

December 21, 2024

Memo To:

Michael Garrity, Executive Director  
Alliance for the Wild Rockies  
P.O. Box 505 Helena, MT 59624  
Email: [wildrockies@gmail.com](mailto:wildrockies@gmail.com)

Mike:

As discussed, I have begun an analysis of Canada lynx habitat to address the Draft Canada Lynx Recovery Plan and the recently released Proposed Critical Habitat. Because of our ongoing efforts in the Round Star and other Forest Service projects in the Flathead NF, I have prepared some preliminary maps and analysis of the Tally Lake Ranger District. Maps are included as Figures 1 – 4 at the end.

This analysis is based on publicly available USDA Forest Service GIS data.<sup>1</sup> Files included:

- MTBS Burn Area Boundary
- Activity Silviculture Timber Stand Improvement
- Hazardous Fuel Treatment Reduction: Polygon
- Timber Harvests
- Ranger District Boundaries
- Motor Vehicle Use Map: Roads
- Motor Vehicle Use Map: Trails

In addition, we requested and received historical lynx observation data from the Montana Natural Heritage Program. This included 2,412 records. In a FOIA to the Beaverhead Deerlodge National Forest, we also requested historical records from McElvey et al, 1999.<sup>2</sup> There were 3,493 records covering the continental US.

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<sup>1</sup> Forest Service data downloads and descriptions. <https://data.fs.usda.gov/geodata/edw/datasets.php>. These files were accessed on November 18, 2024.

<sup>2</sup> McElvey, K.S., Aubry, K.B., and Ortega, Y.K. 1999. History and Distribution of Lynx in the Contiguous United States. In: Ruggiero, Leonard F.; Aubry, Keith B.; Buskirk, Steven W.; Koehler, Gary M.; Krebs, Charles J. McKelvey, Kevin S.; Squires, John R. Ecology and conservation of lynx in the United States. General Technical Report RMRS-GTR-30WWW. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station.

Using ArcGIS Pro (3.4) I mapped these features within the Tally Lake Ranger District and summarized the areas of disturbance (timber harvest, silviculture, hazardous fuels, wildfire) and miles of motorized roads and trails. The motorized roads and trails are only those contained within the Forest Service system. Temporary, user-created, other public roads and highways are not included. Therefore, the calculated road density will be much higher than that summarized in Table 1.

Table 1. Combined Acres and Miles of Disturbance in the Tally Lake Ranger District

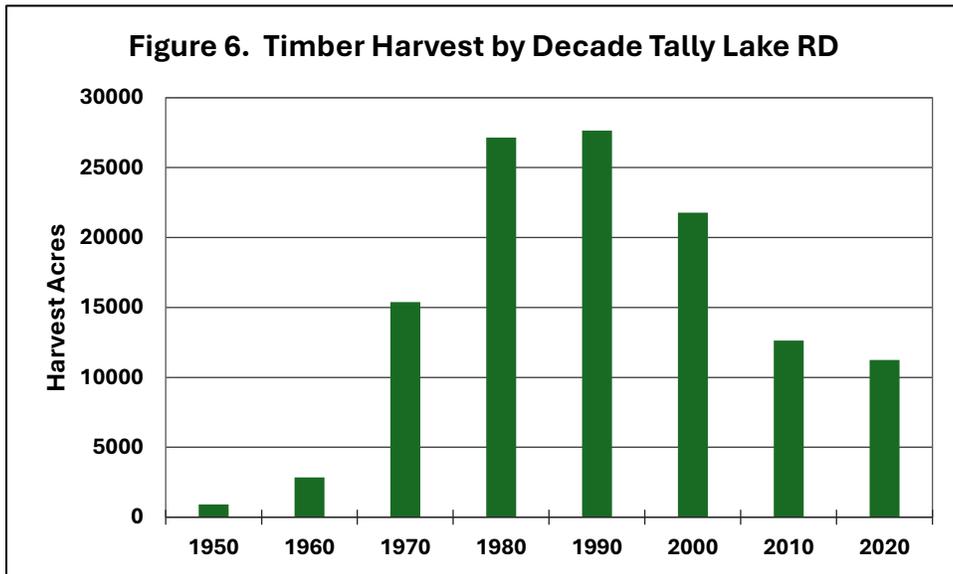
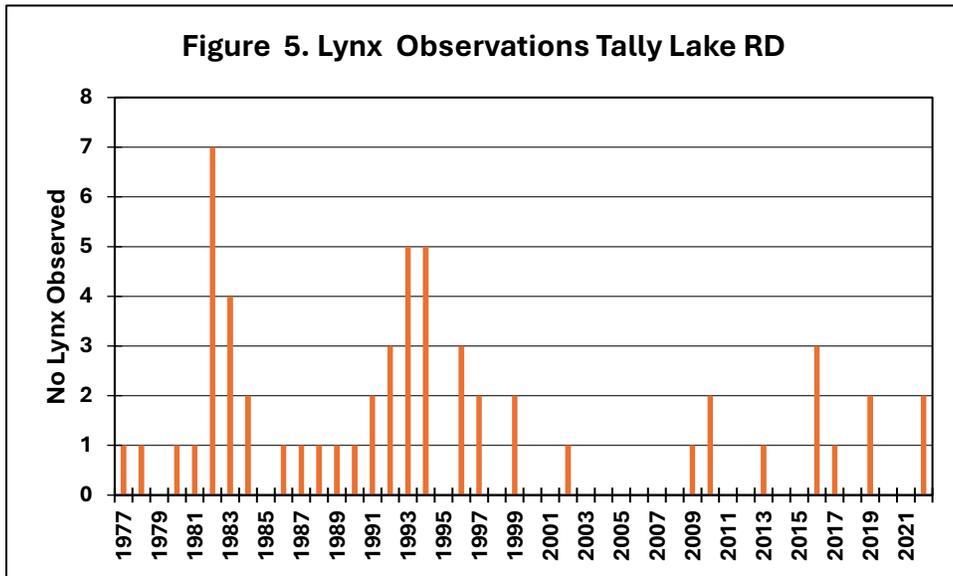
Forest Disturbance	Area, acres	Percent of Tally Lake RD
Tally Lake Ranger District	299,450 (467.9 sq mi)	100
Wildfire	34,794	11.6
Hazardous Fuel Treatment	35,218	11.8
Timber Harvest	119,582	39.9
Silviculture Treatments	33,137	11.1
Total of Disturbance	212,294	74.4%
Roads, miles	912.3/467.9 sq mi	1.95 miles/sq mi
Trails, miles	73.3	

What these data illustrate is that the Tally Ranger District has been heavily fragmented by forest actions, roads and trails. It will be important for the Forest Service to analyze the timeline of disturbance to fully analyze lynx habitat and the presence or absence of lynx as well as habitat for other species.

Things to consider regarding the timber harvest, hazardous fuel treatments, and silviculture treatments is that these occur in forested habitat, so it is important to evaluate these relative to the overall forest cover (conifer and aspen, e.g.). Visual inspection of aerial imagery indicates most has been disturbed and the figures in Table 1 would be higher when based on naturally forested areas. Road and trail density totals 985.6 miles combined. This is 2.1 miles/square mile. This density understates the actual total of this disturbance since it does not include other closed, temporary, user-created, and non-system roads. For instance, security habitat for grizzly bears, elk, deer, moose, northern goshawk and other species of concern needs to be analyzed in the context of these disturbances.

The McElvey lynx observations included 24 records from McElvey between 1977 and 1997. The Montana Natural Heritage Program lynx observations included 33 observations between 1978 and 2022. These are shown in the chart in Figure 5. Figure 6 is a timeline of timber harvest for comparison with lynx observations. Note that this does not include the silviculture and hazardous fuel treatments and is provided as an example of the overall trend.

Figure 5 shows more lynx observation prior to 2000 than after 2000, when they become sporadic. Figure 6 shows timber harvest peaking in the years prior to 2000 and this could help explain the fewer lynx observations after 2000. Road and trail density, ohv and snowmobile usage which have increased over the years are also likely factors adversely affecting lynx. This should be analyzed in terms of the habitat fragmentation and the growth in user numbers over this same time period.



Yellowstone to Uintas Connection filed a Freedom of Information Act request to the Flathead NF on November 19, 2024 requesting additional GIS data including for Canada lynx, goshawk, Forest Plan management areas and prescriptions, vegetation, roads and trails (including non-system), over snow recreation areas and trails, data specific to the Round Star Project. (Attached). We have not yet received this data. We did receive a response from Region 1 (attached). That response stated the Flathead NF has no responsive records for non-system roads and trails, northern goshawks and no snowshoe hare studies.

This is problematic in that the Flathead NF cannot fully analyze habitat fragmentation and degradation from proposed projects in combination with the past projects. They cannot analyze ongoing impacts on population trends of species such as goshawk when they have no data depicting their population trend, their nest areas, post fledging areas, and home ranges. Likewise, they have no data for snowshoe hares, which is important in delineating suitable habitats for Canada lynx. The extent of forest disturbance appears significant, and it is necessary to be able to evaluate the impacts of those on snowshoe hares and other lynx prey, and therefore, on Canada lynx.

Once we receive the GIS data requested, we will do further analysis and keep you informed.

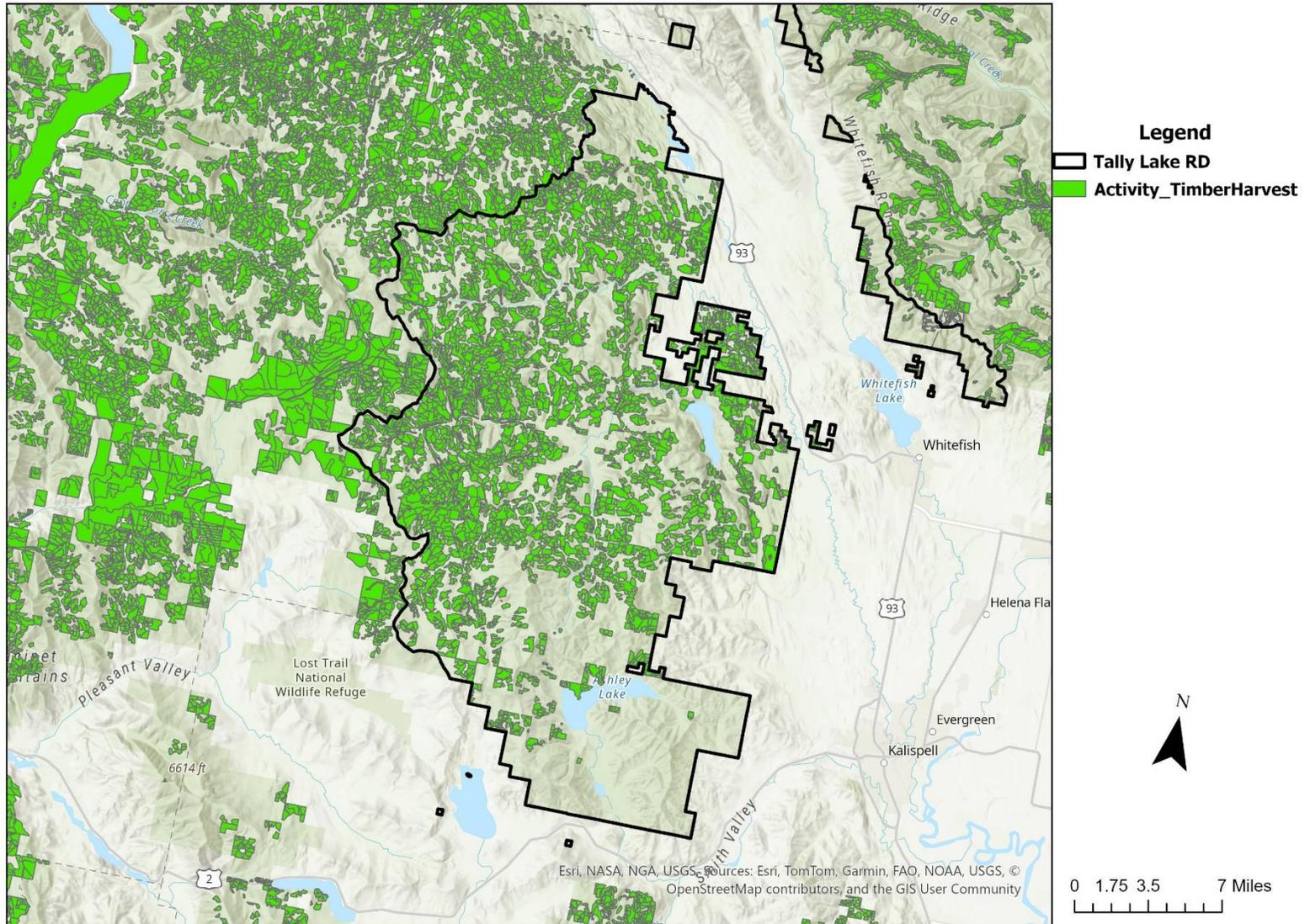
Sincerely,



John Carter, PhD  
Ecologist  
Yellowstone to Uintas Connection  
PO Box 464  
Bondurant, Wyoming, 82922  
[Jcoyote23@gmail.com](mailto:Jcoyote23@gmail.com)

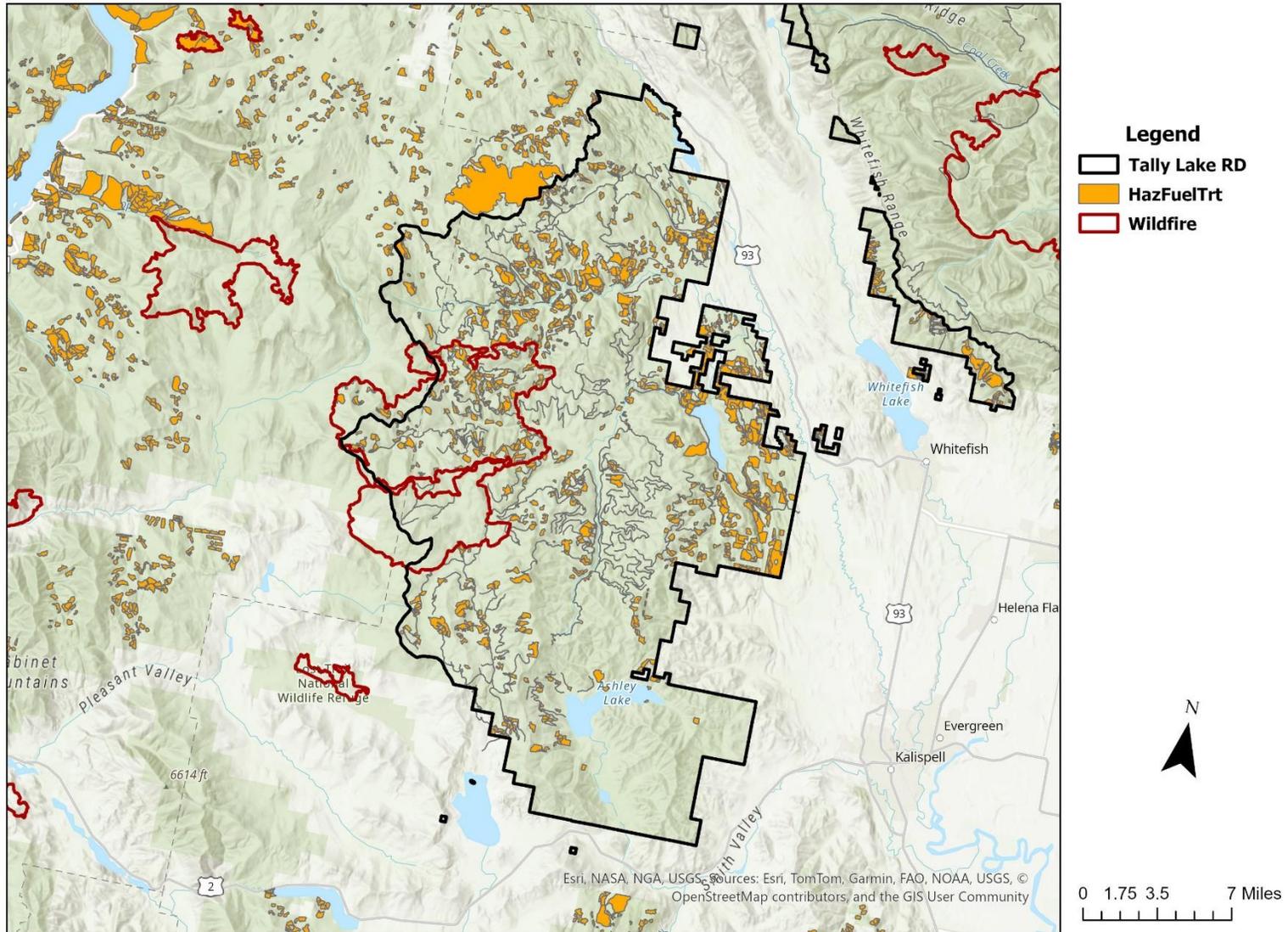
**Figure 1. Past Timber Harvest Tally Lake RD**

Preliminary by John Carter  
12/19/2024



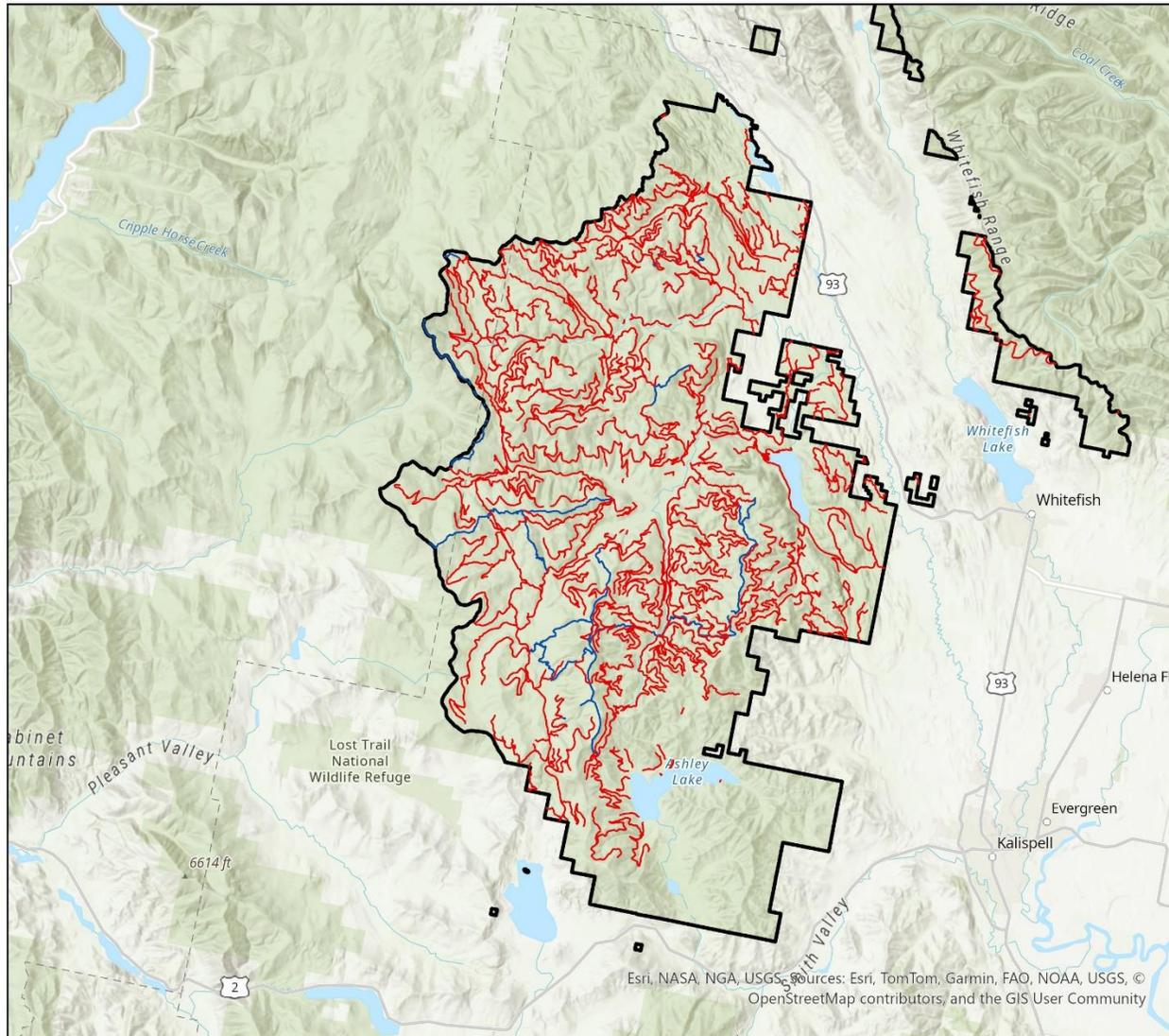
**Figure 2. Past Wildfire and Hazardous Fuel Treatments Tally Lake RD**

Preliminary by John Carter  
12/19/2024

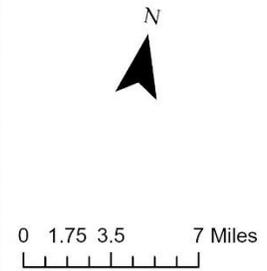


**Figure 3. Forest Service Roads and Trails Tally Lake RD**

Preliminary by John Carter  
12/21/2024



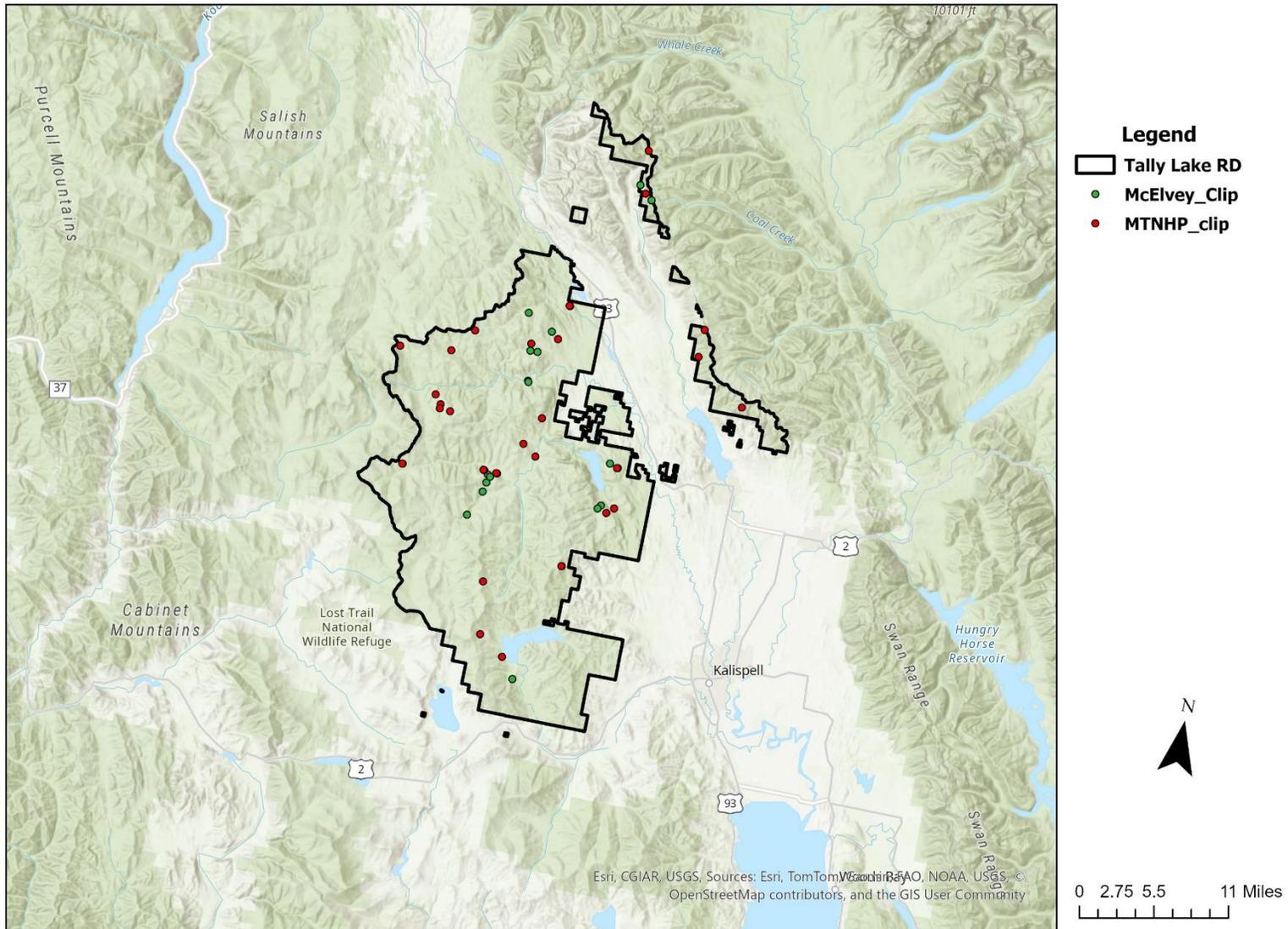
- Legend**
- Tally Lake RD
  - Tally\_Trail
  - Tally\_Road



Esri, NASA, NGA, USGS, © Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

**Figure 4. Historical Lynx Observations in the Tally Lake Ranger District**

Preliminary by John Carter  
12/21/2024



November 19, 2024

## Freedom of Information Act Request, Flathead National Forest

Kira Powell

[Kira.powell@usda.gov](mailto:Kira.powell@usda.gov)

William Mullholland

[William.mulholland@usda.gov](mailto:William.mulholland@usda.gov)

Yellowstone to Uintas Connection (Y2U) is a registered 501(c)(3) nonprofit corporation as recognized under the Internal Revenue Tax Code. The mission of Y2U is to protect and restore the habitat in the Corridor connecting the Northern Rockies and Greater Yellowstone Ecosystem to the Uinta Mountains and Southern Rockies. The goals of Y2U are pursued through science and advocacy via the media, via public oversight and participation in administrative decision-making processes, and through use of litigation when needed. No commercial interests are involved.

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. Sec. 552-et seq., Y2U hereby requests information from the Region 1 Flathead National Forest for information relating to Canada lynx, forest management, forest cover, roads and trails and the Round Star Project.

We are requesting the GIS information (geodatabases, shapefiles, and metadata) for attributes of the Flathead NF for our analysis. Please send the GIS information listed below, which is a matter of public record and should be easily available to you. The records should include the various geodatabases, shapefiles, layer files, features, and metadata.

1. Canada lynx
  - a. Lynx Analysis Units for the Flathead NF
  - b. All past lynx observations in the Flathead NF
  - c. Lynx habitat map as described in the Forest Plan ROD on pp 34 – 35.
  - d. Lynx modeled habitat as described in the Forest Plan Biological Opinion pI-26. (Appendix C of the BA). This is the Squires et al 2013 model.
2. Connectivity – linkage and/or matrix habitat
3. Northern goshawk
  - a. Home range, post fledging area and nest areas
4. Forest Plan Management Areas and Prescriptions
  - a. Wildland Urban Interface
  - b. Forest Plan Management Areas
5. Flathead NF Vegetation
  - a. Current and potential plant community distribution
  - b. Forest stand types, species and age classes, including old growth
  - c. Past treatments (see categories in Round Star EA Figure 4)
    - i. Timber harvest

- ii. Silviculture treatments
  - iii. Prescribed Fire and Haz Fuels Reduction
  - iv. Mechanical treatments
- 6. Flathead NF Roads and Trails
  - a. All system and non-system roads and trails
  - b. Include user created, temporary and closed roads and trails.
  - c. Over snow recreation areas and trails (whether groomed or not) for both snow machines and cross-country ski users
- 7. Round Star Project
  - a. Project analysis area boundaries
  - b. Proposed treatments, harvest, and other manipulations (Figure 4 of the Round Star EA)
  - c. Recreation area improvements (Figure 5 of the Round Star EA)
  - d. All roads and trails for project implementation.
- 8. Reports and studies (provide GIS for locations and monitoring data)
  - a. Northern goshawk population monitoring
  - b. Snowshoe hare studies

These data are needed to analyze the habitat conditions affecting Canada lynx and Northern goshawk to the public and our partners through the internet, social media, and public meetings. This is a non-commercial effort to advance the public interest in protecting the natural values of the Flathead NF and its connections to other regional NFs.

This letter describes how and why Y2U meets the two factors entitling Y2U to a fee waiver under the Freedom of Information Act. See 5 U.S.C. § 552(a)(4)(A)(iii). See also 7 CFR, Subtitle A, Part 1, Subpart A, Appendix A, Section 6(a)(1).

Under the fee waiver provisions as enacted by Congress, a requester qualifies for a fee waiver if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). Through its own FOIA regulations, found at 7 CFR, Subtitle A, Part 1, Subpart A, Appendix A, Section 6(a)(1), the Department of Agriculture has articulated the following six-part test to determine if a requestor meets the statutory requirements for a fee waiver:

- (1) The subject of the request, i.e., whether the subject of the requested records concerns "the operations or activities of the government";
- (2) The informative value of the information to be disclosed, i.e., whether the disclosure is "likely to contribute" to an understanding of government operations or activities. (The requester bears the burden of identifying "with reasonable specificity" the public interest served.)
- (3) The contribution to an understanding of the subject by the general public likely to result from disclosure, i.e., whether disclosure of the requested information will contribute to "public understanding". (Factor 3 concerns whether disclosure of the information will contribute to the public at large, and requires the requester to have the ability to disseminate the information to

the general public. Requesters cannot satisfy the standard merely by representing that they will make the information available to others. Requesters have the burden of demonstrating with particularity that the information will be communicated to the public.)

(4) The significance of the contribution to public understanding, i.e., whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. (The public benefit should be "identified with reasonable specificity".)

(5) The existence and magnitude of a commercial interest, i.e., whether the requester has a commercial interest that would be furthered by the requested disclosure; and if so,

(6) The primary interest in disclosure, i.e., whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." (Factor 6 requires an agency to balance the requester's commercial interest against the identified public interest in disclosure and determine which interest is "primary.")

As is evidenced below, Y2U meets the test articulated in the Department of the Agriculture regulations implementing FOIA, and, therefore, the Forest must waive the fees associated with this FOIA request.

*Factor 1: Do the requested records concern "the operations or activities of the government"?*

**Yes.** Our request is for documents relating to the Flathead National Forest's management of Forest Service lands affected, or potentially affected by the implementation of the Round Star Project.

*Factor 2: If so, are disclosures "likely to contribute" to an understanding of government operations or activities"?*

**Yes.** Y2U works to empower informed activism on public lands in the region connecting the Northern Rockies and Greater Yellowstone Ecosystem to the Uinta Wilderness and Southern Rockies. This area includes the Flathead NF. We engage agencies by participating in public processes, documenting conditions, and educating and informing the public of management of federal public lands, predator and prey habitats, as well as habitat conditions for endangered, threatened, and sensitive species, and protections for wildlife and wild lands, and other important values.

Y2U Board, staff, and members are active in seeking to protect and improve ecosystems and habitats, as well as seeking to foster public appreciation for native predators and a full spectrum of native biota, and communicating those values to the public directly, given our source-relationship to media outlets, and to decision-makers. To do so, Y2U actively engages in media outreach and natural resource agency proceedings concerning Forest Service and other agency management of rare and imperiled wildlife (both predator and prey species), other important native species, habitats, with a particular interest in contributing to the public's understanding of the impacts of agency management of public lands.

Y2U actively visits public lands in the western U.S. to observe wildlife in their native habitats. Members of Y2U have visited the landscape at issue and plan to visit said landscape in the future.

All of the records requested in this FOIA are essential to Y2U mission to educate its members and the general public, and to enable and empower them to advocate for protection of our public wild land ecosystems and the wildlife and other biota inhabiting these lands.

The informative value of the records requested is that this information enables Y2U to inform and educate the public, empower informed citizen involvement and engagement, and also to explain the hurdles citizens may face when seeking to understand how federal agencies conduct their operations and fulfill their regulatory and oversight roles that greatly impact the wild land ecosystems and native biota in the and the wildlife corridor that connects this area to others within the Rocky Mountains. This includes many areas of land that are owned by the public.

The files requested here are not provided to the general public but are the source information used to generate maps in the documents described. In order to analyze this information, we require the data files in order to relate these activities to regional wildlife corridors, and other impacts. We will compile this information into a more readily understandable and accessible form for the general public, as well as for our members and the Forest Service itself. We shine light on opaque and often complex processes. Y2U Board and members have amassed expertise and knowledge in examining and analyzing similar data and documents, and reaching tenable, scientific observations and conclusions on the effectiveness of the National Forest oversight and management of rare wildlife, and habitats. Specifically, Y2U includes board members, staff, and members who are scientists with expertise in native vegetation ecology, public outreach and political science that includes inter-facing with media on matters of ecology and biology, natural history, and political controversy over public land management and wildlife conservation activity. As previously stated, Y2U intends to publicly disseminate and distribute the results of our analysis and assessment of the requested agency documents.

This information dissemination, assessment and analysis will be undertaken through the following means: Our websites; other on-line and electronic media forums; providing the information to activists who seek knowledge on how to effectively participate in and engage the Flathead National Forest and other agencies in public processes and advocate for wild lands protection; and through dissemination to traditional media outlets.

By way of example only, Y2U is disseminating analysis and assessment of agency management of our federal public lands and their ecological values through the following outreach avenues: Presenting information at meetings and events and upcoming environmental conferences and other forums; disclosure to media outlets; dissemination through on-line messages; posting the information on its website or other Internet outlets. Y2U may disseminate its analysis and evaluation to the public through every avenue discussed previously.

*Factor 3: If so, will release of the requested information contribute significantly to "public understanding."*

**Yes.** Release of the information will contribute significantly to public understanding of the Flathead National Forest's role in wildlife and public land habitat oversight and management.

The information being sought, on Flathead's administration of the lands affected, or potentially affected, is important to understanding the agency's actual efficacy in enforcing its own statutory and

regulatory mandates, its activity in response to public concern about its failure to enforce its own statutory and regulatory mandates, the unauthorized use of public lands, and the ecological consequences of such, etc.

As such, this information is new, and has not been previously distributed to Y2U or the public. In fact, organizations such as Y2U provide the primary means by which the public at large is apprised of and has access to, this information. Furthermore, because the information that is sought allows the public to gain knowledge and data on the Flathead National Forest's activities to inform participation in agency processes, it would also clarify pre-existing information, including federal and state agency compliance with regulations and claims made to the public.

As one of the most proximate organizations specifically dedicated to the preservation and protection of the wildlands, habitats, and other wildlife and public land values seeking to empower activist education and information in support of these values, Y2U represents a very important hub of information for both our members and the public who have an interest in the health and management of our public lands and wildlife habitats and populations.

As discussed above, disclosure of the requested documents will contribute significantly to the public understanding of government operations and activities relating to wildlife and charismatic native predators and other values of the public lands and native wildlife whose ranges here occur on a bioregionally significant wildlife corridor transcending artificial management boundaries.

The release of these documents and their dissemination to the public through public events, web sites, the media, and other avenues will increase the knowledge of the public natural resource protection throughout a significant portion of the Interior West, a very important and unique ecological place, where federal regulatory protections and management often face strong political pressures.

*Factor 4: Is the disclosure likely to contribute "significantly" to public understanding of government operations or activities?*

**Yes.** Y2U references and re-incorporates its response to the immediately aforementioned factor as if written in its entirety in response to this factor.

*Factor 5: Is disclosure primarily in Y2U's commercial interest?*

**No.** A commercial interest is one that furthers a commercial, trade, or profit interest. Y2U has no commercial interest in obtaining this information and requested fee waiver. Rather, Y2U is a not-for-profit group that strives to protect natural resources on behalf of the public interest, as aforesaid. Nowhere in Y2U mission statements, by-laws, or charters, does the organization state a profit-motive goal, nor does its charter or bylaws allow it to do so.

*Factor 6: The primary interest in disclosure, i.e., whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."*

Y2U has no commercial interest in obtaining this information and requested fee waiver. Rather, Y2U is a not-for-profit group that strives to protect the natural resources of wide-ranging wildland and

wildlife habitats and to inform the public about the Flathead National Forest's oversight and activities related to this important wildlife habitat corridor. Nowhere in Y2U's mission statement, by-laws, or charter, does the organization state a profit-motive goal, nor does our charter or bylaws allow us to do so. The primary interest in Y2U's request for disclosure of material is the public interest.

Sincerely,

A handwritten signature in blue ink that reads "John G. Carter". The signature is written in a cursive style and is positioned to the right of a vertical line.

John Carter, Ecologist  
Yellowstone to Uintas Connection  
PO Box 464  
Bondurant, Wyoming 82922  
435-881-5404  
[jcoyote23@gmail.com](mailto:jcoyote23@gmail.com)



**File Code:** 6270  
2025-FS-R1-03155-F  
**Date:** December 19, 2024

Mr. John Carter  
Yellowstone to Unitas Connection  
P.O. Box 464  
Bondurant, WY 82922

Dear Mr. Carter:

This letter is in response to a referral of items of your November 19, 2024, Freedom of Information Act (FOIA) request to the Flathead National Forest seeking “information from the Region 1 Flathead National Forest ... relating to Canada lynx, forest management, forest cover, roads and trails and the Round Star Project.”

Staff on the Flathead National Forest have conducted a search of their records systems and located no records responsive to items 3, and 8 of your request. Additionally no records were located for user created or temporary roads that would be responsive to item 6 of your request.

For item 1c and 1d, the data you are requesting belongs to the Rocky Mountain Research Station serviced by Region 4. You will need to file a request for that data with the Region 4 FOIA office at [SM.FS.R4FOIA@usda.gov](mailto:SM.FS.R4FOIA@usda.gov).

This concludes our response to your FOIA request.

The FOIA provides you the right to appeal this response. Any appeal must be made in writing, within 90 days from the date of this letter to the Chief, USDA Forest Service. Please email your appeal to [SM.FS.WOFOIA@usda.gov](mailto:SM.FS.WOFOIA@usda.gov). The term “FOIA APPEAL” should be placed in capital letters on the subject line of the email along with the FOIA case number assigned to your request. To facilitate the processing of your appeal, please attach a copy of this letter to your request as well.

If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact the FOIA Public Liaison at (202) 205-6560. Additionally, you may contact the Office of Government Information Services, National Archives and Records Administration, to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

  
Digitally signed by  
LEANNE MARTEN  
Date: 2024.12.19  
14:10:09 -0700

LEANNE M. MARTEN  
Regional Forester

