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November 8, 2024

Forest Service

St. Joe Ranger District

222 South 7th Street, Ste.1

St. Maries, ID 83861

RE: 30 DAY COMMENTS FOR THE PROPOSED LACY LEMOOSH PROJECT

Hello,

We are jointly submitting the following 30-day comments on the draft Environmental Assessment (EA) for the proposed Lacy Lemoosh Project. One of the issues we would like to have addressed is why the Idaho Panhandle National Forest has not notified Native Ecosystems Council et al. about this 30-day public comment period. Previously, we have submitted comments on this project for scoping on May 30,2023 by certified mail. Subsequently, we submitted joint comments as well as extensive hard copies of literature (Appendix A) via certified mail on June 26, 2024 on the planned creation of openings over 40 acres in size. The agency apparently received these comments, as our documents were never returned. We thus expect that the agency was aware of our interest in this project. We consider the failure to notify publics who have previously demonstrated a verified interest in a project as a National Environmental Policy Act (NEPA) violation. We believe that other interested publics may have also not been notified of the 30-day comment period. It seems imperative that the agency initiate another 30-day comment period whereby all known interested publics are actually notified of this public involvement opportunity.

Forest Plan Violations

1. The agency has not demonstrated that the Forest Plan direction for snags will be met in the project area.

The vegetation guideline (04) (RFP Table 4) for snags in the warm/moist vegetation types requires from 4.5-6.5 snags over 15 inches dbh per acre in regeneration harvest units. Thinning treatments require from 4-6.5 snags over 15 inches dbh per acre. Restoration treatments in the large size class require from 6-12.5 snags per acre over 15 inches dbh. There is no snag inventory for the Lacy Lemoosh Project Area. The project wildlife report at 27 states that snag data is limited for the project area, but that it is "assumed" that there are on average 2.6 snags per acre over 20 inches dbh in the Mid-seral forests and 5.1 snags per acre over 20 inches dbh in late-seral forests within the project area. The acres of each of these forest types, mid- and late seral forests, are not identified for the project area. The project wildlife report at 29 states that it is expected that untreated areas will provide snags, and that project design features will meet the Forest Plan guideline for snags.

It is highly unlikely that the 16,116 acre project area meets the Forest Plan direction for snags. The project wildlife report at 24 notes that past logging activities, including salvaging of occasional large stems, likely deteriorated fish habitat by removing snagsd, and current as well as future dead and down material. The project EA at 24 notes that 5821 acres of the project area have had regeneration harvests, with 4,124 additional acres with other types of timber harvest. The EA at 30 states that 9,960 acres of the project area have experienced harvest. This equates to 62% of the project area. Unsuitable logging areas may contain snags, including possibly (if unlogged) 4160 acres or riparian habitat conservation areas, 2424 acres of elk security habitat (if previously unlogged), 238.5 acres of recruitment old growth, and old growth (615.5 acres). These potential snag areas would provide 7438 acres of forests that could be meeting the Forest Plan snag direction. This equates to roughly 46%. Thus on average, only

roughly slightly more than 40% of the project area could currently be meeting Forest Plan direction for snags.

The National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA) require the agency to define snag levels across the Lacy Lemoosh Project Area, first in order to demonstrate compliance with the Forest Plan, and second to demonstrate that the proxy for viable populations of wildlife associated with snags (snag numbers) is being met. Many wildlife species associated with snags are neotropical migratory birds. Thus attainment of the proxy for these populations is also required to adhere to the Migratory Bird Treaty Act (MBTA). If Forest Plan requirements, and the provision of viable populations of snag-associated wildlife, including neotropical migratory birds will not be met by the proposed project, Forest Plan amendments need to be completed, along with an Environmental Impact Statement to disclose to the public that significant adverse impacts will be triggered and/or exacerbated on wildlife associated with snags.

2. The Forest Plan direction for analysis of road densities on elk security is being violated.

There is no analysis as to how project road densities will impact elk security. Not only will existing road use increase in the project area, but extensive new road construction will also occur (26 miles). The project EA at Table 19, page 41, identifies the density of roads within 2 watersheds of the project area, Charlie Creek and Upper Santa Creek. These show that in the Charlie Creek watershed, current road densities of 4.6 miles per section will increase to 5.5 miles per section during project implementation, then become 5.2 miles per section post-project. In the Upper Santa Creek watershed, current road densities of 3.5 miles per section will increase to 5.4 miles per section during implementation, then decline to 4.2 post project. The glossary of the Forest Plan glossary at page 124, notes that the impact of administrative use on closed (to the public) and temporary roads during the hunting season will be evaluated at the project level.

This information is not provided for the Lacy Lemoosh Project, however. It is clear that many logging units are planned next to elk security habitat, within the 0.5 mile buffer required for security. The impact of the proposed project on elk security is required to be disclosed based on administrative use of roads within or adjacent to elk security habitat.

3. Forest Plan direction for elk security areas will be violated.

Wildlife Guideline 13 states that management activities in elk management units should maintain existing levels of security; where possible in high and medium priority elk management units, security should be improved. The Lacy Lemoosh project areas lies in a medium-priority elk management unit (Elk Management Unit 6-8). The goal for elk security is at least 30%. However, security in EMU 6-8 is only 3,054 acres of the total 32,320 Forest Service acres, which is 9.4% (Forest Plan FEIS Table 74, pages 363, and project wildlife report pages 43-44). Within the Lacy Lemoosh Project Area, there are a stated 2,334 acres of security, which would be 14.5% security within the 16,116 acre project area. It is not clear if this is accurate, including what seems to be motorized trails within this security area. The agency notes that security will be reduced during project implementation, from a prescribed burning unit of 106 acres. However, the loss of security also from many logging units that will be closer than 0.5 miles from the identified elk security area is not noted. These adjacent logging units will not only remove forested cover, which is a Forest Plan requirement for security, but will also include motorized activity within this 0.5 mile buffer. The actual level of elk security to be lost during project implementation is unknown.

Forest Plan direction also notes that security should be increased in medium priority elk management areas. This could be achieved by identifying additional blocks of forested areas removed from motorized routes by half a mile. Instead, large acreages of cover will be removed, largely by clearcutting, and 26 miles of new roads will be constructed. These actions will eliminate large portions of the project area as potential elk security areas during project implementation. The

project EA did not identify why it would be impossible to increase elk security within this landscape, as is recommended by the Forest Plan.

4. Forest Plan patch size (desired conditions) for forests in the warm-moist biophysical setting will be violated for old growth.

FW VEG DC 03 notes that patch size of old growth will increase. FW DC VEG 12 defines in Table 2 the desired patch size for the warm/moist biophysical setting as 100 to 300 acre patches. Map 4 of the Vegetation Report shows that the 615.5 acres of existing old growth in the project area are mostly just tiny long slivers between past logging units. Table 7 of the Vegetation Report notes that 8 old growth patches are less than 25 acres, 9 are 25-50 acres in size, and 6 are 50-100 acres in size; the mean patch size for old growth is 37 acre, with a range from 7-38 acres. There were no plans in the Lacy Lemoosh project to increase the size of any of these old growth patches, even though almost 2000 acres of mature forest will be logged. There was no discussion as to why these tiny patches of old growth don't need to be increased to meet Forest Plan desired conditions for patch size. Yet the agency claims that the project purpose is to move towards desired conditions for vegetation.

5. Forest Plan direction for forest raptors will be violated.

FW GDL-WL-20 states that management activities should avoid/minimize disturbance of known raptor nests, including owls; timing restriction and distance buffers should be based on the best available information, as well a site-specific factors. The direction referring to "known raptor nests" indicates that surveys will be conducted to locate such nests. Otherwise how will their location be known? This guideline clearly requires raptor surveys to be done, or otherwise, the loophole that known nests will be protected swallows the rule. There have been no raptor surveys in the project area, with the possible exception of past monitoring of 81 goshawk territories identified in the 2012-2014 Forest Plan

monitoring report. Forest raptors, including 13 species, likely present in the project area include, in addition to the goshawk, the Cooper's Hawk, sharp-shinned hawk, American kestrel, red-tailed hawk, golden eagle, great gray owl, boreal owl, northern pygmy-owl, northern saw-whet owl, flammulated owl, great horned owl, and long-eared owl. AT a minimum, the 81 goshawk nesting areas are clearly "known" but were not identified within the Lacy Lemoosh project area, nor was information provided as to where the design measures for goshawks would be implemented, as is required by the Forest Plan.

6. Forest Plan direction for management of sensitive species will be violated.

FW-GDL-WL-25 states that management activities should avoid/minimize disturbance at known active nesting or denning sites for sensitive species not covered by other forestwide guidelines. The Little Brown Myotis is a sensitive species for the IPNF (Wildlife Report BA/BE, Table 3). There have been no wildlife surveys in the project area to locate bat roosting sites, which could occur in large hollow snags. Roosting sites are identified in the wildlife report as important bat habitat. Instead of surveys, the agency is claiming that adequate roosting habitat for this species will be maintained by snag retention policies that will be implemented for the project area, especially in untreated riparian areas. It is unknown if the only bat roosting activity that occurs in this landscape is limited to riparian habitat. This conclusion would require some type of bat roosting habitat surveys, which have not been done on the IPNF to date. If habitats and snag densities are to be used as a "proxy" for bat occurrence, including roosting habitat, this proxy needs to be based on data, not speculation.

7. The Forest Plan direction for protection of big game winter ranges from disturbances will likely be violated.

There was no actual information provided as to how the agency will adhere to Forest Plan direction, FW-GDL-WL-12, to avoid disturbances to elk on their winter

ranges. Approximately 21 clearcut units will occur on big game winter range, totaling almost 400 acres.

NEPA Violations

1. The agency has failed to provide "baseline conditions" for forest raptors.

There have been no raptor surveys done for the planned Lacy Lemoosh project. This is important information that should be provided to the public. This information is essential in order for the agency to meet the requirements of the NEPA to define not only how past vegetation management actions have impacted 13 species of forest raptors, but how the planned current project will affect these species. Given that almost 10,000 acres of the project area have experienced vegetation management, the impact on forest raptors is likely high. As well, the importance of remaining undisturbed habitat for forest raptors is likely also extremely high. The public needs to know how remaining habitat for these species will be managed as per protection of nesting sites. Reliable forest raptor surveys throughout the project area in all habitats need to be completed and this information provided to the public prior to a decision being implemented for this project, as such is required by the NEPA.

2. The agency has failed to define specifically how forest raptor nesting sites will be protected.

The NEPA documents for the Lacy Lemoosh project state that timing restrictions and distance buffers, based on the best scientific information, will be used for protecting forest raptor nesting activities from disturbance. These mitigation measures, however, have not been defined to the public. The public is unable to review these mitigation measures to assess their adequacy to protecting raptor nesting activity, since these have not been described. This is important

management information for forest raptors that needs to be provided to the public, including how effective these mitigation measures have been in the past.

3. Agency claims that the sensitive Little Brown Myotis, a sensitive species, will not be adversely impacted by the project is not supported with any actual analysis or science.

The Little Brown Myotis is a sensitive species for the IPNF (Lacy Lemoosh Wildlife Report [BA/BE] Table 2). There have been no surveys for this sensitive bat species in the Lacy Lemoosh Project Area, even though the wildlife report notes this species is still common outside of its northeastern range in North America. The wildlife report also states that this bat species uses hollow trees as one type of roosting habitat. The agency claims that there are adequate amounts of snag roosting habitat for this species in the project area, even with implementation of the Lacy Lemoosh Project. However, no snag surveys for the project area have ever been done for riparian areas in the project area. At the same time, the agency claims there is no roosting habitat for this bat species in the project area, which would apparently include riparian areas (Table 3 of BA/BE).

4. Agency falsely claims that impacts to the sensitive species the western bumblebee will not be measurable.

The western bumblebee is a sensitive species on the IPNF. However, the Forest Plan and associated FEIS, as well as the Lacy Lemoosh draft EA and wildlife report, did not identify any habitat or conservation measures for this sensitive species. The wildlife report notes that forested habitats are presumed to have a high occupancy of this bee. It is noted to be adapted to cool temperatures, and is vulnerable to fluctuating temperatures and extreme weather events. Snow accumulation is important to protect over-wintering queens. The expansive and huge clearcuts areas of up to several hundred acres will clearly have adverse impacts on the western bumblebee, including creating areas of extreme heat in clearcuts, and increasing landscape temperatures of all habitats, including forests.

In addition, given that bumblebees cross miles of terrain from their nests in daily foraging, the impact of increased wind speeds in clearcuts, and the lack of cover in clearcuts for many years to help diminish the effects of severe weather events, such as heavy precipitation, will reduce the bumblebee's ability to forage across a landscape as well as likely increase mortality from extreme weather events. Also, recent science has demonstrated that high temperatures appear to drastically reduce the bee's sense of smell, which might threaten the survival of colonies. There is no doubt that the Lacy Lemoosh project with the proposed several thousand acres of large clearcuts will have severe adverse impacts on this species which is one of the most important pollinators on earth.

5. The agency falsely claims that adverse impacts to the sensitive fisher will not be significant.

The project wildlife report at 25 notes that the entire project area is considered fisher habitat, and that fishers are likely present in this landscape (wildlife report at 26). There are 3 current habitat recommendations for the fisher for habitat management. One is that their habitat have no more than 5% openings, and that 50% of their habitat be mature forests with higher canopy closures, greater than 60% (project wildlife report). These habitat selection characteristics of fisher are consistent with their avoidance of openings and selection of highly-connected landscapes (project wildlife report); large snags and large logs are also important habitat for denning and resting (Id.). These important habitat features have been reduced in the project area due to past logging (wildlife report at 24), which has occurred on almost 10,000 acres of this landscape. There are no snag surveys, or large log surveys, available for the project area. The project will further decrease large snags and logs in the planned clearcuts, further reducing these key habitat features for the fisher. Without any analysis of current densities of large snags and large logs in fisher suitable habitat, the agency has no basis for claiming these key habitat features are present for the sensitive fisher. And notably, the project will increase openings from about 1% to 17% (wildlife report Table 7). This is 3 times more openings that reported by the current best science as preferred fisher habitat. Given two of the 3 existing habitat recommendations for fishers will not be met in the project area, agency claims that significant adverse impacts to this sensitive species are false. This invalid conclusion is also indicated by the failure of

the NEPA documents for this project to address potential mortality to fisher that will result from the poisoning program on gophers.

6. The agency falsely claims that the Lacy Lemoosh project will have no adverse impacts on the threatened wolverine.

The Lacy Lemoosh project area lies within the Central Linkage Region for wolverine as identified by Inman's thesis titled Wolverine ecology and conservation in the western United States. Thus the project area is contributing to landscape connectivity for this species, which would include dispersal of juvenile wolverines from parental territories. In fact, the project wildlife report identifies the entire Lacy Lemoosh project area as male wolverine dispersal habitat. It is not clear why this would not also include female wolverine dispersal habitat. The wildlife report noted that negative environmental predictors for wolverine habitat include road density and maximum summer temperatures. The current road density in the Lacy Lemoosh Project area greatly exceeds the recommended level of roads for wolverine, which is about one mile per section. Table 19 in the draft EA shows that the current road density is close to 5 times this level in the Charlie Creek watershed of the project area (4.6 miles per section), and also quite high (3.5 miles per section) in the smaller Upper Santa Creek watershed. Although not all of these roads are likely open to the public, the total that have current as well as planned project motorized activities is not identified for wolverine by the agency. The density of motorized trails is also unknown in these 2 watersheds, or in the project area as a whole. Yet the agency claims these roads are not impacting wolverine, despite a number of scientific publications that identify road avoidance by wolverine, including roads with little to no motorized use. The wolverine is also noted to be sensitive to heat stroke, so the planned temperature increases in the project area, including what may be an 18 degree Fahrenheit increase during the summer in each of the proposed clearcuts, will clearly have adverse impacts on the wolverine. High summer heat will likely make the landscape of the project area largely unavailable to wolverine, given the existing impacts of ongoing climate change on temperatures. So in addition to the loss of habitat due to high road densities, wolverine habitat loss will also occur from

increased summer temperatures due to the planned extensive clearcutting. Yet the agency determined these habitat changes will not adversely impact the wolverine.

The wildlife report did not address how poisoning of gophers with strychnine will affect wolverine. This will occur in clearcuts where tree regeneration is being hindered by gophers. The potential death and/or severe fitness reductions of wolverine who consume poisoned gophers was not identified as what may be a significant adverse impacts of this project on wolverine.

7. The agency did not evaluate how the planned gopher poisoning with strychnine will impact many forest wildlife species.

There are numerous references to gopher poisoning to promote conifer tree regeneration in clearcuts (e.g., wildlife report at 48; draft EA at 11. 20, 21, 59, 82; vegetation report at 22, 23). However, there is no analysis in the NEPA documents for this project as to what the expected impact will be on potential poisoning, including the previously-noted fisher and wolverine, as well as other forest predators that would readily consume poisoned gophers, such as pine marten, and many owl species, including the great gray owl, an Idaho Species of Greatest Conservation Need (Idaho Department of Fish and Game 2015).

8. The agency did not evaluate how the current and planned active motorized route density required for project implementation will impact summer habitat effectiveness for elk.

Elk is considered an important management species for the IPNF. The agency claims for the Lacy Lemoosh project that forage for elk will be increased due to expansive clearcutting. The current best science notes that elk habitat use is displaced adjacent to roads, reducing habitat use in the impacted landscape.

Areas with over 2 miles of active roads will reduce elk use by 50%. Active motorized route densities below 2 miles per section are considered a significant impact on elk summer habitat use. This impact is likely why the Idaho Fish and Game Department in their March 13, 2012 comments on the IP Forest Plan noted that a number of studies including on the IPNF have demonstrated that road densities less than 1.5 miles per section, with large blocks of secure areas retained, most effectively meet elk security needs. The current and planned project active motorized routes were never identified in the wildlife report or draft EA, so impacts to elk summer habitat effectiveness are unknown. This failure to evaluate a key habitat feature for elk is particularly important as the agency is planning to create 25 miles of new roads, many of them permanent.

9. The agency provided a false claim that creating vast acreages of clearcuts will increase forage for elk and improve elk viability.

The draft EA at 4 and wildlife report at 43 state that the project area has a shortage of forage for elk, and logging is needed to replenish nutritionally adequate forage for elk. AT the same time, the wildlife report at 43 notes that elk calf production in at the highest level in 7 years. Thus the agency has no actual basis for claiming summer forage is inadequate for elk. AT the same time, the agency ignores the impact of forage desiccation in clearcuts earlier in the season than in forested areas. As a result, clearcuts will reduce late summer forage availability for elk, not increase it. Also, given the agency's failure to evaluate road displacement impacts on elk, even if clearcutting actually were to increase late summer elk forage, much of this forage is unlikely to be available to elk due to motorized activity on both roads and trails. As such, the agency justification for clearcutting to increase elk forage misrepresents actual impacts to the public, in violation of the NEPA.

10. The agency's false claim that clearcutting will increase summer forage for elk and thus provide a benefit to wildlife did not include any identification or analysis of the tradeoffs involved in removing forests to benefit one

species, where viability is not a concern, while many other wildlife species that depend on these forests, many of which have viability concerns, will be harmed.

There was no analysis in the wildlife report of draft EA as to how many forest wildlife species, including those requiring forested snags and species that use conifer seeds and insects as forage, will have habitat losses due to clearcutting to increase forage for elk. Impacts to all species based on a management objective for just one species, including a species that is hunted and clearly has no viability concerns, is required when the agency is justifying clearcutting, or forest removal, as needed to benefit a particular wildlife species. This type of analysis is required in order to demonstrate the agency has taken a "hard look" at a program to increase elk forage by clearcutting.

11. The agency claim that clearcutting and thinning elk winter range will increase elk forage was not supported with any actual analysis, in violation of the NEPA.

High quality information needs to be provided to the public when the agency claims that management actions will improve habitat for wildlife, including increased forage on logged winter ranges. There will be approximately 21 clearcut units on elk winter range, as per the analysis of the wolverine (pages unnumbered in this wildlife report). This totals about 400 acres. As per this analysis on wolverine, the agency claims that this logging "is expected" to improve winter habitat for elk by increasing the presence of understory species such as grasses and forbs and reinvigorating decadent pockets of decadent shrubs. The plant species to be invigorated are not identified. Nor is the use of conifers as winter forage for elk and other big game species, including moose, addressed. And of particular importance is the impact of clearcutting on snow depths. Why will forage of any type be available in clearcuts during the critical winter period, when snow depths are at their greatest? It seems highly likely that clearcutting elk winter range will decrease, not increase forage availability for elk. Again, if the agency is going to use habitat improvements as partial justification for proposed

logging activities, the supporting documentation needs to be provided to the public.

12. The agency did not address how moose, a management indicator species (MIS) for the IPNF in the previous planning period, will be managed on both summer and winter ranges in the project area.

Clearcutting will be highly detrimental to moose on their winter range by both removing important conifer forage species, and removing thermal cover essential for use of winter habitats. Clearcutting of moose summer range will also be highly detrimental to this former MIS. Moose are known to be vulnerable to higher temperatures which can trigger heat stress. The heat in clearcuts will most likely exceed tolerance levels for moose in the summer, while these clearcuts will also cause an increase of temperatures in adjacent forested areas. There was no information provided as to how moose will be impacted by the Lacy Lemoosh project, including current population trends. The agency did not provide any rationale as to why project impacts to moose would not be an important effect of this project to the general public. Given the expansive loss of thermal and mature forested cover across the broader landscape, due to private-land logging in EMU J 6-8, the availability of suitable summer and winter habitat for moose in the Lacy Lemoosh project area is likely very important, and needs to be addressed by the agency when a FONSI is expected to be produced for the project.

13. The agency is avoiding public disclosure of many important features of the proposed project by using a very large size of a project area which concomitantly prevents detailed analysis information being provided to the public.

There is a severe lack of adequate information being provided to the public for the Lacy Lemoosh project, due to the size of the project area (16,116 acres) as well as the vast amount of past logging activity and road construction that has

occurred. As we previously noted, there is a vast network of existing roads in the project area, including up 4.6 miles per section in the Charlie Creek watershed (draft EA Table 19). The miles of motorized trails is unknown. The project will add 26 miles of additional roads to the project area, or within individual watersheds could bring total road densities up 5.5 miles per section. In spite of this massive amounts of existing and planned motorized routes, the agency did not provide a readable map of where these roads exist, or what their current motorized use level is. Also, the public cannot understand what existing roads are currently closed but will be opened, as well as improved, for the Lacy Lemoosh project. What specific roads, and their mileage, are involved in the proposed project? What roads in the project area have been decommissioned in the past, but will be opened for this project? What is the relationship of existing to proposed new roads for the project? Do new roads being proposed require opening of existing roads that were previously closed and/or obliterated? Overall, the management of this existing and proposed massive network of roads in the project area will have significant impacts on wildlife, including elk and the wolverine, which requires the agency to provide a reasonable level of analysis. Such an analysis clearly requires a limit to the size of the project area, or a much more detailed analysis with an EIS, to meet the requirements of the NEPA.

14. The agency did not provide a reasonable description of cumulative effects for the Lacy Lemoosh Project based on past and ongoing other activities that have NEPA decisions already in place.

The draft EA and associated documents indicate that there is ongoing management on roads to be completed from the Charlie Preston logging project (draft EA at 30, 59, 63). It is not clear that this is the only ongoing NEPA project work that would overlap with the Lacy Lemoosh project. The public needs to know what roads were to be decommissioned for previous NEPA decisions, and how these previous road management requirements are being addressed by the Lacy Lemoosh project. For example, are previous NEPA decisions for roads now being violated to implement the Lacy Lemoosh project? Are roads that were slated for decommissioning or other types of closure for pervious projects,

including the Charlie Preston project, now being managed differently that required by those NEPA decisions? The entire management program for roads in this project area, that includes previous NEPA decisions on road management, needs to be fully defined to the public for the Lacy Lemoosh project.

15. The agency needs to adhere to the NEPA by providing a concise timeline for the proposed Lacy Lemoosh project for road management, as well as defining any overlap of past projects that will add to the timeline of road use and wildlife disturbances.

The timeline, and thus disturbances to wildlife, for the Lacy Lemoosh project needs to be clearly defined to the public. Of particular concern is that claims that roads will be closed and/or decommissioned or obliterated following harvest activities atre not actually valid claims because most of the roads (both new and existing) required for new logging treatments will have to be used long term in order for the clearcuts to receive ongoing management for precommercial thinning which may be 10-20 years post-logging (eg., Silviculture Report at 24). There will also be ongoing and expanded weed treatments required on either existing or new roads. If the project is too large for the agency to achieve this detailed analysis, then the size of the project needs to be reduced to meet this NEPA requirement. The public should be provided the information as to how long disturbances to wildlife, including sensitive and threatened species, will occur, including past disturbances.

NEPA/NFMA SHORTCOMINGS/FAILURES RELATED TO THE LACY LEMOOSH PROJECT BASED ON IPNF FOREST PLAN DIRECTION

1. The IPNF altered the definition of elk security habitat defined by Hillis and others in order to increase roads and misrepresent impacts to wildlife; this

misrepresentation of roading impacts on elk security is used for the Lacy Lemoosh project.

The project wildlife report at 43 states that the Hillis Paradigm was "roughly used" to evaluate road impacts on elk security. The IPNF FEIS at page 361 states that the concept of elk security used for elk is based on Hillis et al. (1991); the definition in the glossary "has been adjusted" from the definition of Hillis by applying it to only motorized routes that are open to the public; motorized routes that have administrative use, which would include logging traffic, are allowed in elk security habitat. No actual analysis or science was provided to indicate that administrative and logging use would not disqualify elk security areas. The current best science indicates that even light traffic of 2-4 vehicle trips per 12 hours displaces elk. Current definitions of security include all motorized use, not just public use. The correct definition of elk security should be used in NEPA documents so that the public is provided accurate, not inaccurate information on project impacts to elk.

2. The IPNF Forest Plan snag direction has no relevance to viable populations of associated wildlife species; this direction is a violation of the NFMA and the NEPA as a result of a failure to ensure a diversity of wildlife species are being maintained across the planning area, and that mitigation measures for habitat disturbances (e.g., logging) are effective.

The IPNF Forest Plan snag direction was basically carried over from the previous forest planning period. However, there was no analysis or supporting information, including past monitoring of cavity nesting wildlife, that demonstrated that pervious forest plan direction for snag-associated wildlife had any valid ecological function for wildlife. While some population trend data was attempted on some snag-associated wildlife species, this trend data was never tied to snag densities in monitored landscapes were transects were conducted. In particular, snag direction applied to logged habitat was essentially never monitored, except on a Forest-wide FIA basis. This FIA data has no ability to measure snag densities in project areas after Forest Plan direction has been applied. As well, forest plan

direction is supposed to be based on valid science, monitoring and mitigation measures (such as snag management during logging) that have been demonstrated to be effective, instead of just window dressing. To date, no such verification exists for the snag management direction in the IPNF Forest Plan. In effect, this snag direction for wildlife is an invalid, unsupported proxy for over 20 species of wildlife and their viability, and cannot provide valid assessments of timber management practices on wildlife, including in the Lacy Lemoosh project area, provided this direction was actually being applied, which it is not. The agency failed to demonstrate the forest plan direction for snags has been met in the project area. This invalid proxy for snag-associated wildlife has been demonstrated in more recent research to be ineffective due to the limited suitability of any specific snag being suitable for cavity construction (potentially as little as only 4% of snags). Thus the probability of leaving even a dozen or more total snags in a logging units will not actually provide even this number of usable snags for wildlife. So these snag prescriptions are a huge overestimate of what is actually be provided as suitable snag habitat.

3. The IPNF forest plan failed to define how the snag direction, used as a proxy for associated wildlife populations, will be met throughout a timber rotation, and thus meet long-term wildlife needs.

There was no analysis in the IPNF forest plan or associated FEIS as to how leaving several sized snags after logging will maintain snag habitat over time. As was noted in the Lacy Lemoosh NEPA documents, forests are classified as "mature" after 60 years in age. The snags that are left in logging units are thus expected to remain standing for a minimum of this time period. This required life of snags in units, especially the clearcuts that are being proposed for the Lacy Lemoosh project, has never been demonstrated as likely. These snags will have a high potential for loss due to blowdown, especially as winds in clearcuts will be increased versus forest conditions. And it is likely that new replacement snags of the size required by flammulated owls (22-28 inches dhb as per the forest plan FEIS at 326) or the pileated woodpecker (at least 20 inches dbh, with an average of 30 inches dbh as per Region 1 USFS recommendations)

are not going to develop in 60 years. Actually, the Lacy Lemoosh NEPA documents note that late seral habitat conditions where larger snags are developed may take up to 100-150 years to develop. So it will be essentially impossible for the agency to provide large snags for wildlife in clearcut areas during the life of the planning period, or in effect, for the next 100 or so years. Although some green trees are to maintained in harvest units, the expected mortality of these trees to create suitable snags was never defined as an effective mitigation measure for logging treatments that reduce snags. For example, logging treatments are being implemented to reduce insects and disease, so the few green trees left in clearcuts have a low potential to die from insects and disease, even if they don't blow over within several years.

4. The IPNF Forest Plan desired conditions for vegetation have no relationship to wildlife populations; one of the requirements of achieving DCs is a massive network of roads, an impact that was never assessed for the Forest Plan; use of these DCs for landscape management due to massive increases in roads and expansive losses of wildlife habitat were never evaluated in the IPNF, including how diversity of wildlife will be maintained with DC implementation.

One of the purposes of the DCs for vegetation in the IPNF forest plan is to reduce Insects and disease, which are forage for wildlife. Insects targeted for reduction as per vegetation DCs include Douglas fir beetles and their larvae, Douglas-fir pole beetles and their larvae, fir engraver beetles and their larvae, mountain pine beetles and their larvae, pine engraver beetles and their larvae, wood borers and their larvae, ambrosia beetles and their larvae, Balsom woody adegids and their larvae, and Hemlock loopers and their larvae. Another DC for vegetation also requires significant reductions of forage for wildlife provided by conifer seeds. The DCs for seeding/sapling and young forest stands will have limited conifer seed production, a key forage for a considerable number of forest birds and other wildlife. In effect, the vegetation DCs direct that wildlife forage be limited. However, there was no analysis in the IPNF forest plan or associated FEIS as to how these vegetation DCs will impact forage for wildlife. This NEPA violation also triggers an NFMA violation, as forest plan direction is required to maintain viable populations of wildlife as per diversity. The DCs for vegetation will result in what

are certainly significant adverse impacts on wildlife populations based on forage reduction, impacts that were never evaluated in the Forest Plan FEIS. Implementation of a Forest Plan without the required analysis of plan direction is both a NEPA and an NMFA violation.

As previously noted the DCs for vegetation in the IPNF forest plan do not require viability of wildlife associated with snags. These DCs require expansive management (logging and burning) across forested landscapes where no effective snag habitat will be maintained. The lack of effective snag management in logged habitats was not addressed as per designation of vegetation DCs, and as such, management towards these DCs are a violation of both the NEPA and the NFMA.

The agency claim that historical conditions are a goal for management, as per vegetation DCs, never address the vast network of roads that are required to implement these vegetation DCs. The Lacy Lemoosh project area is a good example of this failure. Although one of the watersheds in the project area have 4.6 miles of existing roads, the agency claims that another 26 miles of additional roads are required to more towards vegetation DCs. This means that management for DCs in this landscape will require almost 6 miles per section of total roads. This road need is vastly higher than recommended levels for wildlife, which for most species is at best no more than 2 miles per section. As just one example, just a total road density of 5 miles per section, only 20% of the landscape would be usable by elk due to displacement. Thus there is a direct conflict between achieving vegetation DCs and actual on-the-ground impacts. Achieving DCs for vegetation requires the elimination of historical conditions for roaded habitat. This conflict is never addressed in the IPNF Forest Plan, or as well, in the Lacy Lemoosh Project. This triggers a violation of the APA, as increasing road densities far above historical conditions to achieve historical conditions for vegetation are direct, contradicting actions.

Another conflict with the vegetation DCs identified in the IPNF with historical conditions is that roads created to achieve these DCs will increase the risk of fire

spread and fire severity in the landscape. Most fires are caused by human use of roads. Also, roads create wind tunnels and thus increase wind speeds across a landscape. Wind speed is the primary factor affecting fire severity and spread. So managing for vegetation DC will not reduce fires, as there will be a number of effects that will actually increase fires. These conflicts with vegetation DCs were never addressed in the IPNF Forest Plan, or in the Lacy Lemoosh NEPA documents.

As previously noted, the DCs for vegetation do not actually represent historical habitat conditions for snags, but as well, for old growth, even though the agency claims that vegetation DCs are based on achieving the natural range of variation. There are no requirements in the vegetation DCs for old growth. Historical levels of old growth have been reported in a published scientific paper as ranging from 20-50% in the Northern Rockies. These historical levels are not included in the vegetation DCs for the IPNF. Nor does the Forest Plan FEIS evaluate how the DCs will affect over the 30 or more species of wildlife that depend upon old growth forests, in violation of both the NEPA and the NMFA.

5. The DCs for vegetation on the IPNF have no relationship to meeting the Migratory Bird Treaty Act (MBTA).

The Forest Plan FEIS identifies many forest birds, including many neotropical migratory birds, that are to be managed for persistence on public forest lands. However, the Forest Plan has no requirements for these species except for an invalid snag management and old growth management plan. As we noted, the snag management plan provides an invalid "proxy" for viability of associated species, and even if some snags are left in clearcuts, the persistence of these snags into the future is very limited. AS per old growth, the Forest Plan only requires that existing old growth be maintained. This direction actually allows the eventual elimination of all old growth for associated species as logging is allowed to remove most of these stands. The Forest Plan FEIS did not provide any analysis as to how logging old growth stands will impact associated species. The inference that wildlife values will be maintained with logging were never supported with an

analysis, in violation of the NEPA. Use of invalid conservation measures as Forest Plan direction is also a violation of the NFMA.

6. The agency did not provide any monitoring results for forest birds, including migratory birds, to demonstrate that planned management activities have been demonstrated to maintain wildlife diversity in managed landscapes.

There are no focal species on the IPNF for snag habitat and old growth forests, both key habitats for forest birds. There is a group of birds that are being used for monitoring (5 bird species) but the current monitoring support regarding logging impacts on these species was not provided in the Lacy Lemoosh NEPA documents, including the wildlife report. If the agency is not actually monitoring logging impacts on this species group, then the impacts to them are unknown, which requires completion of an EIS, along with an explanation to the public as to why this monitoring data can not be obtained for project planning. If monitoring is not being done for wildlife, the question is why is the agency proceeding with vegetation treatments anyway? In effect, it appears that the IPNF is not doing any monitoring of vegetation treatments on any forest bird, even though 64% of 67 species of western forest birds have been documented to be in decline. Thus the failure to define how logging projects will impact these species is a NEPA and an NFMA violation, as management is not ensuring maintenance of a diversity of wildlife, which includes forest birds. The Forest Plan indicates to the public that monitoring will be done to ensure that management activities do not significantly reduce wildlife or wildlife habitat. Failure to complete this monitoring is thus a NEPA violation by providing false information to the public on agency management practices.

7. The IPNF Forest Plan and associated FEIS do not evaluate the impact of any clearcutting on wildlife, let alone large clearcuts of hundreds of acres, on wildlife, or as well, do not define how clearcuts represent historical conditions of burned and/insect impacted forests.

On June 26, 2023, NEC and several other groups submitted comments on the agency's plan to have 40 clearcut openings over 40 acres in size. Along with these comments, we included hard copies of 43 reports and/or publications that demonstrated adverse impacts of clearcuts, not just large clearcuts, on wildlife, including neotropical migratory birds and wildlife associated with highly connected forest habitats, snags and old growth. Instead of repeating these expansive comments, we are simply incorporating them into these 30-day comments to avoid repetition. However, we would like to ensure that the agency responds to these comments when a proposed decision is released. Specifically, the agency needs to define why the Forest Plan has no limitations on either clearcutting, or size of clearcuts due to allowed exceptions, or the density of clearcut habitats on a given landscape. There is no science that would demonstrate that clearcut densities will not have significant adverse impacts on wildlife. Without this science, identified in a NEPA analysis of clearcutting effects on wildlife, the agency's implementation of a Forest Plan that ignores clearcutting impacts on wildlife is a violation of both the NEPA and the NFMA. The use of clearcuts in vegetation management is thus illegal at this time. Until a Forest Plan amendment is completed to evaluate clearcutting impacts on wildlife, any clearcutting activity would be illegal.

The agency also needs to include a NEPA analysis of clearcutting in a revised forest plan to address the false claim that clearcutting represents historical fire effects. Clearcutting is vastly different from burned forest habitats, and cannot be used as representing historical habitat. Thus the DCs for the IPFN, that claim that clearcutting (early-seral forest conditions) represent historical conditions needs to be corrected. Currently, the agency is providing false information to the public about management activities. The public needs to be provided the correct information, that clearcutting does not represent burned forest habitats created historically. The massive difference between clearcuts and burned forest habitat as per wildlife need to be identified, and the agency needs to define to the public that clearcutting does not represent management of the historical range or variation. This information and analysis is required by the NEPA, so that the public is being provided accurate information on management impacts of wildlife.

8. The Forest Plan DCs for vegetation regarding management to reduce the incidence of insects and disease reduction do not provide any analysis in the FEIS as to how these objectives are expected to affect wildlife habitat and wildlife populations.

As we noted previously, insect and disease processes provide valuable forage for wildlife. In addition, insect and disease infestations are essential natural processes to create snags for many dozens of species of forest wildlife. Yet the Forest Plan never addresses how this vegetation goal will impact wildlife. As such, use of these DCs in land management. The assumption of the Forest Plan is that management of vegetation, emphasizing timber production, meets the multiple use and NFMA direction of these public lands. However, These directives also require that vegetation management maintain a diversity of wildlife. This has never been demonstrated for the IPNF DCs. Until the Forest completes an amendment to the Forest Plan to demonstrate that vegetation DCs that promote timber production will also maintain a diversity of wildlife on the forest, this forest plan cannot legally be used for land management activities. The agency "assumption" that the priority of vegetation DCs is for timber production versus wildlife diversity clearly conflicts with the NFMA as well as the MBTA. As such, these conflicts have to be corrected before this forest plan can legally be implemented on the IPNF.

9. The agency has failed to evaluate climate change impacts on wildlife habitat, in both the IPNF Forest Plan as well as for the Lacy Lemoosh Project.

The effects of the Lacy Lemoosh project on wildlife habitat were never addressed. There has been no valid assessment of forest plan implementation as well for the IPNF Forest Plan. Effects of vegetation management on carbon emissions are not the same as analysis of logging impacts on local climate. It is clear that the planned large clearcutting program will have potentially significant adverse

impacts on the local climate conditions for all wildlife species, as well as bees. For example, the summer temperatures in clearcuts could be increased by up to 18 degrees Fahrenheit, increases that will cause temperature increases as well in adjacent forest stands, as temperatures equalize across the landscape. This increase in summer temperature extremes will create time periods when activity of various wildlife species is prohibited in order for an animal/bee to avoid heat stress or heat death. The reduced availability of foraging time will also result in reduced breeding potential for wildlife. In addition, habitat in clearcuts to be used, directly or for connectivity, will experience increased severe weather effects, which again will reduce availability to various wildlife species. In addition, there more severe weather effects, including winds, will also affect adjacent forested stands, to the detriment of many wildlife species. Increased winds will also likely cause significant to total blowdown of snags and green trees retained in clearcuts as some semblance of wildlife habitat. Birds that will actually nest in trees and snags in clearcuts, with have both themselves and their young exposed to these increasing severe weather events, with likely mortality a result. The agency needs to provide an estimate of the reduction of carrying capacity for wildlife, particularly forest birds, that will result from the increased temperatures and exacerbation of severe weather events and winds in this landscape. Also, the agency needs to define what level of reduced carrying capacity for forest birds is considered a significant impact, and what this estimate is based on.

Aside from forest birds, the proposed clearcutting program in the Lacy Lemoosh project area will also impact forest mammals, from wolverine and moose who are sensitive to heat stress. As temperatures across the entire landscape will increase, including within forested areas, these species may not be able to use large areas of this project area due to excessive summer heat. For elk, vegetation in clearcuts may become unavailable not only because elk may leave these areas in order to find cooler summer habitats, but also, because vegetation within clearcuts will be desiccated much earlier in the season due to increased heat and winds. And clearcuts could result in elimination of the sensitive western bumble bee.

Another impact of the proposed project on direct climate impacts in the Lacy Lemoosh project is the level of existing and planned addition of roads. These

roads provide wind tunnels which increase the impacts of wind across the project area, in addition to the increased wind impacts due to clearcutting, including very large clearcuts. These impacts will not only affect wildlife, but will increase the potential for spread of wildfire, as wind the primary factor affecting fire severity and spread. These impacts were never evaluated in the IPNF Forest Plan or for the Lacy Lemoosh project, in violation of the NEPA. Although the agency claims that one of the purposes of the project is to reduce wild fire severity and spread, the proposed vegetation treatments as well as associated roads will actually do the opposite, an impact that was not addressed by the agency either in the Forest Plan or for the Lacy Lemoose project, in violation of the NEPA.

Overall, due to the failure of the IPNF to evaluate the various impacts of clearcutting and road construction on local climate changes and how these changes will impact wildlife and local weather conditions, the Lacy Lemoosh project cannot be legally implemented until a Forest Plan amendment is completed to address these legal violations.

In spite of these examples of adverse impacts that will be triggered on wildlife and bees from the Lacy Lemoosh project, the Forest Service did not define why these climatic impacts from the project will not adversely impact wildlife. Since there are no analyses in the IPNF Forest Plan as well on direct climate impacts on clearcutting on wildlife, the agency is proceeding to trigger what are likely significant direct climate changes from vegetation management without any actual analysis of impacts, in violation of the NEPA.

Violation of the Endangered Species Act

The agency falsely claimed that the Lacy Lemoosh project will not adversely impact the threatened wolverine. As we noted previously in these comments, adverse impacts will clearly occur for the wolverine, including displacement from

roads and increased heat. The agency is required to consult with the U.S. Fish and Wildlife Service as per project impacts on this species.

[redacted]

Sara Johnson, Director, Native Ecosystems Council, [redacted]

Mike Garrity, Director, Alliance for the Wild Rockies, [redacted]

Steve Kelly, Director, Council on Wildlife and Fish, [redacted]

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