April 12, 2024

Chris Bachman
Conservation Director
Yaak Valley Forest Council
P.O. Box 622
Troy, Montana 59935

Chad Benson
Forest Supervisor
Kootenai National Forest
31374 US 2, Libby, MT 59923

Supervisor Benson,

RE: Trojan Defense Hazardous Fuels Reduction Project-Environmental Assessment and Finding of No Significant Impact

I am writing on behalf of the Yaak Valley Forest Council to offer comments on the Trojan Defense Hazardous Fuels Reduction Project-Environmental Assessment and Finding of No Significant Impact.

The Yaak Valley Forest Council, established in 1997, is a non-profit organization based in Montana. Our focus is on implementing conservation and restoration programs that protect and preserve critical wildlife habitats for sensitive, threatened, and endangered species that reside in the wild Yaak Valley. Our mission is to safeguard the last roadless areas in the Yaak Valley and the Kootenai National Forest and to maintain and restore the ecological integrity of our geographic zone by conserving and enhancing habitats for native and sensitive species.

We incorporate by reference our previous comments on this project submitted on August 7, 2023, August 18, 2023, October 30, 2023, and November 29, 2023 (attached as Appendix A).

The Yaak Valley Forest Council endorses the Firewise Program[1], which promotes fire-safe communities by "hardening" buildings against wildfire. We do not believe that clearcutting is an

[1] *Firewise USAÂ®*. (2024). NFPA | The National Fire Protection Association. https://www.nfpa.org/education-and-research/wildfire/firewise-usa

effective or desirable method for preventing fires, as it can worsen their severity.[2] The South Yaak fire, which occurred on both public and private land, demonstrated this fact. We also recognize that Troy is an at-risk community, with much of the community lying within the federally defined Wildland Urban Interface (WUI), and we understand the concerns of its residents regarding the threat of wildfires. Nonetheless, clearcutting has negative consequences for biodiversity and can dry and warm the landscape, making it more susceptible to fires.[3] Large and severe fires in the west are associated with warm and dry conditions, and such conditions will likely occur with increasing frequency in a warming climate.[4]

The Trojan Defense Hazardous Fuels Reduction Project aims to treat 4,300 acres of public land. Clearcutting will be the primary method used, impacting McConnell Mountain, Callahan Creek, and Iron Creek. Clearcutting is a harmful practice that not only aridifies the land but also devastates wildlife habitat. This negative impact is compounded by the fact that nearly 350,000-acre commercial-scale projects have been completed in the past five years, encircling the Trojan Project from the north, south, and east. Therefore, it is imperative to assess the cumulative effects of this project on wildlife habitat to ensure that it does not further endanger the delicate ecosystem.

Wildland Urban Interface

According to the project details, the expanded wildland-urban interface, as outlined in the Lincoln County Community Wildfire Protection Plan (CWPP), is being used for the project's design and execution, in preference to the one outlined in the Federal Register. The CWPP uses parcel-based mapping to delineate a WUI of 1,543,799 acres in a county of 2.352 million acres. This covers sixty-six percent of Lincoln County, which has a population of 20,525 significantly expanding the WUI.

The Federal Register definition splits the WUI into two categories, Intermix and Interface based on vegetation density:

● Intermix WUI, or lands that contain at least one housing unit per 40 acres (16 ha) in which vegetation occupies more than 50% of the terrestrial area; a heavily vegetated intermix WUI is an area in which vegetation occupies over 75% of the terrestrial area (at least 5 km2).

● Interface WUI, or lands that contain at least one housing unit per 40 acres (16 ha) in which vegetation occupies less than 50% of the terrestrial area (at least 2.4 km2).[5]

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[2] *Scientists say clearing forests worsens wildfire damage*. (2021, August 25). Governing. https://www.governing.com/now/scientists-say-that-clearing-forests-worsens-wildfire-damage

[3] Wasserman, T. N., & Mueller, S. E. (2023). Climate influences on future fire severity: A synthesis of climate-fire interactions and impacts on fire regimes, high-severity fire, and forests in the western United States. *Fire Ecology*, *19*(1). https://doi.org/10.1186/s42408-023-00200-8.; Abatzoglou, J. T., & Williams, A. P. (2016). Impact of anthropogenic climate change on wildfire across western US forests. *Proceedings of the National Academy of Sciences*, *113*(42), 11770-11775. https://doi.org/10.1073/pnas.1607171113

[4] Halofsky, J. E., Peterson, D. L., & Harvey, B. J. (2020). Changing wildfire, changing forests: The effects of climate change on fire regimes and vegetation in the Pacific Northwest, USA. *Fire Ecology*, *16*(1). https://doi.org/10.1186/s42408-019-0062-8.

[5] "Urban Wildland Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire." Federal Register, 4 Jan. 2001, www.federalregister.gov/documents/2001/01/04/01-52/urban-wildland-

Parcel-based mapping has extended the Lincoln County WUI boundary up to and over 10 miles away from structures, well beyond the one-and-a-half miles outlined in 16 U.S. Code § 6511. This WUI expansion needs more study to determine the effects of habitat fragmentation this project will have on multiple wildlife species. The County CWPP has essentially created an undefined and non-existent new category of *Wildland Rural Interface.*

Also of concern is that Lincoln County is receiving Payment in Lieu of Taxes (PILT) funding based on the 1908 Twenty-Five Percent Fund Act,[6] which means that the county receives PILT payment based on 25% of every dollar reaped from National Forest land within the county. By expanding the definition of Wildland Urban Interface and allowing more National Forest land to be logged under an authorized emergency action, the county is increasing its access to federal funding. While this may or may not be illegal, it certainly raises ethical concerns.

Outside of the WUI defined in 16 U.S. Code § 6511, the Forest Service should recognize fire as a natural process that operates as an integral part of the ecosystem in which it occurs. Wildfires play a key role in shaping ecosystems by serving as agents of renewal and change.[7]

We brought to your attention in letters dated August 7, 2023, and August 18, 2023, the May 16, 2023, Hannah Flats decision in the United States Court of Appeals for the Ninth Circuit.[8] The Hannah Flats decision clarifies that activities on federal land must adhere to the Congressionally authorized definition of the wildland-urban interface as defined in the Healthy Forests Restoration Act and cannot be reliant upon a wildland-urban interface definition outside of Congressionally authorized statute.

Purpose and Need

The project Purpose and Need identifies several contributing factors that have increased the likelihood of wildfire but fails to identify climate change and climate change-driven weather patterns as the most significant factors contributing to wildfire fire risk. Current research suggests altered fire conditions related to warming global temperatures and climate change are the most significant factor.[9]

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interface- communities-within-the-vicinity-of-federal-lands-that-are-at-high-risk-from.; Radeloff, V.C.; Hammer, R.B.; Stewart, S.I.; Fried, J.S.; Holcomb, S.S.; McKeefry, J.F. 2005. The wildland-urban interface in the United States. Ecological Applications 15(3): 799-805.

[6] USDA. (2024, March 19). *Secure rural schools - Payments | US Forest Service*. US Forest Service. https://www.fs.usda.gov/working-with-us/secure-rural-schools/payments

[7] *Fire effects on the environment | Pacific Northwest research station | PNW*. (n.d.). US Forest Service. https://www.fs.usda.gov/pnw/page/fire-effects-environment

[8] United States Court of Appeals for the Ninth Circuit. *ALLIANCE FOR THE WILD ROCKIES v. CARL PETRICK, his official capacity as Forest Supervisor for the Idaho Panhandle National Forests; UNITED STATES FOREST SERVICE, an agency of the U.S. Department of Agriculture; UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the U.S. Department of Interior*. 16 May 2023

[9] Wasserman, T. N., & Mueller, S. E. (2023). Climate influences on future fire severity: A synthesis of climate-fire interactions and impacts on fire regimes, high-severity fire, and forests in the western United States. *Fire Ecology*, *19*(1). https://doi.org/10.1186/s42408-023-00200-8.; Abatzoglou, J. T., & Williams, A. P. (2016). Impact of anthropogenic climate change on wildfire across western US forests. *Proceedings of the National Academy of Sciences*, *113*(42), 11770-11775. https://doi.org/10.1073/pnas.1607171113.; Halofsky, J. E., Peterson, D. L., &

It is well documented that climate change is driven by rising carbon buildups in the atmosphere. Forests, particularly old-growth forests, are one of our best tools for capturing and storing atmospheric carbon.[10] Old-growth trees and forests have low wildfire risks and high carbon density and should be excluded from the project. These forests are worth more standing as carbon buffers to offset warming and drying due to climate change.

National Old Growth Amendment

On December 20, 2023, the Biden Administration published its *Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System*.[11] The publication in the Federal Register stated, *"The United States Department of Agriculture (Department) is proposing to amend all land management plans for units of the National Forest System (128 plans in total) to include consistent direction to conserve and steward existing and recruit future old-growth forest conditions and to monitor their condition across planning areas of the National Forest System. The intent is to foster the long-term resilience of old-growth forest conditions and their contributions to ecological integrity across the National Forest System."*

This project fails to align with the proposed amendment.

Adherence to the Council on Environmental Quality Greenhouse Gas Guidelines

The EA/FONSI briefly addresses the Project's impact on Climate Change and carbon cycling[12] but fails to address the benefit of leaving carbon-sequestering trees standing. Guidelines released in 2023, by the Council on Environmental Quality: *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change,* recommend all projects that may impact sequestration or emissions of greenhouse gasses be accurately reported and quantifiably projected.[13] The Council's guidance directs disclosure of estimates of greenhouse gas emissions and aims to avoid, or at a minimum reduce, the emissions associated with logging using published carbon accounting methods.

Harvey, B. J. (2020). Changing wildfire, changing forests: The effects of climate change on fire regimes and vegetation in the Pacific Northwest, USA. *Fire Ecology*, *16*(1). https://doi.org/10.1186/s42408-019-0062-8

[10] DellaSala, D. A., Mackey, B., Norman, P., Campbell, C., Comer, P. J., Kormos, C. F., Keith, H., & Rogers, B. (2022). Mature and old-growth forests contribute to large-scale conservation targets in the conterminous United States. *Frontiers in Forests and Global Change*, *5*. https://doi.org/10.3389/ffgc.2022.979528

[11] Forest Service, Department of Agriculture. (2023). *Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System, Notice of intent to prepare an environmental impact statement* (Vol. 88, No. 243/Wednesday, December 20, 2023). Federal Register. https://www.govinfo.gov/content/pkg/FR-2023-12-20/pdf/2023-27875.pdf

[12] USDA Forest Service. (2024, March). *Trojan Defense Hazardous Fuels Reduction Project: Environmental Assessment and Finding of No Significant Impact*. https://usfs-public.app.box.com/v/PinyonPublic/file/1471082471285 p.9.

[13] "Analysis of New CEQ Interim Guidance on Consideration of Greenhouse Gas Emissions and Climate Change Under NEPA." Akin - Analysis of New CEQ Interim Guidance on Consideration of Greenhouse Gas Emissions and Climate Change Under NEPA, www.akingump.com/en/insights/blogs/speaking-sustainability/new-ceq-interim-guidance-on- consideration-of-greenhouse-gas-emissions-and-climate-change-under-nepa.; *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change*. (2023). Council on Environmental Quality.

This guidance is directed at federal agencies. Models and methods exist that will allow the KNF to comply with these guidelines to accurately report and quantifiably project logging and thinning emissions related to the Project. The CEQ's guidance will allow disclosure estimates of greenhouse gas emissions and aim to avoid, or at a minimum reduce, the emissions associated with any project using published carbon accounting methods.

Grizzly Bears

We recognize that the project is not situated within the Cabinet Yaak Grizzly Bear Recovery Zone (CYGBRZ) and is outside of the revised Bears Outside of Recovery Zones (BORZ) area. However, the Cabinet Yaak Grizzly Bear Recovery Zone surrounds the Project area. The project area abuts bear management units 3, 4, and 9. We are concerned with the high density of open roads both within and around the project location. On page 53 of the Environmental Assessment (EA)/Finding of No Significant Impact (FONSI), it is stated that all bear management units (BMUs) within the Kootenai National Forest, which covers parts of the Cabinet-Yaak Recovery Zone, have already satisfied the permanent wheeled motorized access management measures established in the Forest Plan. Nonetheless, recent findings in federal court suggest otherwise. The Yaak Valley Forest Council has conducted surveys of road barriers to exclude motorized access in the Kootenai National Forest, including in the project area (Appendix B). Unfortunately, the Council has found many of the barriers to be inadequate and passable to motorized vehicles.

Projects completed under authorized emergency action carried out under Sec. 40807 of the Infrastructure Investment and Jobs Act on National Forest System land shall be conducted consistent with the applicable land and resource management plan. Therefore, this project must adhere to the 2015 Kootenai National Forest Land Management Plan and the 2011 Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones. This includes an accurate assessment of baseline total linear miles of roads and total linear miles of open roads.

We appreciate your consideration and the time you will take to adhere to your legal obligations as the land manager and abide by the Congressionally authorized statute as this project moves forward.

Respectfully,

Chris Bachman
Conservation Director
Yaak Valley Forest Council
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Kristine Akland
Northern Rockies Director, Senior Attorney
Center for Biological Diversity
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(406) 544-9863

Cc: Leanne Martin; Sam Marten

Appendix A

YAAK VALLEY FOREST COUNCIL

August 7, 2023

Chris Bachman
Conservation Director
Yaak Valley Forest
Council

Chad Benson
Forest Supervisor
Kootenai National Forest
31374 US 2, Libby, MT 59923

Dear Supervisor Benson,

RE: Trojan Defense Vegetation and Fuels Management Project

I am writing on behalf of the Yaak Valley Forest Council to offer comment on the Trojan Defense Vegetation and Fuels Management Project.

The Yaak Valley Forest Council, created in 1997, is a Montana based 501(c)3 nonprofit that implements conservation and restoration programs focused on protecting and preserving critical wildlife habitat for the sensitive, threatened, and endangered species inhabiting the wild Yaak Valley. Our Mission is to protect the last roadless areas in the Yaak Valley and the Kootenai National Forest; maintain and restore the ecological integrity of our geographical zone by conserving and improving habitat for native and sensitive species.

The Yaak Valley Forest Council supports fire safe communities and responsible forest management. We understand the Trojan Defense Vegetation and Fuels Management Project planning is reliant on an authorized emergency action under the Sec. 40807 of the Infrastructure Investment and Jobs Act.

We understand the concerns of the Troy community related to the risks of wildfire within the Wildland Urban Interface (WUI) and are aware of Troy's designation as

an at-risk community.[1] However the project must adhere to Wildland Urban Interface of the one and a half miles surrounding a community outlined in 16 U.S. Code § 6511.[2] We support the Firewise Program of "hardening" residences and other buildings against wildfire.

Outside of the WUI defined in 16 U.S. Code § 6511, the Forest Service should recognize fire as a natural process, and that fire operates as an integral part of the ecosystem in which it occurs. Wildfires are a part of nature and play a key role in shaping ecosystems by serving as an agent of renewal and change.[3]

We would like to bring to your attention a recent court decision that will impact this project and potentially additional future projects. The May 16, 2023, Hannah Flats decision in the United States Court of Appeals for the Ninth Circuit[4] makes clear that even actions planned under categorical exclusions, and by extrapolation authorized emergency actions, must follow the Healthy Forests Restoration Act (HFRA) definition of wildland urban interface. The Hannah Flats decision makes it clear that actions taken on federal lands must adhere to Congressionally authorized statute. Federal actions on federal lands must adhere to federal statute.

The letter announcing the Trojan Defense Project sent out by the Three Rivers Ranger District on July 20, 2023, clearly states, *"The project area is entirely within the 2023 Lincoln County Community Wildfire Protection Plan WUI and the Kootenai Complex."* This indicates the project is being designed and proceeding using the wildland urban interface outlined in the Lincoln County Plan. The recent Hannah Flats decision makes it clear that activities on federal land must adhere to the Congressionally authorized definition of the wildland urban interface as defined in the Healthy Forests Restoration Act and cannot be reliant on a wildland urban interface definition outside of Congressionally authorized statute.

The decision states:

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[1] *Urban wildland interface communities within the vicinity of federal lands that are at high risk from wildfire*. (2001, January 4). Federal Register. https://www.federalregister.gov/documents/2001/01/04/01-52/urban-wildland-interface-communities-within-the-vicinity-of-federal-lands-that-are-at-high-risk-from

[2] *U.S. code § 6511 - Definitions*. (n.d.). LII / Legal Information Institute. https://www.law.cornell.edu/uscode/text/16/6511#16*16*

[3] *Fire effects on the environment | Pacific Northwest research station | PNW*. (n.d.). US Forest Service. https://www.fs.usda.gov/pnw/page/fire-effects-environment

[4] United States Court of Appeals for the Ninth Circuit. *ALLIANCE FOR THE WILD ROCKIES v. CARL PETRICK, his official capacity as Forest Supervisor for the Idaho Panhandle National Forests; UNITED STATES FOREST SERVICE, an agency of the U.S. Department of Agriculture; UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the U.S. Department of Interior*. 16 May 2023

"Put simply, the Forest Service seeks to justify invoking the categorical exclusion solely because the Project fell within the wildland-urban interface designated by the Bonner County community plan. But the community plan's definition of its wildland-urban interface—on its face— deviates from HFRA and likely results in a covered area beyond what Congress authorized. Thus, in this case, the Forest Service cannot properly rely on the Bonner County community plan—alone—to justify the categorical exclusion."

"...reliance on a plainly overinclusive wildland-urban interface, without more, is the sort of "clear error of judgment" that arbitrary or capricious review is meant to prevent."[5]

The Hannah Flats decision emphasizes that the Bonner County community plan, just like the Lincoln County Community Wildfire Protection Plan, uses a definition for the wildland urban interface that is inconsistent with HFRA's definition and concluded that the *"Project's location within the Bonner County community plan's asserted wildland-urban interface is not enough by itself to justify use of HFRA's categorical exclusion."*[6]

The Hannah Flats decision makes clear that even actions planned under categorical exclusions, and by extrapolation authorized emergency actions, must adhere to the Congressionally authorized HFRA definition of wildland urban interface.

We appreciate your consideration and the time you will take to adhere to your legal obligations as the land manager and abide by Congressionally authorized statute as this project moves forward.

Respectfully,

Chris Bachman
Conservation Director
Yaak Valley Forest Council

Cc: Leann Martin; Sam Marten

[5] Ibid p 31.
[6] Ibid p 32.

YAAK VALLEY FOREST COUNCIL

August 18, 2023

Chris Bachman
Conservation Director
Yaak Valley Forest
Council

Chad Benson
Forest Supervisor
Kootenai National Forest
31374 US 2, Libby, MT 59923

Dear Supervisor Benson,

RE: Trojan Defense Vegetation and Fuels Management Project

I am writing on behalf of the Yaak Valley Forest Council to offer comments on the Trojan Defense Vegetation and Fuels Management Project.

The Yaak Valley Forest Council, created in 1997, is a Montana based 501(c)3 nonprofit that implements conservation and restoration programs focused on protecting and preserving critical wildlife habitat for the sensitive, threatened, and endangered species inhabiting the wild Yaak Valley. Our Mission is to protect the last roadless areas in the Yaak Valley and the Kootenai National Forest; maintain and restore the ecological integrity of our geographical zone by conserving and improving habitat for native and sensitive species.

The Yaak Valley Forest Council supports fire safe communities and responsible forest management. We understand the concerns of the Troy community related to the risks of wildfire within the Wildland Urban Interface (WUI) and are aware of Troy's designation

as an at-risk community.[1] We support the Firewise Program of "hardening" residences and other buildings against wildfire.
However, the Trojan Defense Vegetation and Fuels Management Project must adhere to the Wildland Urban Interface definition of one and a half miles surrounding a community outlined in 16 U.S. Code § 6511.[2]

We understand the Trojan Defense Vegetation and Fuels Management Project planning is reliant on an authorized emergency action under the Sec. 40807 of the Infrastructure Investment and Jobs Act.

We would like to bring to your attention a recent court decision that will impact this project and potentially additional future projects. The May 16, 2023, Hannah Flats decision in the United States Court of Appeals for the Ninth Circuit[3] makes clear that even actions planned under categorical exclusions, and by extrapolation authorized emergency actions, must follow the Healthy Forests Restoration Act (HFRA) definition of wildland urban interface. The Hannah Flats decision states that actions taken on federal lands must adhere to Congressionally authorized statute. Federal actions on federal lands must adhere to federal statute.

The letter announcing the Trojan Defense Project sent out by the Three Rivers Ranger District on July 20, 2023, clearly states, *"The project area is entirely within the 2023 Lincoln County Community Wildfire Protection Plan WUI and the Kootenai Complex."* This indicates the project is being designed and proceeding using the expanded wildland urban interface outlined in the Lincoln County Plan Wildfire Protection Plan.

The recent Hannah Flats decision clarifies that activities on federal land must adhere to the Congressionally authorized definition of the wildland urban interface as defined in the Healthy Forests Restoration Act and cannot be reliant on a wildland urban interface definition outside of Congressionally authorized statute.

The decision states:

"Put simply, the Forest Service seeks to justify invoking the categorical exclusion solely because the Project fell within the wildland-urban interface designated by the Bonner County community plan. But the community plan's definition of its wildland-urban

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[1] *Urban wildland interface communities within the vicinity of federal lands that are at high risk from wildfire*. (2001, January 4). Federal Register. https://www.federalregister.gov/documents/2001/01/04/01-52/urban-wildland-interface-communities-within-the-vicinity-of-federal-lands-that-are-at-high-risk-from

[2] *U.S. code § 6511 - Definitions*. (n.d.). LII / Legal Information Institute. https://www.law.cornell.edu/uscode/text/16/6511#16*16*

[3] United States Court of Appeals for the Ninth Circuit. *ALLIANCE FOR THE WILD ROCKIES v. CARL PETRICK, his official capacity as Forest Supervisor for the Idaho Panhandle National Forests; UNITED STATES FOREST SERVICE, an agency of the U.S. Department of Agriculture; UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the U.S. Department of Interior*. 16 May 2023

interface—on its face— deviates from HFRA and likely results in a covered area beyond what Congress authorized. Thus, in this case, the Forest Service cannot properly rely on the Bonner County community plan—alone—to justify the categorical exclusion."

The decision goes on to state:

"…reliance on a plainly overinclusive wildland-urban interface, without more, is the sort of "clear error of judgment" that arbitrary or capricious review is meant to prevent."[4]

The Hannah Flats decision emphasizes that the Bonner County community plan, just like the Lincoln County Community Wildfire Protection Plan, uses a definition for the wildland urban interface that is inconsistent with HFRA's definition and concluded that the *"Project's location within the Bonner County community plan's asserted wildland-urban interface is not enough by itself to justify use of HFRA's categorical exclusion."*[5]

Furthermore, forest treatments that lie within the Congressionally designated WUI will lead to ecosystem fragmentation, increased exposure to invasive species, exposed soils leading to soil desiccation, water and air pollution, and loss of wildlife habitat. Protecting towns from wildfire requires more than cutting the surrounding forest, it requires using fire-savvy construction: ignition-resistant building materials, non-ember-trapping ventilation systems, and defensible space around structures.[6]

Outside of the WUI defined in 16 U.S. Code § 6511, the Forest Service should recognize fire as a natural process that operates as an integral part of the ecosystem in which it occurs. Wildfires are a part of nature and play a key role in shaping ecosystems by serving as an agent of renewal and change.[7]

To comply with Executive Order 14072, mature and old growth trees within the Trojan Defense Vegetation and Fuels Management Project WUI should be left standing. Large trees and forest ecosystems store massive amounts of carbon and are a major driver of carbon cycle dynamics in forests. Standing mature and old growth play a pivotal role in mitigating atmospheric carbon dioxide levels. Mature and old growth sequestration of carbon addresses the driving force behind increased uncharacteristic wildfire by addressing its root cause-Climate Change.

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[4] United States Court of Appeals for the Ninth Circuit. *ALLIANCE FOR THE WILD ROCKIES v. CARL PETRICK, his official capacity as Forest Supervisor for the Idaho Panhandle National Forests; UNITED STATES FOREST SERVICE, an agency of the U.S. Department of Agriculture; UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the U.S. Department of Interior*. 16 May 2023. p 31.

[5] Ibid p 32.

[6] Mutch, R. W., Rogers, M. J., Stephens, S. L., & Gill, A. M. (2010). Protecting lives and property in the wildland–urban interface: Communities in Montana and Southern California adopt Australian paradigm. *Fire Technology*, *47*(2), 357-377. https://doi.org/10.1007/s10694-010-0171-z

[7] *Fire effects on the environment | Pacific Northwest research station | PNW*. (n.d.). US Forest Service. https://www.fs.usda.gov/pnw/page/fire-effects-environment

Given the urgency of keeping additional carbon out of the atmosphere and continuing carbon bioaccumulation from the atmosphere to protect the climate system, we must continue protecting ecosystems with large trees for their carbon stores, biodiversity, proven resistance to drought and fire, and their microclimate buffering ability under future climate scenarios.[8] Our forests are our best large-scale, natural, low-cost carbon sequestering climate solution. Standing forests provide clean water, clean air, wildlife habitat, biodiversity and myriad recreation opportunities.

Warming due to climate change is harming wildlife and is especially difficult for birds, who need shade, cool water, and breezes to cool down. A new study suggests some bird species can get relief from climate change from old-growth forests and forests that have old-growth characteristics due to the forests being cooler during the breeding season and more biologically diverse, increasing food availability.[9] In the Pacific Northwest, plummeting bird population sizes are highest in species reliant on mature stands,[10] and population failures are compounded by the negative effect of clearcutting.[11] Impacts to these bird species must be evaluated.

To minimize impacts to soils, we request any cutting that proceeds take place over snow or on frozen ground to minimize impacts to soils including compaction, rutting, and displacement due to vehicle and heavy equipment traversing within proposed units including areas of skid trails, landings, and temporary roads. Every possible effort must be taken to retain soil organic matter during activities to limit long-term impacts to soils and the mycorrhizal network.

Specifically, we would like to see:

- An evaluation of timber harvest strategies proposed in the Trojan Defense Project to ensure that treatment proposals take into consideration all sensitive species present. This evaluation should consider Best Available Science and additions to use of RHCAs (Riparian Habitat Conservation Areas) in addressing movement corridors for aquatic-dependent terrestrial species.

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[8] Mildrexler, D. J., Berner, L. T., Law, B. E., Birdsey, R. A., & Moomaw, W. R. (2020). Large trees dominate carbon storage in forests east of the Cascade crest in the United States Pacific Northwest. Frontiers in Forests and Global Change, 3. https://doi.org/10.3389/ffgc.2020.594274

[9] Kim, H., McComb, B. C., Frey, S. J., Bell, D. M., & Betts, M. G. (2022). Forest microclimate and composition mediate long-term trends of breeding bird populations. *Global Change Biology*, *28*(21), 6180-6193. https://doi.org/10.1111/gcb.16353

[10] Northrup,J.M.,Rivers,J.W.,Yang,Z.,Betts,M.G.,2019.Synergistic Effects Of Climate And Land-usechangeinfluence broad-scale avian population declines. Global change biology 25, 1561-1575.

[11] Hagar,J.C.,2007.Wildlifespeciesassociatedwithnon-coniferousvegetationinPacificNorthwestconiferforests:A review. Forest Ecology and Management 246, 108-122.

- An evaluation of timber harvest strategies proposed in the Trojan Defense Project to ensure retention of mature and old growth forest and trees.
- Adherence to the 2015 Forest Plan related to 40+ acre forest openings in the project area.

- Conducting an old growth forest inventory map and data set within the Trojan Defense Project boundary and exclusion of these units from any treatment plan that will not retain mature and old growth trees.

- Minimal use of Clearcut, Clearcut w/Reserves, and Shelterwood w/Reserves treatments.

- No Clearcuts, Clearcut w/Reserves, and Shelterwood w/Reserves treatments near open roads.

- Work with private landowners to co-manage private lands within the Congressionally defined WUI.

- Winter harvest, any cutting will take place over snow or on frozen ground to minimize impacts to soils including compaction, rutting, and displacement due to vehicle and heavy equipment traversing within proposed units including areas of skid trails, landings, and temporary roads.

- Retention of organic matter during activities to limit long-term impacts to soils and the mycorrhizal network.

- Intentional corridor connectivity between “skips” allowing free and concealed movement of both predator and prey species.

- Reforestation of all temporary access/staging/log-deck locations.

- Completion of a sediment and stability report for tributaries within the project area.

- Completion of a water yield analysis.

- Connect and construct the old highway two trail segments between Troy and Libby. This will create recreation opportunities between the two towns and will create a recreation corridor outside of Grizzly Core Habitat.

- Management of habitat to support grizzly bears and to promote foraging foods for bears.

We appreciate your consideration and the time you will take to adhere to your legal obligations as the land manager and abide by Congressionally authorized statute as this project moves forward.

Respectfully,

Chris Bachman
Conservation Director
Yaak Valley Forest Council

Cc: Leann Martin; Sam Marten

October 30, 2023

Chris Bachman
Conservation Director
Yaak Valley Forest
Council
P.O. Box 622
Troy, Montana 59935

Chad Benson
Forest Supervisor
Kootenai National Forest
31374 US 2, Libby, MT 59923

Dear Supervisor Benson,

RE: Trojan Defense Vegetation and Fuels Management Project

We are writing on behalf of the Yaak Valley Forest Council and the Center for Biological Diversity to offer scoping comments on the Trojan Defense Vegetation and Fuels Management Project.

The Yaak Valley Forest Council, created in 1997, is a Montana based 501(c)3 nonprofit whose mission focuses on maintaining and restoring the ecological integrity of the Kootenai National Forest, and specifically the Yaak Valley, through conserving and improving habitat for all native species.

The Yaak Valley Forest Council supports fire safe communities and responsible forest management. We understand the concerns of the Troy community related to the risks of wildfire within the Wildland Urban Interface (WUI) and are aware of Troy's designation

as an at-risk community.[1] We support the Firewise Program of "hardening" residences and other buildings against wildfire.

We understand the Trojan Defense Vegetation and Fuels Management Project planning is reliant on an authorized emergency action under the Sec. 40807 of the Infrastructure Investment and Jobs Act. Authorized emergency action must adhere to the wildland urban interface (WUI) definition as set forth in the Healthy Forest Restoration Act. Therefore, the Trojan Defense Vegetation and Fuels Management Project must adhere to the WUI definition of one and a half miles surrounding a community outlined in 16 U.S. Code § 6511.[2]

The letter announcing the Trojan Defense Project sent out by the Three Rivers Ranger District on July 20, 2023, clearly states, *"The project area is entirely within the 2023 Lincoln County Community Wildfire Protection Plan WUI and the Kootenai Complex."* This indicates the project is being designed and proceeding using the expanded wildland urban interface outlined in the Lincoln County Plan Wildfire Protection Plan.

We brought to your attention in letters dated August 7, 2023, and August 18, 2023, the May 16, 2023 Hannah Flats decision in the United States Court of Appeals for the Ninth Circuit.[3] The Hannah Flats decision clarifies that activities on federal land must adhere to the Congressionally authorized definition of the wildland urban interface as defined in the Healthy Forests Restoration Act and cannot be reliant upon a wildland urban interface definition outside of Congressionally authorized statute.

The Hannah Flats decision makes clear that even actions planned under categorical exclusions, and by extrapolation authorized emergency actions, must follow the Healthy Forests Restoration Act (HFRA) definition of wildland urban interface. Federal actions on federal lands must adhere to federal statute.

The decision states:

"Put simply, the Forest Service seeks to justify invoking the categorical exclusion solely because the Project fell within the wildland-urban interface designated by the Bonner County community plan. But the community plan's definition of its wildland-urban interface—on its face— deviates from HFRA and likely results in a covered area beyond

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[1] *Urban wildland interface communities within the vicinity of federal lands that are at high risk from wildfire*. (2001, January 4). Federal Register. https://www.federalregister.gov/documents/2001/01/04/01-52/urban-wildland-interface-communities-within-the-vicinity-of-federal-lands-that-are-at-high-risk-from

[2] *U.S. code § 6511 - Definitions*. (n.d.). LII / Legal Information Institute. https://www.law.cornell.edu/uscode/text/16/6511#16*16*

[3] United States Court of Appeals for the Ninth Circuit. *ALLIANCE FOR THE WILD ROCKIES v. CARL PETRICK, his official capacity as Forest Supervisor for the Idaho Panhandle National Forests; UNITED STATES FOREST SERVICE, an agency of the U.S. Department of Agriculture; UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the U.S. Department of Interior*. 16 May 2023

what Congress authorized. Thus, in this case, the Forest Service cannot properly rely on the Bonner County community plan—alone—to justify the categorical exclusion."

The decision goes on to state:

"…reliance on a plainly overinclusive wildland-urban interface, without more, is the sort of "clear error of judgment" that arbitrary or capricious review is meant to prevent."[4]

The Hannah Flats decision emphasizes that the Bonner County community plan, just like the Lincoln County Community Wildfire Protection Plan, uses a definition for the wildland urban interface that is inconsistent with HFRA's definition and concluded that the *"Project's location within the Bonner County community plan's asserted wildland-urban interface is not enough by itself to justify use of HFRA's categorical exclusion."*[5]

Outside of the WUI defined in 16 U.S. Code § 6511, the Forest Service should recognize fire as a natural process that operates as an integral part of the ecosystem in which it occurs. Wildfires are a part of nature and play a key role in shaping ecosystems by serving as agents of renewal and change.[6]

Protecting towns from wildfire requires more than cutting the surrounding forest, it requires using fire-savvy construction: ignition-resistant building materials, non-ember-trapping ventilation systems, and defensible space around structures.[7] Within the Trojan Defense Vegetation and Fuels Management Project, forest treatments that lie within the Congressionally designated WUI will lead to ecosystem fragmentation, increased exposure to invasive species, exposed soils leading to soil desiccation, water and air pollution, and loss of wildlife habitat.

To comply with Executive Order 14072, mature and old growth trees within the Trojan Defense Vegetation and Fuels Management Project, including mature an old growth trees within congressionally defined WUI, should be left standing. Large trees and old and mature forest ecosystems store massive amounts of carbon and are a major driver of carbon cycle dynamics in forests. Carbon sequestration by standing mature and old growth forests mitigates the increase in wildfire by addressing its root cause: climate change. Recent research identifies the heat and drought associated with climate change,

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[4] United States Court of Appeals for the Ninth Circuit. *ALLIANCE FOR THE WILD ROCKIES v. CARL PETRICK, his official capacity as Forest Supervisor for the Idaho Panhandle National Forests; UNITED STATES FOREST SERVICE, an agency of the U.S. Department of Agriculture; UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the U.S. Department of Interior*. 16 May 2023. p 31.

[5] Ibid p 32.

[6] *Fire effects on the environment | Pacific Northwest research station | PNW*. (n.d.). US Forest Service. https://www.fs.usda.gov/pnw/page/fire-effects-environment

[7] Mutch, R. W., Rogers, M. J., Stephens, S. L., & Gill, A. M. (2010). Protecting lives and property in the wildland–urban interface: Communities in Montana and Southern California adopt Australian paradigm. *Fire Technology*, *47*(2), 357-377. https://doi.org/10.1007/s10694-010-0171-z

not fuel abundance, as the main drivers of increased, uncharacteristic, wildfire, and reveals that wildfire severity tends to be higher in areas with more intense management.[8] A 2021 study[9] supported by NOAA concluded that climate change is the main cause of the increase in fire weather in the western United States.

Given the urgency of keeping additional carbon out of the atmosphere and continuing carbon bioaccumulation from the atmosphere to protect the climate system, we must continue protecting ecosystems with large trees for their carbon stores, biodiversity, proven resistance to drought and fire, and their microclimate buffering ability under future climate scenarios.[10] Our forests are our best large-scale, natural, low-cost carbon sequestering climate solution. Standing forests provide clean water, clean air, wildlife habitat, biodiversity and myriad recreation opportunities.

Warming due to climate change is harming wildlife and is especially difficult for birds, which need shade, cool water, and breezes for thermal regulation. A new study suggests some bird species can get relief from warming due to climate change from old-growth forests and forests that have old-growth characteristics due to the forests being cooler during the breeding season and their superior biological diversity affords greater food availability.[11] In the Pacific Northwest, the largest losses in populations of forest-dwelling birds are in those species that are reliant on mature stands.[12] These population failures are compounded by the negative effect of clearcutting, as it removes all vegetation, including the non-coniferous shrubs serving as habitat and food source.[13] We ask that impacts to these bird species be evaluated.

To minimize impacts to soils, we request any cutting that proceeds take place over snow or on frozen ground to minimize impacts to soils including compaction, rutting, and displacement due to vehicle and heavy equipment traversing within proposed units including areas of skid trails, landings, and temporary roads. Every possible effort must be taken to retain soil organic matter during activities to limit long-term impacts to soils and the mycorrhizal network.

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[8] Bradley, C. M., Hanson, C. T., & DellaSala, D. A. (2016). Does increased forest protection correspond to higher fire severity in frequent-fire forests of the western United States? Ecosphere, 7(10). https://doi.org/10.1002/ecs2.1492

[9] Zhuang, Y., Fu, R., Santer, B. D., Dickinson, R. E., & Hall, A. (2021). Quantifying contributions of natural variability and anthropogenic forcings on increased fire weather risk over the western United States. Proceedings of the National Academy of Sciences, 118(45). https://doi.org/10.1073/pnas.2111875118.

[10] Mildrexler, D. J., Berner, L. T., Law, B. E., Birdsey, R. A., & Moomaw, W. R. (2020). Large trees dominate carbon storage in forests east of the Cascade crest in the United States Pacific Northwest. Frontiers in Forests and Global Change, 3. https://doi.org/10.3389/ffgc.2020.594274

[11] Kim, H., McComb, B. C., Frey, S. J., Bell, D. M., & Betts, M. G. (2022). Forest microclimate and composition mediate long-term trends of breeding bird populations. *Global Change Biology*, *28*(21), 6180-6193. https://doi.org/10.1111/gcb.16353

[12] Northrup,J.M.,Rivers,J.W.,Yang,Z.,Betts,M.G.,2019.Synergistic Effects Of Climate And Land-usechangeinfluence broad-scale avian population declines. Global change biology 25, 1561-1575.

[13] Hagar,J.C.,2007.WildlifespeciesassociatedwithnonconiferousvegetationinPacificNorthwestconiferforests:A review. Forest Ecology and Management 246, 108-122.

Specifically, we would like to see:

- Adherence to the definition of Wildland Urban Interface (WUI) outlined in the Healthy Forests Restoration Act.

- The Project must stay within the federally defined WUI in the Kootenai Complex Fireshed.

- Preservation of mature and old growth trees and stands, particularly in the Callahan Creek drainage.
    - Old growth characteristics cannot and will not be enhanced or protected by logging activities as described in the scoping document.

- Retention of the scenic viewshed integrity for the adjacent Historical Callahan Trail by canceling the proposed burns and logging along the side of the trail.
    - Proposed Harvest Fuels Units 13
    - Proposed Non-harvest Fuels Units 8, 9

- No clearcutting within the Callahan drainage and canyon. Clearcuts here will dewater the landscape by acting as aridifying heat and wind vectors.

- Limitation of ground disturbance resulting from mechanized extraction methods.
    - Ground disturbance within Proposed Harvest Fuels Units 14, 15, 16, and 18 will be significant. With 30-40° slope, the yarding timber will leave ground conditions like atop Yaak Mountain-ground disturbance visible from town (miles away).

- Mitigation to prevent the spread of noxious weeds from already infested roads into proposed management units.

- Documentation of the effectiveness of the proposed “wildfire mitigation,” i.e., studies showing that reduction in tree density leads to reduction in wildfire intensity and frequency over time.

- Planning that demonstrates preservation of elk migration and wintering habitat. Reduction in deer and elk winter range = greater predation, stress, and disease.

- Assessment of the cumulative Impacts to wildlife habitat of this project and previous projects implemented in the area including the Starry Goat project (90,776 acres) and Sparring Bulls Project (135,000).

    - How have the neighboring/surrounding Stimson Lumber Co treatments along Preacher Mtn and McConnel Mtn contributed to meeting community wildfire safety needs?

- Evaluation of timber harvest strategies proposed in the Trojan Defense Project to ensure that treatment proposals take into consideration all sensitive species present. This evaluation should consider Best Available Science and additions to use of RHCAs (Riparian Habitat Conservation Areas) in addressing movement corridors for aquatic-dependent terrestrial species.

- Evaluation of timber harvest strategies proposed in the Trojan Defense Project to ensure retention of mature and old growth forest and trees.

- Adherence to the 2015 Forest Plan related to 40+ acre forest openings in the project area. No opening should exceed 40 acres.

- Creation of an old growth forest inventory map and data set within the Trojan Defense Project boundary and exclusion of these units from any treatment plan that will not retain mature and old growth trees.

- Minimal use of Clearcut, Clearcut w/Reserves, Seed tree, and Shelterwood w/Reserves treatments.

- No Clearcuts, Clearcut w/Reserves, and Shelterwood w/Reserves treatments near open roads.

- Work with private landowners to co-manage private lands within the Congressionally defined WUI.

- Winter logging on snow or on frozen ground to minimize impacts including compaction, rutting, and displacement of soils resulting from vehicle and heavy equipment traversing within proposed units.

- Retention of organic matter essential for long term soil mycorrhizal health.

- Intentional corridor connectivity between “skips” to facilitate free and concealed movement of both predator and prey species.

- Reforestation of all temporary access/staging/log-deck locations.

- Completion of a sediment and stability report for tributaries within the project area.

- Completion of a water yield analysis.

- Construction of a new section of trail between Troy and Libby. This will create recreation opportunities between the two towns, while avoiding Grizzly Core Habitat.

- Retention and expansion of critical habitat to support grizzly bear movement in connectivity corridors.

- Closure/obliteration of newly created and administratively closed roads to reduce human-caused ignitions and damage to aquatic resources

The proposed Trojan Defense Project must NOT:

- Add to the road inventory of the Kootenai National Forest. KNF needs to take a hard look at the agency's inability to manage the road system currently on the forest.

- Affect the recreational value of local nature trails accessible to the community of Troy.

- Make illegal public lands management decisions based solely on a Lincoln County Commissioners resolution.

We appreciate your consideration and the time you will take to adhere to your legal obligations as the land manager and abide by Congressionally authorized statute as this project moves forward.

Respectfully,

Chris Bachman
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Cc: Leanne Martin; Sam Marten

YAAK VALLEY FOREST COUNCIL

November 29, 2023

Chris Bachman
Conservation Director
Yaak Valley Forest
Council
P.O. Box 622
Troy, Montana 59935

Chad Benson
Forest Supervisor
Kootenai National Forest
31374 US 2, Libby, MT 59923

Dear Supervisor Benson,

RE: Trojan Defense Vegetation and Fuels Management Project: Greater than 40-acre openings.

I am writing on behalf of the Yaak Valley Forest Council to offer scoping comments on the Trojan Defense Vegetation and Fuels Management Project, greater than 40-acre openings.

The Yaak Valley Forest Council, created in 1997, is a Montana based 501(c)3 nonprofit whose mission focuses on maintaining and restoring the ecological integrity of the Kootenai National Forest, and specifically the Yaak Valley, through conserving and improving habitat for all native species, particularly in the ecological crisis of climate change.

We incorporate by reference our comments of October 30, 2023.

No opening in the Trojan Defense Project should exceed or even remotely approach 40 acres. As you know, in addition to the aridification, weed colonization, and other

ecological disruptions created by very large clearcuts, the unnatural mortality associated with well-documented edge effects invariably results in creating openings far in excess of the-already over-cut 40 acres.

As outlined in Standard FW-STD-TBR-02 of the Forest Plan,[1] ***"****If individual harvest openings created by even-aged silvicultural practices are proposed that would exceed 40 acres, then NFMA requirements regarding public notification and approval shall be followed. These requirements do not apply to the size of areas harvested because of catastrophes such as, but not limited to, wildfire, insect and disease attacks, or windstorms."*

The National Forest Management Act (NFMA) does not allow for preemptive "catastrophe" harvest.

36 CFR 219.11 defines when timber cutting is appropriate.

36 CFR 219.11(d)(4) states:

(4) Where plan components will allow clearcutting, seed tree cutting, shelterwood cutting, or other cuts designed to regenerate an even-aged stand of timber, the plan must include standards limiting the maximum size for openings that may be cut in one harvest operation, according to geo- graphic areas, forest types, or other suitable classifications. Except as pro- vided in paragraphs (d)(4)(i) through (iii) of this section, this limit may not exceed 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 acres for the southern yellow pine types of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, and Texas; 100 acres for the hemlock-Sitka spruce forest type of coastal Alaska; ***and 40 acres for all other forest types.***[2] *(emphasis added)*

The upper limit of an opening for timber cutting is defined as 40 acres in federal statute.

We understand USFS Northern Region Document 2470 allows deviation from the 40 acre opening criteria with approval from the regional forester. This process requires the Forest Supervisor to submit a statement summarizing the specific need to deviate:

1. A concise statement that summarizes why it is deemed desirable to treat units larger than the maximum size specified above by even-aged or two aged regeneration cutting methods of clear cutting, seed tree, seed cutting or shelterwood seed cut. Reference

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[1] USDA Forest Service. (2015). *Revised Land Management Plan Kootenai National Forest*. United States Department of Agriculture, p 39.

[2] *36 CFR 219.11 -- Timber requirements based on the NFMA*. (n.d.). eCFR : https://www.ecfr.gov/current/title-36/part-219/subpart-A#p-219.11(d)(4)

should be made to the specific situation in terms of both short-term and long-term management strategies and to a supporting Environmental Analysis, which has evaluated all resources and socio- economic factors. Reference should be made to the various chapters of the NEPA document where appropriate, with specific reference of where and how effects described in the NEPA document support the request for exceeding the 40-acre limitation, or an exception standard identified in a revised Forest Plan under the 2012 Rule, at this time.[3]

We object to a public comment period that does not provide this documentation for public review. The Scoping Document offers minimal information on the units to to be clearcut and a notice initiating the 60-day comment period.

Treatments over 40 acres
This project proposes openings greater than 40 acres in size. The Proposed Action designates five units proposed for regeneration harvest that would create two forest openings larger than 40 acres. Section 6 of the National Forest Management Act requires that cuts designed to regenerate an even-aged stand of timber may be subject to established maximum size limits. Per 16 USC 1604 (g)(3)(F)(iv), the limit is 40 acres. Forest Service Manual (FSM) 2471.1 allows for this size limit to be exceeded with Regional Forester approval and 60-day public notice. This scoping document is the notification to start the 60-day comment period for public input on this issue.[4]

Informed public comment requires access to information that was not provided in the scoping materials.

We do not support clearcutting as a treatment option in any projects. Clearcutting increases soil erosion **by removing the standing trees that slow water runoff and are an essential component in the hydrological cycle.**

Clearcutting adversely affects aquatic life by removing the shade that stabilizes water temperature in riparian areas. It also degrades air quality and depletes carbon sinks. Left standing, trees enrich the atmosphere with oxygen, and capture and store carbon that would otherwise accelerate climate change.

Small openings in the forest should include pre-treatment selection of both larger and smaller snag trees to be left standing onsite. Larger snag trees, 12” dbh and greater are

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[3] USFS NORTHERN REGION (R1), Leanne M. Marten. (2016, November). *FSM – TIMBER MANAGEMENT CHAPTER 2470 – SILVILCULTURAL PRACTICES.* https://www.fs.usda.gov/im/directives/field/r1/fsm/2400/r12470_2016a.pdf, p3.

[4] USDA Forest Service Northern Region/Kootenai National Forest. (2023, September). *Trojan Defense Hazardous Fuels Reduction Project*. https://usfs-public.app.box.com/v/PinyonPublic/file/1320299191121, p18.

important for cavity nesting birds and mammals, and smaller diameter trees, 10” diameter and smaller, are important forage trees, providing a host of insects to feed a variety of bird species. A minimum of six, preferably 10 or more, foraging snags and 4-5 cavity nesting snags should be left per treated acre.

Large diameter legacy trees should also be left intact on the landscape to provide trunk foraging opportunities for birds. These large legacy trees offer ample cone production for bird and mammal seed forage and offer perches for predatory birds such as hawks and owls, both documented in the project area. Large diameter legacy trees with mistletoe present should be retained to provide habitat for species that rely on mistletoe brooms for nesting, such as the great gray, long eared and great horned owls.

Downed timber should also be retained on the landscape in contact with the soil to provide complexity and offer cool, moist cover for reptiles and amphibians as well as concealment for small mammals. These decaying logs release nutrients back into the forest cycle as they slowly decay, and provide food and shelter for valuable insect larvae.

We support the retention of biological legacy trees–all old and mature trees and stands–as part of the Biden administration’s directive to conserve such demographics in the battle to mitigate the rate of climate change.

We appreciate your consideration and the time you will take to adhere to your obligations as the land manager and abide by Congressionally authorized statute as this project moves forward.

Respectfully,

Chris Bachman
Conservation Director
Yaak Valley Forest Council
cbachman@yaakvalley.org
(406) 295-9736

Cc: Leanne Martin; Sam Marten

Appendix B

YAAK VALLEY FOREST COUNCIL

TROJAN DEFENSE INSUFFICIENT
GRIZZLY BARRIER REPORT

FOR A WILD YAAK

Prepared by
Yaak Valley Forest Council
Chris Bachman, Angelo Chiaverini,
and Sierra Owen

TD-Griz 01

Coordinates**:** N 48.44678 W -115.93192

Road: #4478 11/3/23 9:04 am

Haul road, unblocked. Tire rutting extends 200+ feet up the side of the hill.

Photos:
https://www.dropbox.com/scl/fo/zbjpwr9c7fu01dfumh1q7/h?rlkey=2t70yy6plk10i7lmz1lpeunca&dl=0
#9898 #9899 #9900 #9901 #9902 #9903 #9904 #9905

Noxious Weeds Present:
•Oxeye Daisy
•Hawkweed

Remedy: Boulder placement or trenching.

TD-Griz 02

Coordinates**:** N 48.45350 W -115.93085

Road: #4476 11/3/23 9:23 am

Gate is locked on both sides. No room to drive around. Good condition.

Photos: https://www.dropbox.com/scl/fo/tzwl1qvp4mairtqdp8shn/h?rlkey=kxlt0ghx6q01qq2iiw1pxx8ps&dl=0
#9907 #9908 #9909 #9910 #9911 #9912

Noxious Weeds Present:
•Knapweed
•Oxeye Daisy

Remedy: NA


4476

TD-Griz 03
Coordinates**:** N 48.46943 W -115.93855

Road: #14343 11/3/23 10:09 am

Road blocked by Kelly hump. No sign of tire-rutting. Blockage seems effective.

Photos: https://www.dropbox.com/scl/fo/mej455ly17qzsevq1r72o/h?rlkey=knxmtzz99408qf0kmqgizbtfq&dl=0
#9918 #9919 #9920

Noxious Weeds Present:
• Oxeye Daisy
• St. John's Wart
• Knapweed

Remedy: NA

TD-Griz 04

Coordinates**:** N 48.47055 W -115.94199

Road: #4618 11/3/23 10:35 am

The Gate is locked and trees are strewn across the path. Trench next to the gate. Very well blocked, but the left side of the gate comes off of hinges.

Photos: https://www.dropbox.com/scl/fo/vuxed0f57qygeqdsmgiix/h?rlkey=2i4pigoflvhxyjdtahif77p91&dl=0
#9926 #9927 #9929 #9930 #9931

Noxious Weeds Present: NA
Remedy: Fix gate.

TD-Griz 05

Coordinates**:** N 48.39946 W -115.95048

Road: #4555 11/7/23 10:27 am

Pile of raised dirt to the right side of the barrier. Rutting over the top - not sure if machinery or recreational vehicle, but barrier could be improved regardless.
Photos: https://www.dropbox.com/scl/fo/7p5drv165uzm4azs928xy/h?rlkey=spfatmexu6420gctrh8e25f7m&dl=0
#9980 #9966 #9967 #9968. #9969

Noxious Weeds Present:
- Tansy
- Hawkweed

Remedy: Boulders on right side.

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TD-Griz 07

Coordinates**:** N 48.48914 W -115.83729

Road: #4445 spur 11/7/23 11:24 am

User-created road leads 200+ feet uphill. No barrier of any kind

Photos: https://www.dropbox.com/scl/fo/9l1t1voa0u8fuzysb9spj/h?rlkey=qe4sx8nogp1kqw07tw2b74fkf&dl=0
#9982 #9983 #9984 #9985

Noxious Weeds Present:
•Oxeye Daisy
•Hawkweed
•St. John's Wort

Remedy: A gate, potentially, but only a user-created road. Ditch + boulders perhaps.

TD-Griz 08

Coordinates**:** N 48.47698 W -115.75956

Road: #4444 11/7/23 12:51 pm

Series of two Kelly humps, but the left side can be navigated by a smaller ATV. No gate at the entrance. A gate seems like the simplest remedy.

Photos: https://www.dropbox.com/scl/fo/vbsqcn7cifysdazax6ts2/h?rlkey=g60ugns5eqd1keyg9lgyebhix&dl=0

#9986 #9987 #9988 #9989 #9990 #9991

Noxious Weeds: NA

Remedy: Install new gate, before humps, and boulders on the side

TD-Griz 09

Coordinates**:** N 48.51063 W -115.78689

Road: #4433 11/10/23 9:54 am

Posts for gate present, but no gate. No other barricading of any kind was present. Even with a gate, there's room for a motorbike to drive around it on an opening to the left. The road leads to a dispersed campsite, but a berm just beyond it shows tire tracks.

Photos: https://www.dropbox.com/scl/fo/yx5ec79ipxsx0qufkll4w/h?rlkey=s586p6dicwysamtazk1ubdpwf&dl=0
#9992 #9993 #9994#9995 #9996 #9997 #9998 #9999

Noxious Weeds Present:
•Knapweed
•Hawkweed

Remedy: Install gate on posts, deepen trench, and place boulders if necessary.

TD-Griz 10

Coordinates**:** N 48.50151 W -115.78286

Road: #4439 11/10/23 10:14 am

Sturdy gate, locked, but a small ATV could get around it on both sides, the left particularly easy to negotiate.

Photos: https://www.dropbox.com/scl/fo/tjewa6rczsfe6wbaju4ty/h?rlkey=ry1j56siurqb435n0vd8gx02i&dl=0
#0001 #0002 #0003

Noxious Weeds Present:
•Oxeye Daisy
•Canada Thistle
•St John's Wort

Remedy: A boulder or sturdy obstruction on both sides.

TD-Griz 11

Coordinates**:** N 48.50151 W -115.78286

Road: #4580 11/10/23 1:14 pm

Gated road with boulders and trenching around the gate. It appears effective, but a dummy lock is on the gate.

Photos: https://www.dropbox.com/scl/fo/iwhea6c0b2nfjkuct9qg3/h?rlkey=ni1qf0svatxkop2nm8q0x6uki&dl=0
#0004 #0005

Noxious Weeds: - NA

Remedy: Lock gate.

TD-Griz 12

Coordinates**:** N 48.36000 W -115.98086

Road: #14325 11/10/23 1:48 pm

Gated road, but room to go around gate on the right. Gate locked.

Photos:https://www.dropbox.com/scl/fo/4gq85yo3v6yw2z88sj24t/h?rlkey=e0whn87bri618ikdo2n5l07mg&dl=0
#0007 #0008 #0009 #0010

Noxious Weeds Present: - NA

Remedy: Raise the area to the right of the gate with dirt or place boulders to the right of the gate.

TD-Griz 13

Coordinates**:** N 48.35452 W -115.96968

Road: #14324 11/10/23 2:00 pm

Gated road, gate locked, but room to get around on both sides by a small ATV.

Photos: https://www.dropbox.com/scl/fo/ma8yndgggne2lwiakjjzb/h?rlkey=ivdjkdneo1rgqz78k6slf3m9c&dl=0
#0011 #0012 #0013 #0014

Noxious Weeds Present:
•Oxeye Daisy
•St. John's Wort
•Knapweed

Remedy: Boulder placement on both sides.

TD-Griz 14

Coordinates**:** N 48.51240 W -115.84002

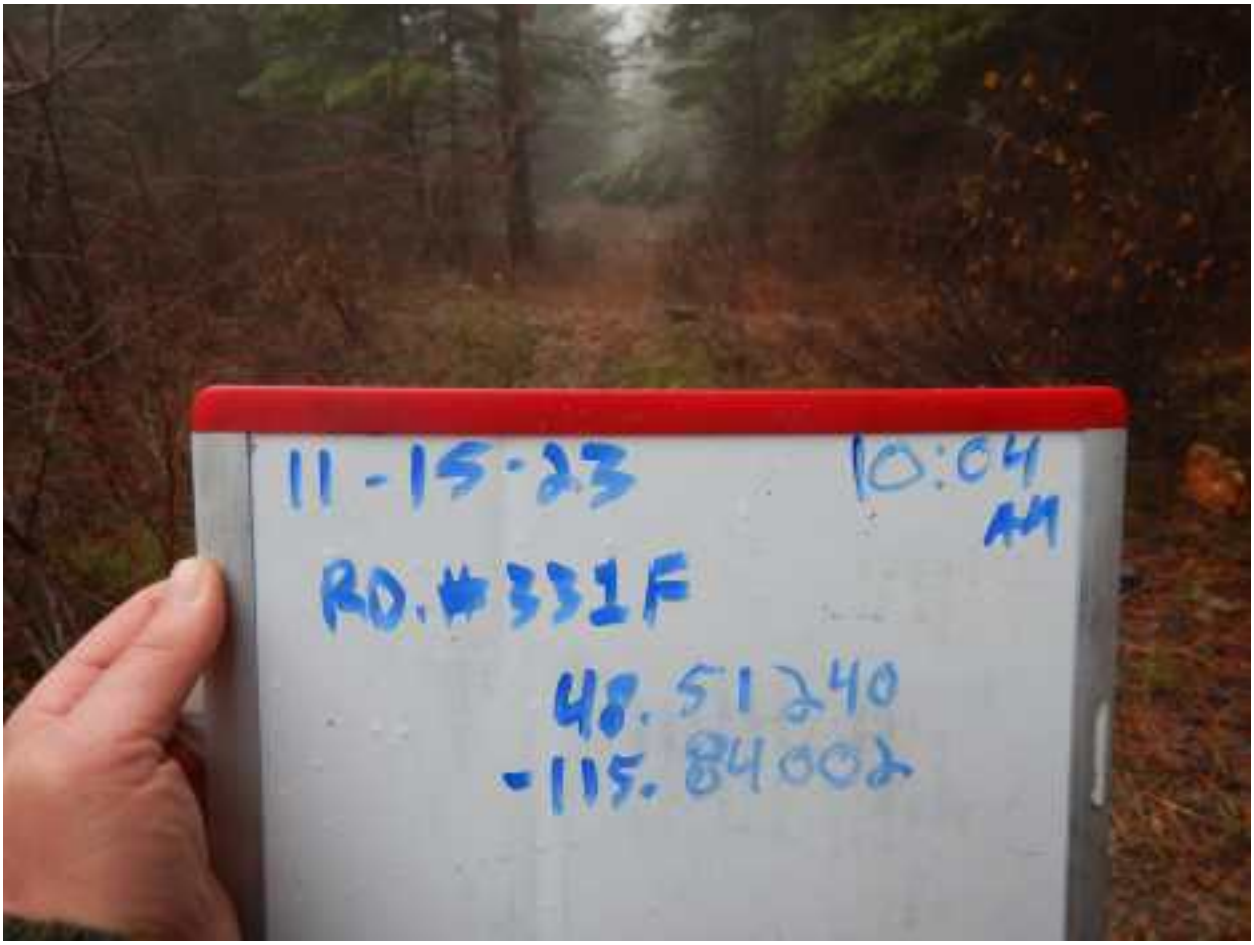
Road: #331F 11/15/23 10:04 am

Very small berm on an open road. Easily navigable. The trail preceding berm is grown in but could be breached by an ATV,

Photos: https://www.dropbox.com/scl/fo/yn80owlitbt6ewh0q06k5/h?rlkey=870c9wf23vn76p626ynaizxp8&dl=0
#0015 #0016 #0017 #0018 #0019 #0020 #9904

Noxious Weeds Present:
•Oxeye Daisy
•Knapweed
•St. John's Wort

Remedy: Deepen the trench and raise berm, lay boulders across or both.



TD-Griz 15

Coordinates**:** N 48.51468 W -115.84472

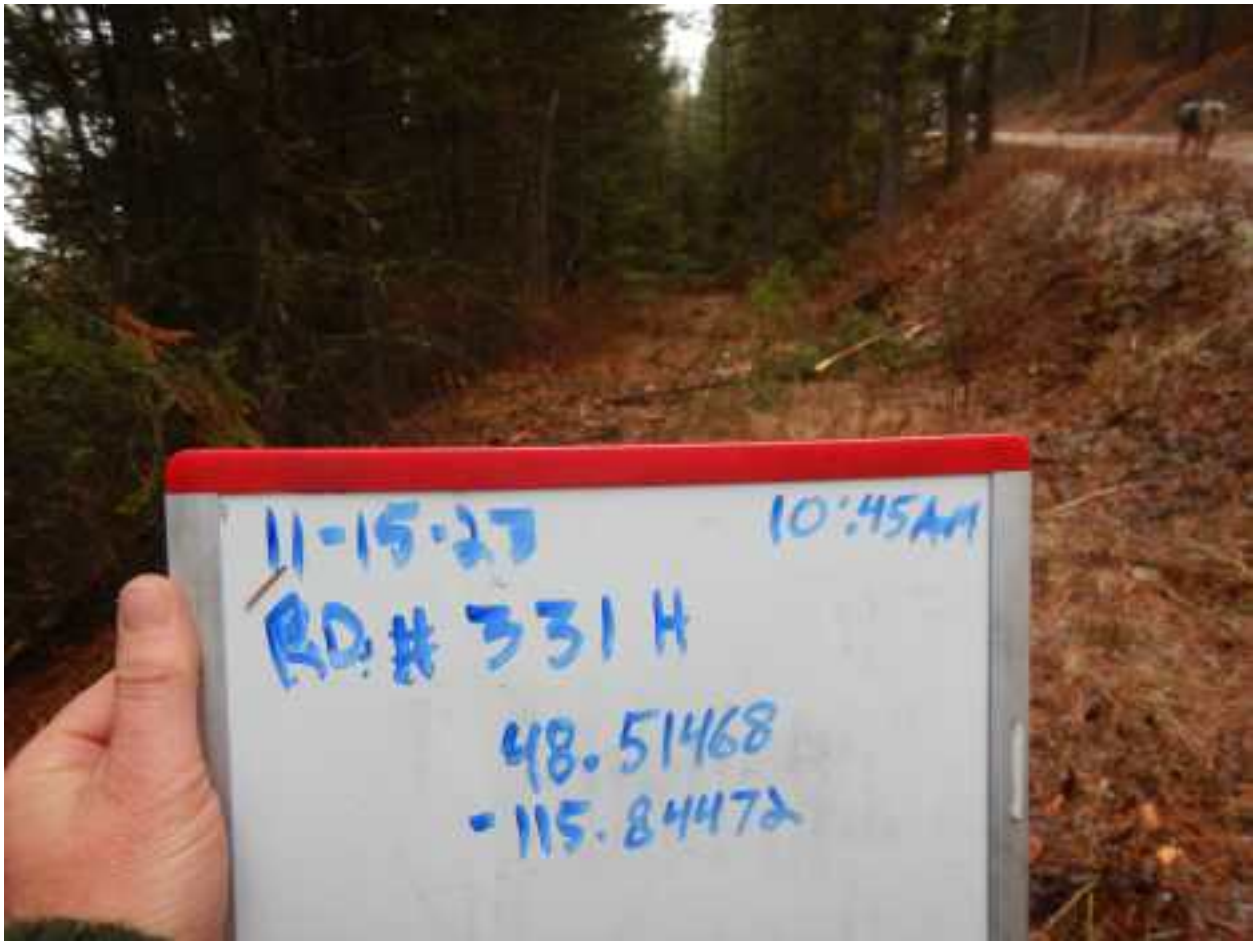
Road: #331H 11/15/23 10:45 am

Road blocked by a berm that can be breached up and over by an ATV. A few fallen trees beyond, but could be sawed quickly.

Photos: https://www.dropbox.com/scl/fo/m3h9ud1zqrv017pju8qf7/h?rlkey=sspm08qvbv127cixtlwxcjddz&dl=0
#0022 #0023 #0024 #0025 #0026

Noxious Weeds Present:
•Knapweed

Remedy: Deepen trench or boulder placement.



TD-Griz 16

Coordinates**:** N 48.53315 W -115.82620

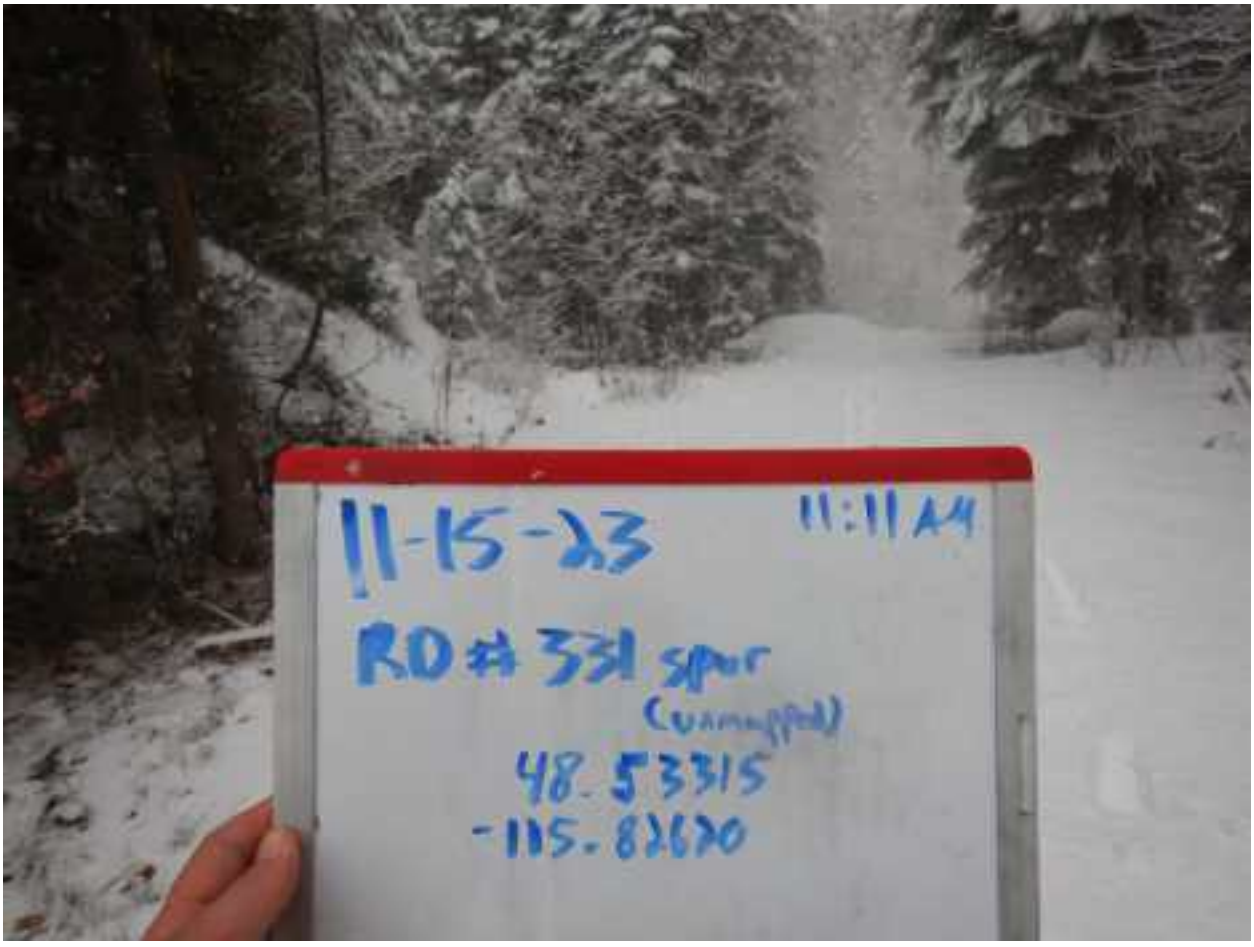
Road: #331 Spur 11/15/23 11:11 am

Gray zone: A very small berm leads to a thick patch of alder, thick enough to currently prevent traffic and discourage it, but is this enough?

Photos: https://www.dropbox.com/scl/fo/r84nfjqehcjzxd1s53d9g/h?rlkey=x12f0bskz05ncjvlpad9zee97&dl=0
#0027 #0028 #0029 #0030 #0031

Noxious Weeds: - NA

Remedy: Enlarge berm - it's too hard to get around, so this should be enough



TD-Griz 17

Coordinates**:** N 48.53423 W -115.83014

Road: #Pulpit Mountain Trailhead, 709

11/15/23 11:38 am

Trail with a berm navigable by a motorcycle and potentially larger vehicles. No visible signs of use with snow cover. No non-motorized access sign.

Photos: https://www.dropbox.com/scl/fo/4addg45axw3k40znbqze7/h?rlkey=hwl7v8oqb1fdmz986vehzaobr&dl=0
#0032 #0033 #0034 #0035 #0036

Noxious Weeds Present
•Knapweed

Remedy: Trench or boulders. It's a nice trail, so whatever is more aesthetically pleasing. Place Road Closed sign.

TD-Griz 18

Coordinates**:** N 48.42368 W -116.02824

Road: #414 unmapped spur 11/15/23 1:46 pm

The road is gated, but the right pole is down. If stood up there would be no room for the motorbike that could get through as is.

Photos: https://www.dropbox.com/scl/fo/zv0ln0kun9t0vvuetw5w7/h?rlkey=f4usf7dt8gzcmsopcsj9j32ap&dl=0
#0037 #0038 #0039 #0040

Noxious Weeds Present:
•Oxeye Daisy
•St. John's Wort

Remedy: Fix pole. Boulder placement, a single boulder would do.

TD-Griz 19

Coordinates**:** N 48.46717 W -116.12763

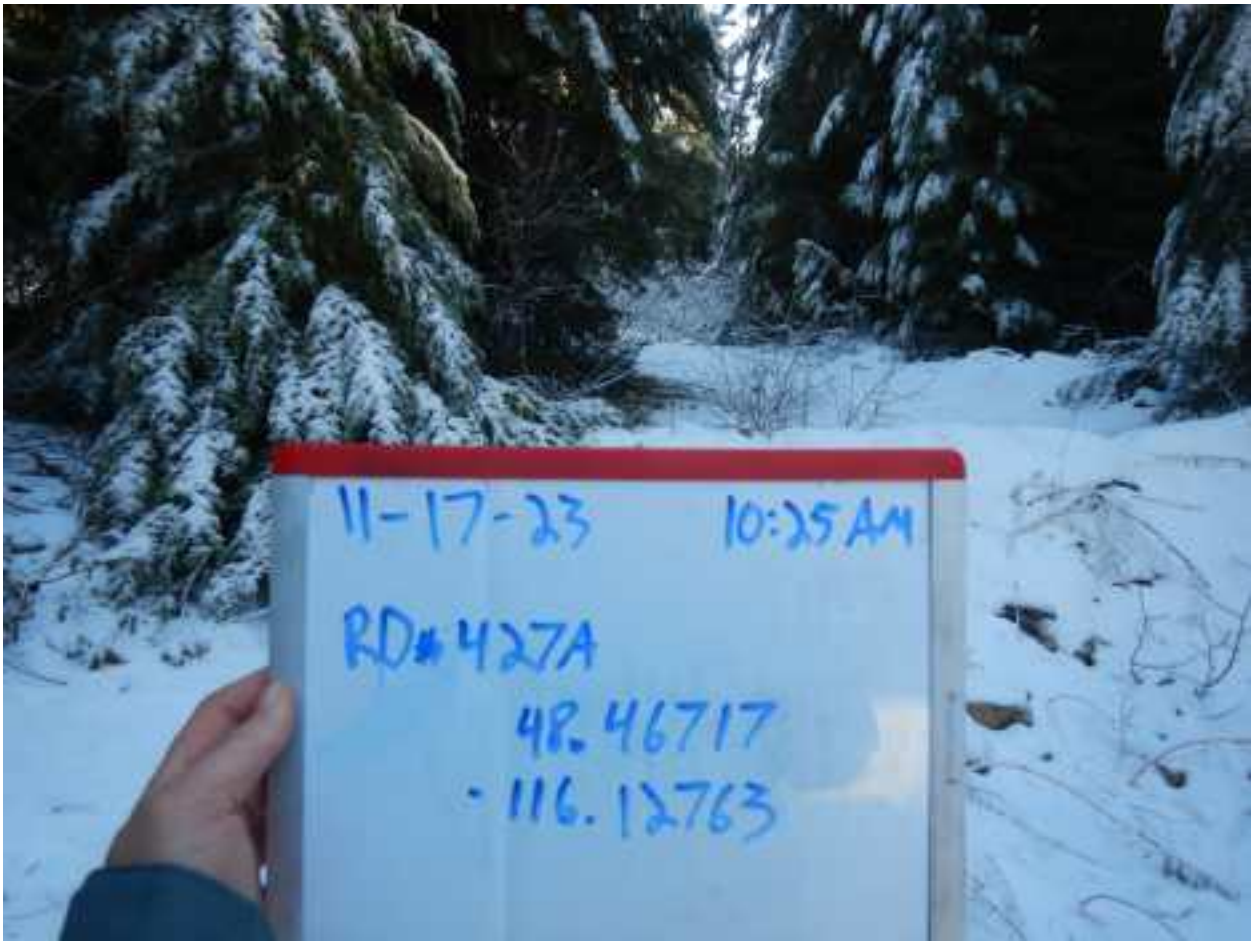
Road: #427A 11/17/23 10:25 am

Trail blocked by a deep trench, but a side path to the left allows passage defeating the purpose of the trench.

Photos: https://www.dropbox.com/scl/fo/kfib0ewwr6hyeqckvax4v/h?rlkey=lo9n2tl3p7zr79ve3drn2o1yz&dl=0
#0049 #0050 #0051 #0052 #0053 #0054

Noxious Weeds Present:- NA

Remedy: Block side-path. It's roughly 6' wide, so boulders or another trench would do.



TD-Griz 20

Coordinates**:** N 48.55099 W -115.99030

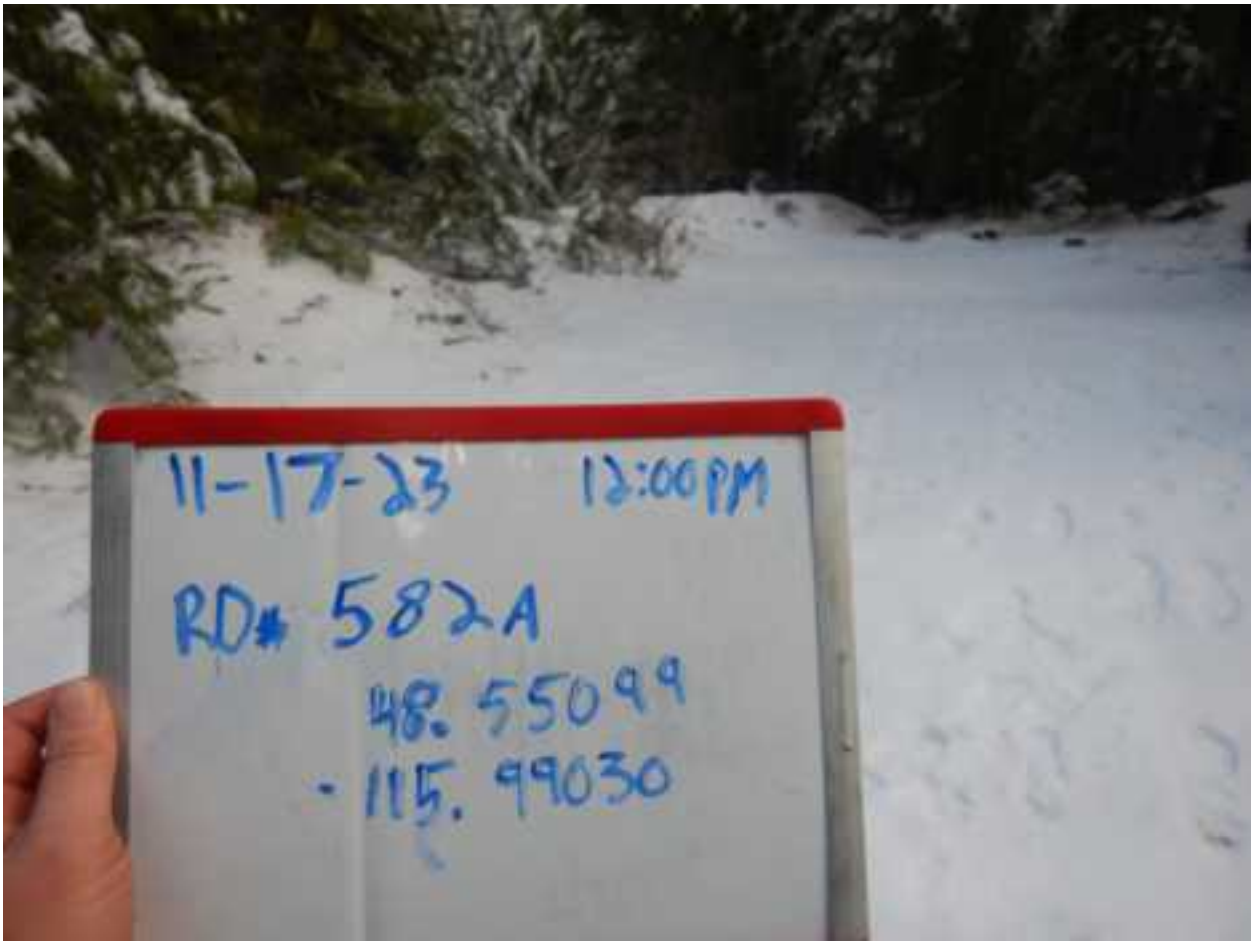
Road: #582A 11/17/23 12:00 pm

Kelly hump has an unblocked trail leading around it directly to the right. Trail goes on approximately 350’ before another user-created road appears. Note RE remedy - dispersed camping 300’ limit is exceeded at user road. Barrier here?

Photos: https://www.dropbox.com/scl/fo/5xmx5ysrq6hihi6ndnimw/h?rlkey=kqj6hrgnqx5fahhn8oakaqc2f&dl=0
#0058 #0059 #0060 #0061 #0062 #0063 (spur road) #0064 #0065

Noxious Weeds: - NA

Remedy: Block path at user road, pre-300’. May require trenches in addition to boulders.



TD-Griz 21

Coordinates**:** N 48.54705 W -116.00460

Road: #14373 11/17/23 1:22 pm

Gated road, locked, but clear path around on left for smaller ATV's, certainly motorcycles.

Photos: https://www.dropbox.com/scl/fo/23dronrj0e5v8lde92a67/h?rlkey=ylykdjwxh12ehvd7u3ztubhys&dl=0
#0066 #0067 #0068 #0069

Noxious Weeds Present:
•Knapweed
•St. John's Wort

Remedy: Large boulder or a few smaller ones on left-hand side of gate.

TD-Griz 22

Coordinates**:** N 48.54768 W -1156.01290

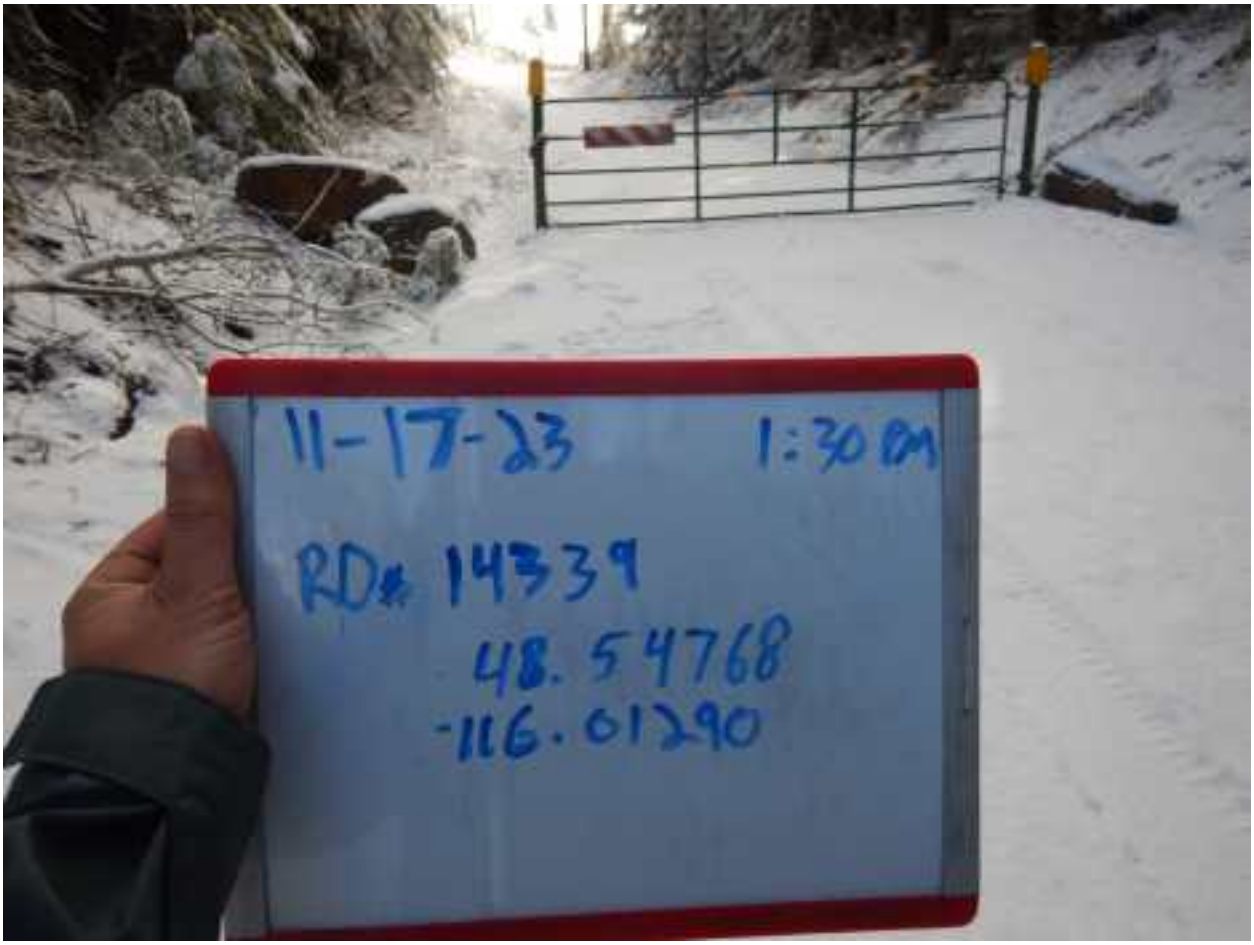
Road: #14339 11/17/23 1:30 pm

Gated road with clear path to left navigable by motorbike. Any larger an ATV wouldn't fit, so easily remedied with a boulder. Path measures 2.7'.

Photos: https://www.dropbox.com/scl/fo/91uwm3uksqz0gq1v5h5nc/h?rlkey=xn90p9s9swovs6ouylambycnq&dl=0
#0070 #0071 #0072 #0073 #0074

Noxious Weeds: - NA

Remedy: Boulder placed to left of gate.



TD-Griz 23

Coordinates**:** N 48.54403 W -116.02419

Road: #14376 11/17/23 1:46 pm

Gated road that could be navigated on both left and right sides. Right slopes down and may be a deterrent, but the left side's ditch could be driven in.

Photos: https://www.dropbox.com/scl/fo/iv3tmw9wcs6xibi3ocfvq/h?rlkey=c894fzu3c1fdg34knms61b2r6&dl=0
#0078 #0079 #0080 #0081

Noxious Weeds: - NA

Remedy: Boulders on both sides.

TD-Griz 24

Coordinates**:** N 48.55663 W -116.01531

Road: #4455 11/17/23 2:35 pm

Gated road with yet another roughly 4-foot path on one side - this has been found often enough it must be part of the schematic. Barrier would otherwise be effective.

Note - this one measures 2.3', smaller than the last but still a recurring feature.

Photos: https://www.dropbox.com/scl/fo/iv3tmw9wcs6xibi3ocfvq/h?rlkey=c894fzu3c1fdg34knms61b2r6&dl=0
#0092 #0083 #0084 #0086

Noxious Weeds: - NA

Remedy: Boulder placement.

TD-Griz 25

Coordinates**:** N 48.55960 W -116.03065

Road: #415A 11/17/23 2:23 pm

Gated road with a motorbike-size path on the left, same situation as previous examples. This one measures 3 feet.

Photos: https://www.dropbox.com/scl/fo/924j8w8vser7a8w1qzssm/h?rlkey=vx90tw20zy4ac7z14tu28dw5a&dl=0
#0087 #0088 #0090 #0091

Noxious Weeds Present:
•Oxeye Daisy
•St. John's Wort
•Knapweed

Remedy: Boulder placement on the left, or an entirely new schematic.

TD-Griz 26

Coordinates**:** N 48.55917 W -116.01563

Road: #4418A 11/27/23 11:03 am

Gated road with the same opening on one side - this one is 2 feet wide on the right. Given that their schematic is so consistent.

Photos: https://www.dropbox.com/scl/fo/6zj8yw8yot17qfpg0j3g7/h?rlkey=ekymhf4gaa2bdgujzxcu3y640&dl=0
#0098 #0099 #0100

Noxious Weeds: - NA

Remedy: Close the width of the gap. A boulder one foot in diameter or larger, anything that reduces the 2'+ gap to something smaller than a motorbike's ability to navigate would be ideal.

TD-Griz 27

Coordinates**:** N 48.56366 W -116.02678

Road: #4418D 11/27/23 11:15 am

Gated road with openings on left and right wide enough for motorbike. The right side is a ditch but could be driven up without much effort. The opening on the left measures 2 feet across.

Photos: https://www.dropbox.com/scl/fo/21ekdz02jpdus8q464w1l/h?rlkey=eh8huixl55sk3s4d3ibg745ff&dl=0
#0101 #0102 #0103

Noxious Weeds Present:
•St. John's Wort

Remedy: Boulder both sides.

TD-Griz 28

Coordinates**:** N 48.59415 W -116.05202

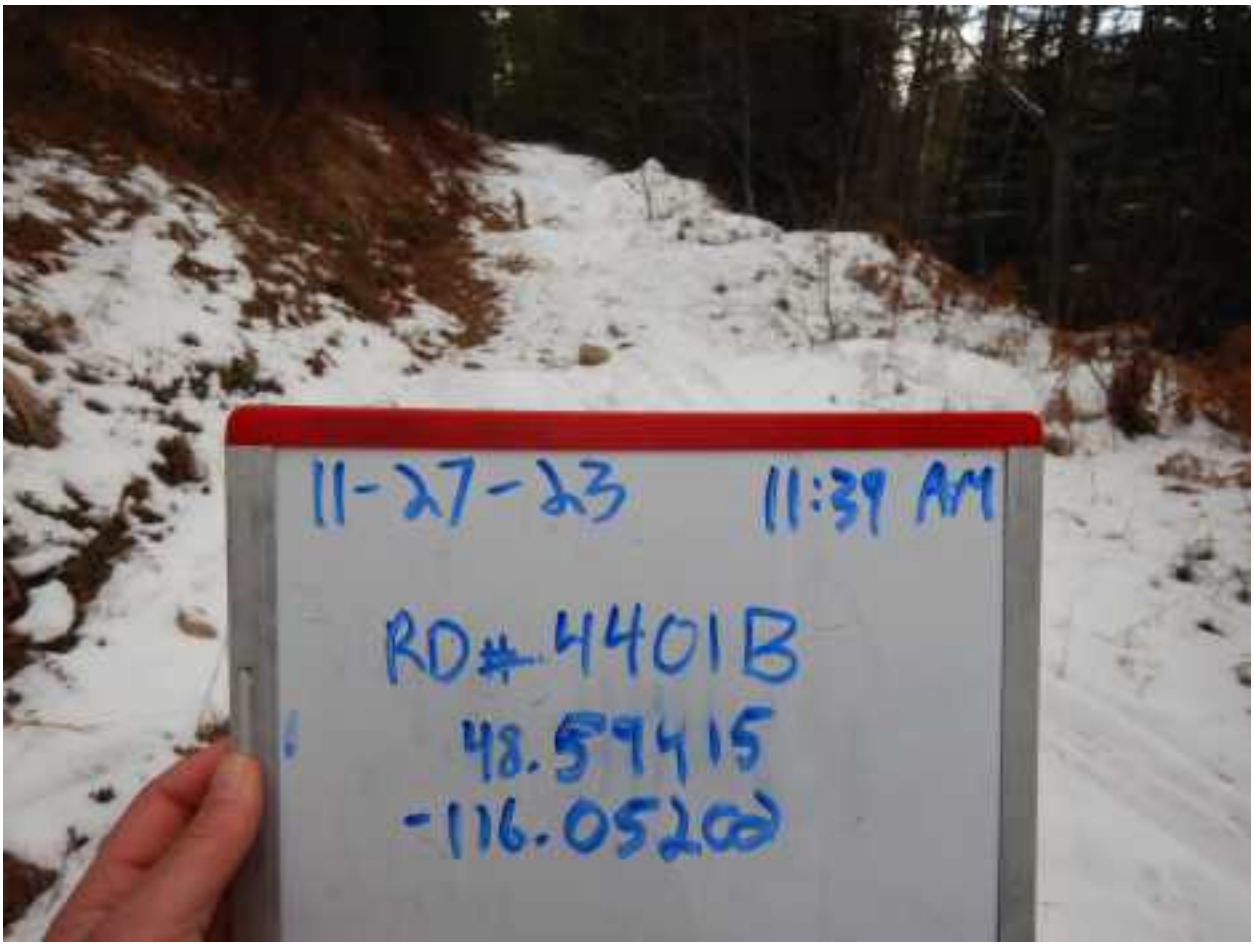
Road: #4401B 11/27/23 11:39 am

Road without gate, four small Kelly humps show tire rutting over the snow. Ineffective setup. Dispersed camping, but goes well beyond 300 feet.

Photos: https://www.dropbox.com/scl/fo/tklc41qvjageclmbmiarn/h?rlkey=lap5h4clidrrz2nfdwqvb1w1p&dl=0
#0104 #0105 #0106 #0107 #0108 #0109

Noxious Weeds Present:
•Oxeye Daisy
•St. John's Wort

Remedy: Increase the hump and trough of the Kelly hump.



TD-Griz 29

Coordinates**:** N 48.59585 W -116.0579

Road: #4403 11/27/23 11:51 am

Gated road with tire tracks breaching a nearly 5’ gap to the right. Multiple user-created tracks off main road

Photos: https://www.dropbox.com/scl/fo/knqz1yten06etbn82o8x7/h?rlkey=lnxpsg0gorbmdyudksqwoir2w&dl=0
#0110 #0111 #0112 #0113 #0114 #0115 #0116 #0017 #0118 #0119 #0120

Noxious Weeds Present:
•Knapweed

Remedy: Boulder placement against the gate would make the slope of the hill prohibitively steep.

TD-Griz 30

Coordinates**:** N 48.60119 W -116.06944

Road: #4401 11/27/23 12:10 pm

Gated road, blocked with roughly 2-foot wide opening on right navigable by motorbike.

Photos: https://www.dropbox.com/scl/fo/cnd751sizqxzjxt7jq28y/h?rlkey=s15bi3mvjzsouybpfcc8pvl0s&dl=0
#0121 #0122 #0123 #0124 #0125

Noxious Weeds Present:
•St. John's Wort
•Knapweed

Remedy: Boulder to right.

TD-Griz 31

Coordinates**:** N 48.54519 W -115.90877

Road: #4407 11/27/23 1:51 pm

Gated road with 25’ opening to right, navigable by motorbike.

Photos: https://www.dropbox.com/scl/fo/kdq40jk538tiif8t88cpz/h?rlkey=7wukd7slnixp4md3eaa9bekg1&dl=0
#0126 #0127 #0128. #0129

Noxious Weeds: - NA

Remedy: Boulder placement.

TD-Griz 32

Coordinates**:** 48.52917 -116.08377

Road: #4504A 11/27/23 10:30 am

Very small Kelly hump at road access. Not sufficient, and though trees block 90% of the trail, there's room for a motorbike to navigate past on the right.

Photos:
#0093 #0094 #0095 #0096

Noxious Weeds Present
•Oxeye Daisy
•St. John's Wort

Remedy: Deepen the trench or place boulders on the right side.