contained an estimated 11% old growth, although it is not clear this is actual old growth rather than logged old growth. What is clear is that the Katkee Project Area is currently

severely deficient in old growth required by forest birds, which is recommended to be 20-25% old growth by the Partners in Flight Programs. The historical levels of old growth ranged from 20-50%, which also demonstrates a severe shortage of old growth in the Katkee Project Area. The current best science also calls for old growth to be "well distributed" across a watershed, which is clearly not the case for old growth in the Katkee Project Area. The Idaho Panhandle National Forest has never demonstrated that the existing old growth on the forest is sufficient to maintain viable populations of associated bird species. And in fact, the Forest Plan has no actual requirement for old growth. The Katkee Project is a good example of how the agency is slowly extinguishing old growth species on the forest, without any reporting to the public of this ongoing process, in violation of the NFMA as well as the NEPA. The Katkee Project already has significant adverse impacts of old growth bird species, which requires completion on an EIS.

We also are raising the issue that the Forest Service claims logging old growth stands does not significantly change values for wildlife as long as the Green et al. 1992 minimum criteria are maintained. These criteria require no more trees than are present in a silicultural seed tree cut. Please provide the Forest Plan monitoring data, as well as other current science that addresses habitat needs for the 11 old growth forest species identified in #8 above, demonstrating that a few large trees per acre provides source habitat for these species of conservation interest. We contend that the Idaho Panhandle National Forest requires an amendment to the 2015 Forest Plan to require a valid management strategy for old growth wildlife, not only including actual stand conditions, but locations and amounts across a given watershed.

9. The agency has no valid conservation strategy for bird species associated with forested snag habitat. The Idaho Panhandle Forest Plan uses a snag management strategy that was identified as invalid almost 30 years ago, including by a research publication produced by the Forest Service. The current best science demonstrates that birds that require snags for nesting also require a forest surrounding the snag. These birds also required insect and disease processes that provide foraging habitats, especially for

woodpecker, who in turn create nesting habitat for many other bird species. On the Idaho Panhandle National Forest, at least the following 9 species of cavity nesting birds have been identified as having a conservation concern by the U.S. Fish and Wildlife Service or the Idaho Partners in Flight program (see Forest Plan FEIS).

Lewis Woodpecker, Williamson's Sapsucker, Flammulated Owl, White-headed woodpecker, Black-backed Woodpecker, Brown Creeper, Mountain Bluebird, Red-naped Sapsucker, and Vaux's Swift. Other cavity-nesting or snag-nesting birds that likely occur in the Katkee Project Area include the Northern Saw-whet Owl, Northern Pygmy-Owl, Great Gray Owl, and Boreal Owl.

An example of the invalid conservation strategy that the Idaho Panhandle National Forest is using to maintain viable populations of western forest birds that require forested snag habitat is the Katkee Project. This project proposes to log approximately 9,150 acres of the 15,000-acre project area, or 61% of this wildlife habitat. The remaining level of older forests which contain natural processes of insects and diseases that create nesting and foraging habitat for birds, is unknown but may be essentially nonexistent given previous logging activities. Although the Idaho Panhandle National Forest claims that averaging out the number of snags across a landscape identifies the viability of bird species dependent upon forested snag habitat, the agency monitoring reports have never demonstrated this is actually occurring. The actual level of loss of forested snag habitat for dependent bird species is likely vast on this forest, as is demonstrated by agency management practices planned for the Katkee Project Area. There is essentially no management for birds that require forested snag habitat. At least for this project, the agency needs to define what the expected loss of carrying capacity will be for the 9 bird species that have an identified conservation concern status. What level of reduction in carrying capacity (possibly by 61%) is considered a significant adverse impact that requires completion of an EIS?

10. The above discussion on forest birds associated with old growth and/or forested snag habitat identified a combined 13 species of western forest birds that have an identified conservation concern. There are also another 9 species of western forest birds that have been identified as a conservation concern on the Idaho Panhandle, including:

Rufous Hummingbird, Olive-sided Flycatcher, Cassin's Finch, Calliope Hummingbird, Clark's Nutcracker, Dusky Flycatcher, Black-billed Magpie, Sharp-shinned Hawk, Western Tanager, and Golden Eagle.

Thus there are at least 23 species of western forest birds identified on the Idaho Panhandle National Forest as having an identified conservation need. The agency needs to define how the Katkee Project will ensure persistence of these species in the project area, or if not, complete an EIS to identify the significant adverse impacts this project will have on western forest birds.

The Idaho Panhandle Forest Plan also indicates that forest raptors, including owls, require protection during the nesting season. These would include the following 8 forest raptors not previously identified as needing special management:

Great Gray Owl, Northern Saw-whet Owl, Northern Pygmy Owl, Boreal Owl, Great-horned Owl, Barred Owl, Cooper's Hawk, and Red-tailed Hawk.

The Forest Plan states that surveys for these species "should" be conducted to avoid disturbances during the nesting period. No protection of their nesting habitat is required outside of the nesting season, which means the Forest Plan does not require maintaining any of these forest raptors. This impact is never addressed in the Idaho Panhandle Forest Plan. The

cumulative impact of forest management activities on nesting habitat for a total of 11 forest raptors as per loss of nesting habitat across the Forest is unknown, but clearly could be significant. The Katkee Project is a good example of how this failure to protect raptor nesting habitat on at least 61% of the treated landscape means a large percentage per project of raptor habitat will be lost for every project completed. The total loss of populations of these 13 species of forest raptors since Forest Plan implementation in 2015 may be staggering. Since there is no Forest Plan analysis in the FEIS as to a failure to protect raptor nesting habitat in project area will affect these populations, this analysis needs to be done at the site-specific level as per assessing cumulative impacts.

11. Please provide an analysis of the level of direction mortality that be occur on western forest birds due to treatment on over 60% of the project area, and what the estimated impact will be on local bird persistence, as is required not only by the NEPA, but by the Migratory Bird Treaty Act (MBTA) as well.

12. The Forest Plan guideline for wildlife #25 states that management activities should avoid and/or minimize disturbing nesting activities of sensitive species. Wildlife guideline # 20 states that raptor nests should be avoided, or disturbances minimized during nesting. Please define how surveys for 13 forest raptors will be completed for the Katkee Project. What are the survey protocols that will be used, what are the time lines for these surveys to be done, and which acres in the project area will be surveyed? What is the rationale for not surveying areas in the project area? Given the level and effectiveness of surveys, what is the expected percentage of raptors nests that will be located prior to treatment, if these surveys are not done prior to release of a decision? Also, what are the mitigation measures (timing, buffer distances) that will be applied to raptor nests (per species) during project implementation? What does Forest Plan monitoring indicate as to the effectiveness of these mitigation measures in ensuring reproduction is not disturbed for forest raptors?

13. Please summarize how the proposed project, with massive clearcutting, is being coordinated with wildlife habitat needs, from forest birds to the fisher and pine marten to lynx and grizzly bears, the landbird assemblage of insectivores, to elk, an MIS for the Forest. The expansive clearcutting will require violation of the Forest Plan direction for maintaining elk security where it is noted that management should maintain existing elk security (Forest Plan at 32). Please identify what the current status of the elk management unit (EMU) is within the Katkee Project Area. Is this a high or medium priorty EMU? What is the current level of security by the agency's arbitrary definition? What will this level be during project implementation, which defines "direct impacts" on security. Even from the agency's invalid definition of elk security, it seems highly unlikely that security can be maintained during the massive logging program. Also, the Forest Plan at 32 states that "where possible, management activities in high and medium priority elk management areas (determined in cooperation with Idaho Department of Fish and Game) should improve elk security. Is the Katkee Project in one of these EMUs?

Although the glossary of the Forest Plan does not include hiding cover as a requirement within elk security, the agency acknowledged that they were changing the published definition of security as per the Hillis Paradigm, which requires hiding cover in elk security, to a definition of security that does not require hiding cover. This is a NEPA violation which provides the public with false information. This alteration of an existing scientific definition of elk security results in expansive misrepresentations to the public of logging impacts on elk security, since the impact of a loss of hiding cover, and thus security, is not applied to any NEPA analysis. The agency definition that excludes hiding cover as a requirement for elk security means that vast acres of clearcutting, such as is planned in the Katkee Project Area, can be presented to the public as having no impacts on elk security, when in fact, these impacts are highly adverse. The agency needs to complete a Forest Plan amendment to correct this analysis flaw for elk security, so that correct analysis information is provided to the public.

14. Please define current levels of elk security as per the current best science by the Hillis Paradigm, and indicate if this current and planned level meet the minimum recommended level of security as per 30% by the current best science.
15. Please provide a summary of how this project will impact hiding cover for elk, wolverine, lynx and grizzly bears. What is the current level of hiding cover, what level will it be reduced to during project implementation, and do minimum levels meet recommended levels on summer range for MIS elk?
16. Please define how activities associated with logging units and understory treatments displace grizzly bears and wolverine. Provide the data that demonstrates that neither of these threatened species are displaced by activities of logging within treatment units.
17. Please provide a detailed analysis of planned active motorized route densities during project activities, which will define elk habitat effectiveness. If effectiveness levels will not be maintained at at least 50%, why won't the project trigger significant impacts on MIS elk?
18. Please define why losses of elk security within the impacted IRA will maintain/improve elk security in this EMU.
19. Please map all areas where whitebark pine will be impacted by the proposed project, and define the acres of whitebark pine trees of various ages will be killed by this project, and how that will impact genetic diversity of this threatened species. Also, please cite the studies that have found that prescribed fire promotes the persistence of whitebark pine, instead of killing these trees, including seedlings and saplings. How will whitebark pine trees be protected in treatment areas, including within the roadless area?
20. It is unclear how this project will be consistent with Forest Plan direction for the lynx. Please provide information on current and planned conditions for the affected Lynx Analysis Unit in the project area as per openings, mature forest, and connectivity.
21. For the grizzly bear, please map security as defined by the current best science (at least 2500 acres at least 0.5 miles from an active motorized route, and covers at least 60% of a BMU. Also, what is the expected project level active motorized route density. If it is higher than 1 mile per section,

this is an adverse impact on grizzly bears, which triggers "take" and thus requires completion of an EIS.

22. For the wolverine, please define the active motorized route density during project activities. If these are over a mile per section, this project will have significant adverse impacts on the threatened wolverine. Also, what is the expected impact of wolverine mobility due to the vast expanses of clearcutting that will be created in this landscape? How will these clearcuts affect the energy requirements of wolverine for travel? Finally, please define what the expected average increase in spring/summer/fall temperatures will be in the project area as a result of clearcutting, commercial thinning, and understory removal. Given that the wolverine is sensitive to heat stress, what is the expected impact on habitat suitability for this species? What percentage of the project area may become avoided by the wolverine during spring/summer/fall due to extreme high temperatures?
23. Since the wolverine has been listed as a threatened species, the Idaho Panhandle National Forest needs to complete a Forest Plan amendment to define what areas of the forest will be managed for the wolverine to promote recovery, which is required by the Endangered Species Act (ESA). Activities that increase roads and increase spring/summer/fall temperatures will likely result in exclusion of these areas a wolverine habitat, with the Katkee Project being a good example. The agency has not forest-wide plan to manage wolverine since it has been listed as a threatened species. As such, the impact of individual projects, such as the Katkee Project, which will essentially eliminate a 15,000 acre piece of the forest landscape as wolverine habitat, is unknown due to the lack of a cumulative effects analysis. Before any agency actions that involve elimination of wolverine habitat are planned, a landscape plan must be developed to ensure recovery of this species will occur.
24. The agency also needs to complete a forest plan amendment, along with the required public involvement, of the new strategy as is being implemented in the Katkee Project Area that wildlife habitat is considered a human hazard that has to be removed from the landscape, including by massive clearcutting programs. There is no forest-wide analysis, or as well, no disclosure to the public, that the Idaho Panhandle National Forest is

implementing a new program that wildlife habitat must be removed to prevent human hazards. The public needs to be able to comment on this new strategy, as well as to know to what extent this new strategy that wildlife habitat is a hazard to humans will be implemented across the forest. Clearly, this is a new program that requires public involvement. Since this new strategy is counter to the requirements of the NFMA and the MBTA, the agency needs to consider what level of removal of hazardous wildlife habitat can be completed per given area of landscape while still meeting the requirements of the NFMA.

Regards,

[redacted]

Sara Johnson, Director, Native Ecosystems Council, PO Box 125, Willow Creek, MT 59760; phone 406-4579-3286; sjjohnsonkoa@yahoo.com.

[redacted]

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

[redacted]

Steve Kelly, Director, Council on Wildlife and Fish, PO Box 4641, Bozeman, MT 59772; phone 406-920-1381; troutcheeks@gmail.com.

[redacted]

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

[redacted]

Kristine Akland, Senior Attorney, Center for Biological Diversity PO Box 7274, Missoula, MT 59807; phone 406-544-9863; kakland@biologicaldiversity.org.