February 14, 2025

To: Objection Reviewing Officer
USDA Forest Service Northern Region
26 Fort Missoula Road
Missoula, MT 59804

Dear Objection Reviewing Officer:

Thank you for considering our Objection against the Draft Decision Notice, FONSI, and Environmental Assessment for the Granite Fuels Project, Forest Service, Idaho Panhandle National Forest (IPNF), St. Joe Ranger District.

Identification of Objectors: Lead Objector:
Michael Garrity,
Executive Director,
Alliance for the Wild Rockies (Alliance)

PO Box 505 Helena, MT 59624

Phone 406-459-5936.

And for
Sara Johnson, Director
Native Ecosystems Council
PO Box 125
Willow Creek, MT 59760

And for

Jeff Juel
Forest Policy Director
Friends of the Clearwater
509-688-5956
jeffjuel@wildrockies.org
https://www.friendsoftheclearwater.org

And for
Steve Kelly, Director
Council on Wildlife and Fish
P.O. Box 4641
Bozeman, MT 59772

And for

Kristine Akland
Center for Biological Diversity

P.O. Box 7274 Missoula, MT 59807

kakland@biologicaldiversity.org

Signed for Objectors this 14th day of February 2025
/s/
Michael Garrity

NOTICE IS HEREBY GIVEN that Alliance objects pursuant to 36 CFR section 218 to the Responsible

Official's selection of the proposed action, which includes logging on 2977 acres including clearcutting on 286 acres and building 23.9 miles of new roads, 17 miles of road reconstruction, and 7.4 miles of road reconditioning. Alliance is objecting to this project on the grounds that implementation of the Selected Alternative would not be fully in accordance with the laws governing management of the national forests such as Clean Water Act, the ESA, NEPA, NFMA, the IPNF Forest Plan
and the APA, and will result in additional degradation in already degraded watersheds and mountain slopes, furtherupsetting the wildlife habitat, ecosystem and human communities. Our objections are detailed below.
As a result of the Draft DN, individuals and members of the above-mentioned groups would be directly and significantly affected by the logging and associated activities. Appellants are conservation organizations working to ensure protection of biological diversity and ecosystem integrity in the Wild Rockies bioregion (including the IPNF). The individuals and members use the project area for recreation and other forest related activities. The selected alternative would also further degrade the water quality, wildlife and fish habitat. These activities, if implemented, would adversely impact and irreparably harm the natural qualities of the Project Area, the surrounding area, and would further degrade the watersheds and wildlife habitat.

1. Objectors names and addresses:

Lead Objector Mike Garrity, Executive Director, Alliancefor the Wild Rockies
P.O. Box 505; Helena, MT 59624
Phone 406 459-5936

Objector Sara Jane Johnson
Director, Native Ecosystems Council,
P.O. Box 125
Willow Creek, MT;
Augusta, MT 59410
Objector Steve Kelly, Director
Council on Wildlife and Fish
P.O. Box 4641
Bozeman, MT 597722.

Signature of Lead Objector:
Signed this 14th day of February, 2025 by Lead Objector,
/s/ Michael Garrity

3. Lead Objector: Michael Garrity, Alliance for the Wild Rockies

4. Name of the Proposed Project, Responsible Official, National Forest and Ranger District where Project is:
Granite Fuels Project;

Benjamin Johnson, District Ranger of the St. Joe Ranger District, Idaho Panhandle National Forests is the Responsible Official,

The project is in the St. Joe Ranger District, Idaho Panhandle National Forests Ranger Webber chose the proposed action alternative in the Draft Decision
Notice and FONSI.

This Draft Decision Notice calls for will implement alternative B, the proposed action as it is described in the EA/FONSI on pages 2-7 (available on the project's website at: https://www.fs.usda.gov/project/ipnf/?project=66722).
The project would utilize condition-based management
to cut and burn up to 10,000 acres per year for 10 years found at: https://www.fs.usda.gov/project/ipnf/?project=66722).

This will include prescribed fire up to approximately 71,000 acres over a 10-year period.

The Granite Fuels project covers an area from the North Fork of the Clearwater River to the Upper St Joe River. The project area boundary was drawn using topographic and administrative boundaries that logically bound the effects analysis. The project area is approximately 112,000 acres in size. About 90 percent of the project area is National Forest System (NFS) lands including one Inventoried Roadless Area, the Mallard Larkins Pioneer Area. Of the remaining 10 percent, roughly 11,600 acres is the Snow Peak Wildlife Management Area (SPWMA), which is administered by Idaho Department of Fish and Game (IDFG) and managed by the Idaho Panhandle National Forests (IPNF) under a Memorandum of Agreement as backcountry. The intent of the SPWMA is to protect and manage its wildlife and fisheries habitats to ensure sufficient quantities of high-quality and

secure habitat for big game, other game, and nongame species, and to provide high-quality, non-motorized backcountry recreational opportunities.

5. Specific Issues Related to the Proposed Projects, including how Objectors believes the Environmental Analysis or Draft Decision Notice and FONSI specificallyviolates Law, Regulation, or Policy: We included this under number 8 below.

Thank you for the opportunity to object on the Granite Fuels Project. Please accept this objection from me on behalf of the Alliance for the Wild Rockies, Native Ecosystems Council, Center for Biological Diversity, and Council on Wildlife and Fish.

6. Suggested Remedies that would Resolve the Objection: We recommend that the "No Action Alternative" be selected. We have also made specific recommendations after each problem.

7. Supporting Reasons for the Reviewing Office to Consider:
This landscape has very high wildlife values, including for Grizzly bears, Bull trout, Canada lynx, North American wolverine, and Whitebark pine, and one candidate species, Monarch butterfly are on the list for Endangered Species Act.

The project area is considered occupied by Canada lynx so project activities will affect habitat potentially used by Canada

lynx and snowshoe hare. Wolverine habitat may be affected by project activities in the short-term but individuals during the denning period are unlikely to be disturbed. Wolverines and their habitat in the long-term would not be affected. big game species, and wildlife dependent upon unlogged forests.

The project area will be concentrated within some of the best wildlife habitat in this landscape which is an important travel corridor for wildlife such as bull trout, lynx, grizzly bears, and wolverine. The agency will also be exacerbating an ongoing problem of displacing elk to adjacent private lands in the hunting season due to a lack of security on public lands. The public interest is not being served by this project.

Suggested Remedies to Resolve the Objection:
The agency can choose the No Action Alternative and the agency needs to complete the surveys for bull trout, grizzlies, lynx, birds, big game, and whitebark pine. The agency also needs to ensure that all road that are listed as closed or no longer counted as roads are effectively closed or have an effective barrier preventing motorized use.

The IPNF must also consult with the Fish and Wildlife Service forest wide on and the impact of the project on lynx, lynx critical habitat, bull trout, bull trout critical habitat, grizzly bears, whitebark pine, monarch butterflies, and wolverines. The IPNF must also survey the project area for whitebark pine. Without these corrective actions, implementation of

the the Granite Fuels project, will lead to severe, irretrievable impacts on almost all wildlife species on the Forest. These impacts, if continued across the IPNF for other projects, will erode the viability of a huge number of wildlife species across this landscape.

8. Statements that Demonstrates Connection between Prior Specific Written Comments on the Particular Proposed Project and the Content of the Objection.

We wrote in our November 14, 2024 comments:

Certified Mail # 9589 0710 5270 0699 7297 60

November 14, 2024

Idaho Panhandle National Forest

Ben Johnson, District Ranger

222 South 7th Street, Suite 1

St. Maries, ID 83861

RE: Comments on the draft Environmental Assessment for the Granite Fuels Project

Hello,

Native Ecosystems Council, the Alliance for the Wild Rockies, the Council for Wildlife and Fish, and Center for Biological Diversity would like to provide the following comments on the draft Environmental Assessment (EA) for the Granite Fuels Project. We are identifying violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Migratory Bird Treaty Act (MBTA), the Administrative Procedures Act (APA), and the Endangered Species Act (ESA) that implementation of this project will trigger. But just as a general note, the lack of specific project information is disconcerting. As just one example, there is no information provided to the public as to how much this project is going to cost. On another note, the amount of massive, repetitive information, especially on wildlife, in both the EA and the Wildlife Reports is also disconcerting, especially as only a few wildlife species were actually analyzed. On the other hand, the project NEPA documents have almost no actual information on how this project is to be implemented. We believe this practice of filling NEPA documents with vast amounts of irrelevant information, while at the same time failing to provide the type of information that actually defines the project and wildlife impacts, is a NEPA violation. A revised EA needs to avoid this practice, and provide valid levels of information, including costs, to the public, so that the public has a reasonable ability to understand and provide valid comments on an agency proposal. If the information provided is insufficient, the public is

not able to provide meaningful comments on such, and is thus being denied their public involvement rights as per the NEPA.

Examples of a lack of project information being provided to the public are extensive. There is no map of proposed units. The timeline for expected treatments per unit is nonexistent. The location of massive disturbance activities, including within proposed wilderness, is never quantified or identified within the project area. These impacts include locations of ATV use in Inventoried Roadless Lands (IRAs) as per EA at 57; helicopter use for treatment units and management of work crews; logging of trees in whitebark pine areas; areas that will have heavy machinery use for mastication; areas where pre-treatment activities will occur and for how long; areas where cut trees will be piled and burned; timeline for return to treatment areas to burn piles; timelines per treatment unit and area required for fire line construction, then rehabilitation of fire lines following treatments; areas where no ignition is planned; areas where fire will be allowed within no ignition zones; areas where spring burning may occur; areas where reforestation may be needed due to severe fire effects; areas that will be designated for staging human/machinery staging use; estimated risk of fire escape as per acreage; tactics for fire suppression for potential or actual fire escapes; trails that will be used for pretreatment activities.

Other NEPA Violations

1. ***The agency is providing false information to the public in regards to the project timeline, and thus, the expected period of disturbances that will be created by vegetation management activities to both wildlife and public recreation, and smoke pollution.***

The agency has misrepresented the expected timeline for the Granite Fuels Project, which therefore misleads the public as to the expected period of disturbances within this landscape due to agency management activities. This misrepresentation of the project timeline also means the agency has misrepresented wildlife impacts of the project as well to the public recreation and smoke pollution. The agency generally claims that the project time-line is 10 years in the draft EA (e.g., EA at 1, 6), but the TES report at 1 states that the project will last 10-20 years. Other information in the NEPA documents clearly demonstrate this project will last longer than 10 years, but the actual time line is unclear. For example, the Wildlife Report at 27 notes that it is hard to get burning done, due to the narrow window when suitable burning conditions can be done. The Fuels Report at 9 states that it may take several years (more than one entry per unit)
to complete ignition. This report at 27 states that it is likely that much fewer acres can be accomplished in one burn season given the often limited burn windows with appropriate conditions prescribed in an annual burn plan; the expectation is

that no 10,000 acres will be burned per year, each year; this would be infeasible and is not the intent of the project.

Given that the project area is 112,416 acres, and the project EA identifies exclusion zones as 41,270 acres (EA Table 3 at 10-11), this indicates the agency intends to burn 71,416 acres per year (112,416 minus 41,270 acres). This claim is contradicted by other information provided in the project NEPA documents, including a claim in the Wildlife Report at 19 that burning includes up to 95,950 acres. This would be over 20,000 acres more than reported in the project EA. If the Wildlife Report is correct, that 95,950 acres could be burned, this would require an annual burning level of 9595 acres. If the EA is correct that burning will only occur on 71,416 acres, this would require an average annual burning of 7142 acres. As is required by the NEPA, the agency needs to provide high quality, accurate information on what are the expected acres are to be burned each year, and what this indicates for the expected timeline of the project.

2. ***The agency is falsely telling the public that unnatural vegetation conditions (human caused due to fire control) exist in the Granite Fuels Project Area that require management intervention.***

The old growth report at 6 states that vegetation in the project area has developed an "uncharacteristic structure." The draft EA at 5 and 25 states that the vegetation in the project area has uncharacteristic conditions. The draft EA at 26, and the Wildlife Report at 18 and 23 state that trees in these forests are "overstocked." The TES report at 5 states that project goals are to maintain "typical fuels," meaning current levels of fuels are atypical. The Wildlife Report at 16 states that 59% of the project area has vegetation "departed" from historic, natural conditions, while the draft EA at 23 states that 95% of the project area vegetation is "departed" from natural conditions. The Wildlife Report at 25 states that vegetation in the project area is "uncharacteristic."

In spite of these claims that vegetation in the entire Granite Fuels project area is unnatural, or essentially "too dense," there is no actual information provided on the forest stand densities (basal areas) per habitat type in the project area, or why these would be different from forest densities in historical times. It is unclear why forest densities as per habitat type will change over time. The agency needs to provide the data on which claims that basal areas of existing forest habitat types are higher than has occurred historically as is required by the NEPA.

What also demonstrates the agency is providing false information to the public that vegetation in the Granite Fuels project

area is unnatural is because the agency admits that once vegetation is burned, it will return to more dense conditions (current conditions). For example, the Fuels Report at 10 notes that eventually, following treatments, the forest canopy will increase in density and become more closed, and the understory will fill in in the absence of maintaining a prescribed fire regime. The Wildlife Report at 2 also notes that in the long term, the tree canopy will reestablish. And the TES report at 5 notes that plant species benefits may persist until the ecosystems resume pre-implementation conditions. In effect, the agency admits that current conditions of vegetation in the project area are the result of natural ecosystem processes (continual growth of vegetation, including after death of existing vegetation by fire). Although only incidentally noted in the project NEPA documents, the agency clearly notes that to maintain these early post-fire conditions, repeated management intervention will be required.

3. *The agency is providing false claims to the public that ecosystem function requires that forests be maintained in early post-fire conditions.*

Overall, the Granite Fuels project is designed to maintain early post-fire seral conditions by killing existing vegetation. To support this burning program, the agency is telling the public that without this burning to create early post-fire conditions, ecosystem function, including for wildlife, will continue to be

degraded or lost. Degraded ecosystem functions for wildlife include (a) dense forest stands with insect and disease infestations, (b) low growth of trees due to reduced vigor from competition, (c) the presence of detrimental tree species, and (d) the potential for replacing fire, among other things. These definitions of a lack of ecosystem function in forests of the project area include numerous references, such as the draft EA at 24, and Wildlife Report at 16 where it is noted that the project area is experiencing increases in insects and disease, which cause competition for nutrients in trees that cause mortality which in turn creates snags and down woody debris. The Wildlife Report at 19 states that current conditions in the project area have increasing amounts of shade-tolerant species, such as subalpine fir, spruce, and mountain hemlock, tree species that have adverse impacts from competition for water and nutrients on other tree species, such as lodgepole pine, western larch, western white pine and whitebark pine. The Fuels Report states at 8 that forest stands are having decreased diameter and height growth, and live crowns are beginning to decline; trees are competing for growth space, with a gradual decline in tree vigor. The Wildlife Report states at 19 that the lack of fire in the project area is resulting in increased amounts of shade tolerant tree species such as alpine fir and spruce and mountain hemlock, as well as that in the past, fires have been a natural thinning agent in these forests. The Wildlife Report at 17 notes that the current condition of lands in the project area are likely to have higher intensity and more severe stand replacing fires; at 18 and 19 this report states that

the project area has an increased risk of "uncharacteristic fire," to the detriment of wildlife.

These various claims of degraded ecosystem function in the Granite Fuels project area are highly inconsistent with the current best science, that defines a key habitat feature for wildlife as snags and downed logs; insects that create these dead trees provide forage for forest birds; subalpine fir and spruce provide high levels of hiding cover for species as the snowshoe hare, which in turn provide important prey for forest carnivores; dense forests provide high levels of conifer seeds, that are essential for many forest birds; dense forests also provide high quality hiding and thermal cover for almost all wildlife species. Finally, stand replacing fire is a key ecosystem function for a host of wildlife species. Thus the agency's claim that ongoing processes in the Granite Fuels project area represent a degraded ecosystem are a violation of the NEPA, the NFMA, the MBTA, and the ESA.

4. ***The agency failed to define to the public that the proposed fuels management regime for the Granite project area is intended to be a permanent management regime.***

The NEPA documents for the Granite fuels project is essentially silent on how "restored vegetation treatments with fire" will be maintained over time. The agency notes that the current

vegetation conditions have developed due to a lack of fire because as noted in the EA at 35, tree growth along with the addition of dead standing and downed trees and more ladder fuels continues to occur in the project area. What is not clarified is why won't this "continued tree growth" also occur after the burning treatments? What appears to be a required permanent intervention management of these forests is never actually identified or evaluated in the project NEPA document. The Fuels Report at 10 notes that eventually, following treatments, eventually the forest canopy will increase in density and become more closed, allowing less light to penetrate the canopy and as regeneration occurs, the understory would fill in with the absence of maintaining a prescribed fire regiment. The need for repeated treatments to maintain the desired low levels of fuels in the project area is also referenced in the Weeds Report at 2, where it is noted that in that long term, the tree canopy will reestablish. And the TES report at 5 notes that plant species benefits may persist until the ecosystems resume pre-implementation conditions. The Wildlife Report at 24 notes that the Snow Peak Wildlife Management may be reburned in the future to maintain elk habitat. Also, the Wildlife Report at 25 states that the cumulative effects of this reburning beyond the project life span would be minimal for lynx on state lands.

5. *The agency's purpose for the proposed project, or preventing uncharacteristic fire, is never supported with any actual information.*

The NEPA documents for the Granite Fuels Project include many references to "uncharacteristic fire" (e.g., Wildlife Report at 17-19, EA at 26). However, this term is never defined. This definition would be based on the amount of a burned area that has from no burning to low-moderate-high burn severities. This information could be provided for the Granite Fuels Project Area, as was noted in the Fuels Report at 12, there have been 27 fires in the project area that burned over 1,000 acres each, including one fire in 2021 that burned 3,300 acres. This fire was also noted in the Wildlife Report at page 19. Since this larger fire burned in 2021, it would certainly represent current fire conditions, including whether uncharacteristic fire occurred. It seems that the agency's failure to define this term, in spite of it being a major rationale for this project, is due to the fact that there is no actual definition for uncharacteristic fire. It seems highly unlikely that the entire Granite Fuels project area is at risk of severe crown fire, given that many areas, including within the Snow Peak WMA, have low density forests at under 40% canopy cover (Wildlife Report at 24), as well as higher elevation forests. At a minimum, as is required by the NEPA, the agency needs to define uncharacteristic fire, and map and tabulate where these acres exist in the project area. If this is a rationale for treatment, why aren't just these areas being treated? These areas of high fuels appear to actually be very limited in the project area. The Wildlife Report at 24 and the EA at 21 states that only 20% of the project area has a probability of high severity fire.

6. ***The agency did not provide the public with any information on what the cost to the tax payers would be for this project.***

This long-term project will clearly have significant costs. This cost information is important to the public to understand agency financial management. Please provide a full accounting of all the expected costs for this project.

7. ***The agencies total lack of any specific descriptions of what the proposed project entails prohibits the public from understanding agency management practices on public lands, as well as prevents the agency from measuring project impacts as per significant impacts, especially on wildlife.***

We are requesting that as is required by the NEPA, the agency provide the following information in a revised EA:

a. ***Please provide a map of all proposed treatment units, as well as a tabulated summary of acreage of each unit.***
b. ***Please define which units are going to be burned in which years of project implementation.***

c. ***Please define the forest type for each unit, including all woodland types, which appear to include 45,028 acres of treatment acreage.***

d. ***Please define what the objective is for each unit as per planned basal area.***

e. ***Please provide an accurate inventory of all old growth stands in the project area, or areas that will not have burning within them.***

f. ***Please define what units are potentially going to be re-treated in the future, or are "foreseeable future actions."***

g. ***Please define how many retreatments per unit are expected to occur in the future to maintain early post-fire conditions.***

h. ***Please identify the exact treatment planned in each unit, including if pre-treatment tree cutting and mastication is planned.***

i. ***Please identify the locations in the project area where ATV use will occur cross-country to implement the project.***

j. ***Please identify each unit where heavy machinery will be used for tree cutting and mastication.***

k. ***Please identify each unit where tree cutting will require pile burning.***

l. ***The spring burning period is defined as from January 1-May 15 (Wildlife Report at 37); please define which units***

are expected to be burned in the spring, which will create mortality to migratory birds, given that the EA at 66 defined bird nesting season from February 1 through August 31.

m. Please define what the mitigation measures will be to protect migratory bird nests from destruction, what the effectiveness of these will be, what is the expected level of mortality for these birds per acre of treatment, and what level of mortality to migratory birds is considered a "non-significant impact?"

n. Please define the expected mortality to migratory birds as well as nonmigratory birds, such as forest owls and woodpeckers, that is estimated to occur from direct smoke toxicity as well as reduced fitness for survivors; what is the criteria to be used to estimate whether the impacts of smoke toxicity will significantly impact forest birds, both migratory and nonmigratory?

o. Please summarize the expected reduction of forage resources to forest birds from a reduction of conifer seed production. What is the expected reduction of conifer seed production per acre of forest treated, and what does this indicate for a population reduction of forest birds that eat conifer seeds?

p. Please summarize the expected reduction in hiding cover, thermal cover, and nest sites for forest bird in treated forests and woodlands, and what level of loss of these

habitat features is estimated to create significant population impacts on these birds?

q. Please map and tabulate the acres of and project area percentage of all current security areas for the grizzly in this Cabinet-Bitterroot Connectivity Area, based on a minimum size of 2500 acres and 0.5 miles of disturbance activities.

r. Please define the location and acreage of grizzly bear security areas in the project area per year of treatments, and define if project levels of security in this important connectivity area will fall below recommended levels to promote grizzly bear use and thus significantly change existing conditions of nonmanagement.

s. Please identify all locations where work crews will be stationed in the project area for 2-3 week -periods, as per grizzly bear security.

t. Please identify the total expected cumulative helicopter and ground disturbances, including both motorized and non-motorized activity, that will occur for each proposed treatment units and how this will impact grizzly bear and wolverine security.

u. Please identify all locations on a map in the project area, including estimated time periods, where work crews will be dropped off and stationed for 2-3 weeks at a time for pre-project treatments, and where roads and trails will be used for extension of motorized activity.

v. ***Please cite the science whereby thinning of whitebark pine stands promotes red squirrel use and thus ensures availability of whitebark pine cones to grizzly bears.***

w. ***Please map and tabulate the acreage of all known locations of whitebark pine trees, including seedlings and saplings across the project area; since surveys will be based on current information, that 30% of the project area has whitebark pine, how accurate is this current information?***

x. ***Please define what level of mortality to whitebark pine seedlings and saplings from burning is considered a significant impact on persistence of whitebark pine, and harms recovery.***

y. ***Please define the number of whitebark pine seedlings and saplings that will be killed by the burning, and how the loss of 40 years of genetic diversity of this species will impact population persistence.***

z. ***Please provide the monitoring data that demonstrates that thinning whitebark pine forests increases regeneration levels over those that will be lost with burning (killing of existing seedlings and saplings), including what the expected timeline is for claimed increases in seedlings and saplings.***

The IPNF responded:

Thank you for your comments and recommendations for document clarity. Please see revisions to the EA (pgs. 1 and 12) in addition to the Fire and Fuels Specialist Report (pg. 7 and 13) which now incorporate the definition for uncharacteristic wildfire.

Thank you for your comments. The Granite Fuels project is a condition-based NEPA approach. "Using condition-based management for planning and NEPA analysis has a distinct advantage for implementing prescribed fire projects. It allows managers to choose among several potential project areas to burn in the right place at the right time" (EA, p. 4). Location and timing of burn units will be determined during the pre-implementation phase (see Appendix C in the EA). Additional analysis needs will be identified and completed prior to approval of any burn units, which would include timing of burning in terms of spring birds, whitebark pine protection, and retreatments of brushfield or lodgepole pine units. Any pre-work by crews or district personnel will be identified at this time as well, and impact on the landscape will be determined and managed as appropriate according to the Forest Plan. Once the pre-implementation checklist has been approved by all resource specialists, burn plans will be prepared.
Please reference the Proposed Action in the EA and the Expected Action of the Proposed Action in the
Fire and Fuels Specialist Report for more detailed information.
The definition of uncharacteristic wildfire, as it relates to the Granite Fuels project, was added to the EA on page 1. For additional information regarding treatment areas, rationale, and

areas with high concentrations of fuels please refer to the Fire and Fuels Specialist Report and project file FIR-004. This file includes a modeled map of flame lengths under 97th percentile weather conditions and highlights areas where extreme

The project is in violation of NEPA, the APA, and the Appeals Reform Act. The project is also in violation of the Forest Plan because the EA, FONSI, and DDN did not demonstrate that the project complies with the Forest Plan.

Remedy

Choose the No Action Alternative or Withdraw the Draft Decision Notice, EA and FONSI and write an EIS that fully complies with the law.

We wrote in our comments:

The agency has failed to provide valid information on the climate changes within the project area that will be triggered by the Granite Fuels project, along with how these impacts will affect wildlife.

There was no analysis in the Granite Fuels project NEPA documents as to what the expected increase in local temperatures will be as a result of the planned reductions in both overstory and understory vegetation across the project area. Clearly this project will increase local temperatures, and these changes will have adverse impacts on wildlife. Forest mammals such as the wolverine and moose are known to be sensitive to high heat, which triggers thermal stress. The increased summer temperatures that will be triggered by this project need to be defined, along with impacts on heat-sensitive forest mammals. In addition, the in-

creased heat that will be triggered by this project will also reduce the time available to forest birds when survival activities, such as foraging and taking care of young, are reduced due to heat stress. Thus the project will reduce the productivity and density of likely almost forest birds that occur in this landscape due to their limits of thermal tolerance. Added to this is the mortality and loss of usable habitat that will occur especially to smaller forest wildlife species from extreme weather events, including heavy precipitation and winds. The agency is required by the NEPA to estimate the extent of these impacts on wildlife, and define how significant these will be on population persistence in the project area. Also as a part of the NEPA, the agency needs to assess the cumulative impacts of local climate changes on wildlife with a host of other adverse impacts, including a loss of hiding cover (triggering increased predation of nestlings and adults), thermal cover (triggering higher vulnerability to mortality from extreme weather events), nesting sites, and forage for forest birds, as well as the expected loss of birds due to smoke toxicity.

The IPNF has not yet accepted that the effects of climate risk represent a significant issue, and eminent loss of forest resilience already, and a significant and growing risk into the "foreseeable future?"

It is now time to speak honestly about unrealistic expectations relat- ing to desired future condition. Forest managers have failed to dis- close that at least five common tree species, including aspens and four conifers, are at great risk unless atmospheric greenhouse gases and associated temperatures can be contained at today's levels of concentration in the atmosphere. This cumulative ("reasonably foreseeable") risk must not continue to be ignored at the project-level, or at the programmatic (Forest Plan) level.

Global warming and its consequences may also be effectively irre- versible which implicates certain legal consequences under NEPA and NFMA and ESA (e.g., 40 CFR § 1502.16; 16 USC §1604(g); 36 CFR §219.12; ESA Section 7; 50 CFR §§402.9, 402.14). All net car- bon emissions from logging represent "irre- trievable and irreversible commitments of resources."

It is clear that the management of the planet's forests is a nexus for addressing this largest crisis ever facing humanity. Yet the FSEIS fails to even provide a minimal quantitative analysis of project- or agency-caused CO_2 emissions or consider the best available science on the topic. This is immensely unethical and immoral. The lack of detailed scientific discussions in the FSEIS concerning climate change is far more troubling than the docu- ment's failures on other topics, because the consequences of unchecked climate change will be disastrous for food produc- tion, sea level rise, and water supplies, resulting in complete turmoil for all human societies. This is an issue as serious a nu- clear annihilation (although at least with the latter we're not al- ready pressing the button).

The EA provided a pittance of information on climate change ef- fects on project area vegetation. The FSEIS provides no analysis as to the veracity of the project's Purpose and Need, the project's objectives, goals, or desired conditions. The FS has the respon-

sibility to inform the public that climate change is and will be bringing forest change. For the Galton project, this did not happen, in violation of NEPA.

The FEA fails to consider that the effects of climate change on the project area, including that the "desired" vegetation conditions will

likely not be achievable or sustainable. The EA fails to provide any credible analysis as to how realistic and achievable its desired conditions are in the context of a rapidly changing climate, along an un- predictable but changing trajectory.

The Forest Plan does not provide meaningful direction on climate change. Nor does the EA acknowledge pertinent and highly relevant best available science on climate change. This project is in violation of NEPA.

The EA does not analyze or disclose the body of science that impli- cates logging activities as a contributor to reduced carbon stocks in forests and increases in greenhouse gas emissions. The EA fails to provide estimates of the total amount of carbon dioxide (CO_2) or

other greenhouse gas emissions caused by FS management actions and policies—forest-wide, regionally, or nationally.

Agency policy- makers seem comfortable maintaining a position that they need not take any leadership on this issue, and obfuscate via this EA to justify their failures.

The best scientific information strongly suggests that management that involves removal of trees and other biomass increases atmospheric CO_2. Unsurprisingly the FSEIS doesn't state that simple fact.

The EA fails to present any modeling of forest stands under different management scenarios. The FS should model the carbon flux over time for its proposed stand management scenarios and for the various types of vegetation cover found on the IPNF.

The EA also ignores CO_2 and other greenhouse gas emissions from

other common human activities related to forest management and recreational uses. These include emissions associated with machines used for logging and associated activities, vehicle use for administrative actions, and recreational motor vehicles. The FS is simply ignoring the climate impacts of these management and other authorized activities.

The Committee of Scientists, 1999 recognize the importance of forests for their contribution to global climate regulation. Also, the 2012 Planning Rule recognizes, in its definition of Ecosys-

tem services, the “Benefits people obtain from ecosystems, including: (2) Regulating services, such as long term storage of carbon; climate regulation...”

We have no more time to prevaricate, and it’s not a battle we can afford to lose. We each have a choice: submit to status quo for the profits of the greediest 1%, or empower ourselves to limit greenhouse gas emissions so not just a couple more generations might survive.

The District Court of Montana ruled in Case 4:17-cv-00030-BMM that the Federal government did have to evaluate the climate change impacts of the federal government coal program.

In March 2019, U.S. District Judge Rudolph Contreras in Washington, D.C., ruled that when the U.S. Bureau of Land Management (BLM) auctions public lands for oil and gas leas- ing, officials must consider emissions from past, present and foreseeable future oil and gas leases nationwide. The case was brought by WildEarth Guardians and Physicians for Social Responsibility.

In March of 2018 the Federal District Court of Montana found the Miles City (Montana) and Buffalo (Wyoming) Field Office’s Resource Management Plans unlawfully overlooked climate impacts of coal mining and oil and gas drilling. The case was

brought by Western Organization of Resource Councils, Montana Environmental Information Center, Powder River Basin

Resource Council, Northern Plains Resource Council, the Sierra Club, and the Natural Resources Defense Council.

The project is in violation of NEPA, NFMA, the APA, the ESA for not examining the impacts of the project on climate change. The project will eliminate the forest in the project area. Forests absorb carbon. The project will destroy soils in the project area. Soils are carbon sinks.

The Forest Service wrote a generic carbon white paper and a Blue Sky Report that does not take a hard look at the impacts of project on climate change.

The IPNF responded:

National Forest and Resource Management Planning is performed in compliance with multiple legal mandates. Two important laws related to National Forest planning are the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) and the National Forest Management Act of 1976 which amended the RPA. The specific rules that govern the forest planning process are published in the Code of Federal Regulations and the Idaho Panhandle National Forests revised Forest Plan adheres to all applicable laws and regulations.

Since the Forest Service did not respond to my comments the project is in violation of NEPA, the APA, and the Appeals Reform Act. The project is also in violation of the Forest Plan because the EA, FONSI, and DDN did not demonstrate that the project complies with the Forest Plan.

REMEDY

Withdraw the DDN Notice, EA/FONSI and please take a hard look at the impact of the project on temperature/climate change and how it will effect fish and wildlife and people by writing an EIS that fully complies with the law or choose the NO action alternative.

We wrote in our comments:

The NEPA documents for the Granite fuels project is essentially silent on how "restored vegetation treatments with fire" will be maintained over time. The agency notes that the current vegetation conditions have developed due to a lack of fire because as noted in the EA at 35, tree growth along with the addition of dead standing and downed trees and more ladder fuels continues to occur in the project area. What is not clarified is why won't this "continued tree growth" also occur after the burning treatments? What appears to be a required permanent intervention management of these forests is never actual-

ly identified or evaluated in the project NEPA document. The Fuels Report at 10 notes that eventually, following treatments, eventually the forest canopy will increase in density and become more closed, allowing less light to penetrate the canopy and as regeneration occurs, the understory would fill in with the absence of maintaining a prescribed fire regiment. The need for repeated treatments to maintain the desired low levels of fuels in the project area is also referenced in the Weeds Report at 2, where it is noted that in that long term, the tree canopy will reestablish. And the TES report at 5 notes that plant species benefits may persist until the ecosystems resume pre-implementation conditions. The Wildlife Report at 24 notes that the Snow Peak Wildlife Management may be reburned in the future to maintain elk habitat. Also, the Wildlife Report at 25 states that the cumulative effects of this reburning beyond the project life span would be minimal for lynx on state lands.

The Forest Service responded:

For information on the level of weed infestation in the project area, refer to the "Existing Condition" section of the Weeds Risk Assessment (page 1) available in the Project Record. The prescribed burning in the project proposal will be completed using aerial ignition, which does not cause soil disturbance or require mechanized equipment on the ground where noxious weeds may be spread. The project area only contains 36 miles of road, the majority of which are on the project boundary.

Considering both the ignition method and the small number of roads in the area, vehicle use will be limited and risk of noxious weed spread by vehicles is low. For more information on noxious weed invasion potential, refer to the "Risk Assessment of Proposed Action" section of the Weeds Report Risk Assessment (pages 1-2).

The Forest Service essentially responded to our comments by claiming the IPNF does not have a weed problem which is not demonstrated by the record. The project is in violation of NEPA, the APA, and the Appeals Reform Act. The project is also in violation of the Forest Plan because the EA, FONSI, and DDN did not demonstrate that the project complies with the Forest Plan.

Remedy

Choose the No Action Alternative or Withdraw the Draft Decision Notice, EA and FONSI and write an EIS that fully complies with the law.

We wrote in our comments:

8. The agency's purpose for the proposed project, or preventing uncharacteristic fire, is never supported with any actual information.

The NEPA documents for the Granite Fuels Project include many references to "uncharacteristic fire" (e.g., Wildlife Report at 17-19, EA at 26). However, this term is never defined. This definition would be based on the amount of a burned area that has from no burning to low-moderate-high burn severities. This information could be provided for the Granite Fuels Project Area, as was noted in the Fuels Report at 12, there have been 27 fires in the project area that burned over 1,000 acres each, including one fire in 2021 that burned 3,300 acres. This fire was also noted in the Wildlife Report at page 19. Since this larger fire burned in 2021, it would certainly represent current fire conditions, including whether uncharacteristic fire occurred. It seems that the agency's failure to define this term, in spite of it being a major rationale for this project, is due to the fact that there is no actual definition for uncharacteristic fire. It seems highly unlikely that the entire Granite Fuels project area is at risk of severe crown fire, given that many areas, including within the Snow Peak WMA, have low density forests at under 40% canopy cover (Wildlife Report at 24), as well as higher elevation forests. At a minimum, as is required by the NEPA, the agency needs to define uncharacteristic fire, and map and tabulate where these acres exist in the project area. If this is a rationale for treatment, why aren't just these areas being treated? These areas of high fuels appear to actually be very limited in the project area. The Wildlife Report at 24 and the EA at 21 states that only 20% of the project area has a probability of high severity fire.

The Forest Service responded:

Thank you for your comments and recommendations for document clarity. Please see revisions to the EA (pgs. 1 and 12) in addition to the Fire and Fuels Specialist Report (pg. 7 and 13) which now incorporate the definition for uncharacteristic wildfire.

What specific areas of the project area have departed from their historical vegetation characteristics, fuel composition, and fire regime and how much have they departed from their historical vegetation characteristics, fuel composition, and fire regime?

The project does not meet the purpose and need of the project. Please see the attached paper by Baker et al. 2023. This landmark study found a pattern of "Falsification of the Scientific Record" in government-funded wildfire studies.

This unprecedented study was published in the peer-reviewed journal Fire, exposing a broad pattern of scientific misrepresentations and omissions that have caused a "falsification of the scientific record" in recent forest and wildfire studies funded or authored by the U.S. Forest Service with regard to dry forests of the western U.S. Forest Service related articles have presented a falsified narrative that historical forests had low tree densities and were dominated by low-severity fires, using this narrative to advocate for its current forest management and wildfire policies.

However, the new study comprehensively documents that a vast body of scientific evidence in peer-reviewed studies that have directly refuted and discredited this narrative were either misrepresented or omitted by agency publications. The corrected scientific record, based on all of the evidence, shows that historical forests were highly variable in tree density, and included "open" forests as well as many dense forests. Further, historical wildfire severity was mixed and naturally included a substantial component of high-severity fire, which creates essential snag forest habitat for diverse native wildlife species, rivaling old-growth forests.

These findings have profound implications for climate mitigation and community safety, as current forest policies that are driven by the distorted narrative result in forest management policies that reduce forest carbon and increase carbon emissions, while diverting scarce federal resources from proven community wildfire safety measures like home hardening, defensible space pruning, and evacuation assistance.

"Forest policy must be informed by sound science but, unfortunately, the public has been receiving a biased and inaccurate presentation of the facts about forest density and wildfires from government agencies," said Dr. William Baker in their press release announcing the publication of their paper.

"The forest management policies being driven by this falsified scientific narrative are often making wildfires spread faster and more intensely toward communities, rather than helping com-

munities become fire-safe," said Dr. Chad Hanson, research ecologist with the John Muir Project in the same press release. “We need thinning of small trees adjacent to homes, not backcountry management.”

"The falsified narrative from government studies is leading to inappropriate forest policies that promote removal of mature, fire-resistant trees in older forests, which causes increased carbon emissions and in the long-run contributes to more fires" said, Dr. Dominick A. DellaSala, Chief Scientist, Wild Heritage, a Project of Earth Island Institute concluded in the press release.

Following is a summary of their paper.

Landmark Study Finds Pattern of "Falsification of the Scientific Record" in Government-Funded Wildfire Studies
Short Summary of the Newly Release Study
"Countering Omitted Evidence of Variable Historical Forests and Fire Regime in Western USA Dry Forests: The Low-Severity-Fire Model Rejected":
An unprecedented new study, Baker et al. (2023), published in the peer-reviewed journal Fire, exposed a broad pattern of scientific misrepresentations and omissions by government forest and wildfire scientists. This "falsification of the scientific record" is driving bad policies and government mismanagement of public forests, including clearcutting and commercial logging of mature and old-growth trees under deceptive euphemisms like “thinning”, “restoration”, and “fuel reduction”. In particular, studies funded by the U.S. Forest Service, an agency that financially benefits from commercial logging on public lands, have present-

ed a falsified narrative that historical forests had low tree densities and were heavily dominated by low-severity fires, using this narrative to push for increased commercial logging.

While Baker et al. (2023) documents a broad pattern of scientific omissions by Forest Service studies, it focuses on Hagmann et al. (2021), a Forest Service study that has received much media attention and has been used as the justification for a series of unprofessional public attacks and character assassination efforts by Forest Service-funded scientists against independent forest/fire scientists. Centrally, Baker et al. (2023) found that, while Hagmann et al. (2021) was presented ostensibly as a review, that paper listed a series of studies by independent scientists, and then listed the Forest Service's published critiques of those studies, but never mentioned the stacks of reply studies by independent scientists that completely refuted and discredited the Forest Service critiques. Through this glaring omission of a huge body of scientific evidence, Hagmann et al. (2021) created the false appearance that the Forest Service critiques were the last word on the subject. The scientific reply studies by independent scientists note that the Forest Service critiques do not challenge the central evidence or conclusions of the initial studies, and the reply articles provide exhaustive evidence documenting why the tangential critiques in the Forest Service articles are unfounded and inaccurate–all of which was concealed by Hagmann et al. (2021).

The corrected scientific record, based on all of the evidence, shows that historical forests were highly variable in tree density, and included "open" forests as well as many dense forests. Further, historical wildfire severity was mixed and naturally included a substantial component of high-severity fire, which creates

essential snag forest habitat that rivals old-growth forest in terms of native biodiversity. These findings have profound implications for climate change mitigation and community safety, as current forest policies that are driven by the distorted narrative result in forest management policies that reduce forest carbon and increase carbon emissions, while diverting scarce federal resources away from proven community wildfire safety measures like home hardening, defensible space pruning, and evacuation assistance.

This project is in violation of NEPA because the IPNF appears to be using the same false narrative that Baker et al. criticize?

The project as proposed is in violation of NEPA, NFMA and the APA because it is claiming that historical were not highly variable in tree density.

Baker et al. 2023 state in their abstract: Management is guided by current conditions relative to the historical range of variability (HRV). Two models of HRV, with different implications, have been debated since the 1990s in a complex series of papers, replies, and rebuttals. The “low-severity” model is that dry forests were relatively uniform, low in tree density, and dominated by low- to moderate-severity fires; the “mixed-severity” model is that dry forests were heterogeneous, with both low and high tree densities and a mixture of fire severities.

What HRV model is the Idaho Panhandle National Forest (IDNF) using?

Baker et al. 2023 also state in their abstract: Here, we simply rebut evidence in the low-severity model's latest review, including its 37 critiques of the mixed-severity model. A central finding of high-severity fire recently exceeding its historical rates was not supported by evidence in the review itself. A large body of published evidence supporting the mixed-severity model was omitted. These included numerous direct observations by early scientists, early forest atlases, early newspaper accounts, early oblique and aerial photographs, seven paleo-charcoal reconstructions, ≥18 tree-ring reconstructions, 15 land survey reconstructions, and analysis of forest inventory data. Our rebuttal shows that evidence omitted in the review left a falsification of the scientific record, with significant land management implications. The low-severity model is rejected and mixed-severity model is supported by the corrected body of scientific evidence.

What areas of the forest are outside of the normal range of variability?

Page 3 of the EA states:

Across many areas of the IPNF, conditions are denser than they were historically, species composition has changed, and fuels are more contiguous.

Contiguous fuels are combustible materials that can be continuously consumed by a fire.

What is the habitat type of the project area?

Without using Pfister to determine habitat types present in the project area, the Forest Service has no idea what "type conversions" widespread burning roadless areas will create, which will most likely lead to an irreversible and irretrievable loss of vegetative and animal diversity.

The project is also in violation of the Forest Plan because the EA, FONSI, and DDN did not demonstrate that the project complies with the Forest Plan.

Remedy

Choose the No Action Alternative or Withdraw the Draft Decision Notice, EA and FONSI and write an EIS that fully complies with the law.

We wrote in our comments:

MA 5 is a backcountry designation for Idaho Roadless lands. The DC for vegetation is for natural ecological processes, such as plant succession and insects and disease. The DC for wildlife including providing foraging, security, denning and nesting habitat for wildlife. These DCs will not be achieved with this project, as security habitat for the grizzly bear and wolverine will be significantly reduced due to massive and long-term disturbances (20 or more years). Hiding cover,

thermal cover, and nesting sites will be reduced for neotropical forest birds and other forest raptors by reduction of overstory and understory forest vegetation through direct burning as well as tree cutting, piling and burning, and mastication. Forage for wildlife will be reduced by reducing conifer seeds highly important to a host of forest birds. Insects and disease processes on trees will also be reduced, even though these insects feed a vast number of forest birds. A reduction of insects and disease processes will also reduce snags needed for nesting, and forest logs used as well for foraging, and for the subnivean habitats these logs provide. A reduction in subnivean habitat will affect a host of forest birds and mammals who depend upon subnivean habitats for winter survival. Finally, forest thinning will cause increases in both temperatures and weather extremes, both which will reduce habitat suitability for wildlife as well as increase mortality factors caused by extreme weather events, including winds. The EA claim at 3 that this project will improve wildlife habitat is clearly false.

A guideline for MA 5 is that planned ignitions, such as would occur with the Granite Fuels project, may be used to meet resource objectives. However, resource objectives have to be consistent with the Forest Plan. The DC to maintain wildlife habitat is a resource objective that cannot be met with prescribed fire for this MA.

The IPNF responded:

Thank you for your comments in response to the proposed Granite Fuels project. Based on LANDFIRE analysis (see pg. 7 in the Fire and Fuels Report and project file FIR-010), 95 percent of the project area was characterized as moderately departed from its natural (historical) vegetation characteristics, fuel composition, and regime of fire frequency, severity, and pattern. The goal of the Granite Fuels project is not to have a landscape entirely dominated by early post-fire vegetation, but rather a mosaic of different vegetation classes across the landscape (see EA pg. 9). Additionally, the prescribed burns meet resource objectives for wildlife by providing needed foraging and snag creation. This project does not propose the addition of roads and therefore habitat security will be retained. For more detailed information, please see pages 3, 21, 22, 26, 27, 28, 29, 40, 45, 47, and 48 of the Wildlife Specialist Report.

The Forest Service did not demonstrate that the project is in following the Forest Plan, NEPA, the APA, NFMA, and the Roadless Rule.

Remedy

Choose the No Action Alternative or Withdraw the Draft Decision Notice, EA and FONSI and write an EIS that fully complies with the law.

We wrote in our comments:

Contrary to the conclusions provided in the Granite Fuels that the Canada lynx (hereafter "lynx"), grizzly bear, wolverine and whitebark pine will not have significant impacts triggered by this project, the current best science indicates otherwise. These significant adverse impacts on these 4 species requires that the IPNF complete consultation with the U.S. Fish and Wildlife Service.

Please define what units are potentially going to be retreated in the future, or are "foreseeable future actions."

Please define how many retreatments per unit are expected to occur in the future to maintain early post-fire conditions.

The spring burning period is defined as from January 1-May 15 (Wildlife Report at 37); please define which units are expected to be burned in the spring, which will create mortality to migratory birds, given that the EA at 66 defined bird nesting season from February 1 through August 31.

Please identify all locations on a map in the project area, including estimated time periods, where work crews will be dropped off and stationed for 2-3 weeks at a time for pre-project treatments, and where roads and trails will be used for extension of motorized activity.

In spite of these claims that vegetation in the entire Granite Fuels project area is unnatural, or essentially "too dense," there is no actual information provided on the forest stand densities (basal areas) per habitat type in the project area, or why these would be different from forest densities in historical times. It is unclear why forest densities as per habitat type will change over time. The agency needs to provide the data on which claims that basal areas of existing forest habitat types are higher than has occurred historically as is required by the NEPA.

The Forest Service responded:

Thank you for your comments. The Granite Fuels project is a condition-based NEPA approach. "Using condition-based management for planning and NEPA analysis has a distinct advantage for implementing prescribed fire projects. It allows managers to choose among several potential project areas to burn in the right place at the right time" (EA, p. 4). Location and timing of burn units will be determined during the pre-implementation phase (see Appendix C in the EA). Additional analysis needs will be identified and completed prior to approval of any burn units, which would include timing of burning in terms of spring birds, whitebark pine protection, and retreatments of brushfield or lodgepole pine units. Any pre-work by crews or district personnel will be identified at this time as well, and impact on the landscape will be determined and managed as appropriate according to the Forest Plan. Once the pre- implementation checklist has been approved by all resource specialists, burn plans will be prepared.

Please reference the Proposed Action in the EA and the Expected

How many trees do you plan on cutting, including whitebark pine, before you burn them?

Parts of this very large project area are big game winter range as per the Forest Plan. Please define what the specific habitat objectives are for this winter range, including hiding and thermal cover, as well as forage.

The Forest Plan direction for this management area is binding. If the agency is going to claim that the Forest Plan is being implemented, you need to specifically define how this is being done, instead of simply claiming that tree removal is improvement on big game winter range. Also, the science and monitoring behind this claim need to be provided. Currently mule deer populations have been in decline across the western U.S.. We haven't seen any science that reported increases of mule deer populations following removal of trees on their winter ranges.

Please explain what shrubs are present, and will be targeted for masticating and burning. The actual replacement species the agency claims are going to be managed for are never identified. But at a minimum, the rationale for removing shrubs and replac-

ing them with grasses on winter range needs to be documented, as is required by the NEPA.

The claim that this project will increase diversity is pure unsupported rhetoric. There is no definition as to what constitutes diversity. What criteria are being used to measure diversity, and why isn't this information provided to the public? The NEPA requires that the agency provide reliable, valid information to the public on projects. This claim that removing trees and shrubs will improve diversity is a clear violation of the NEPA, as there is no actual basis for it. Worse, it is not clear why eliminating trees and shrubs increases diversity as per the standard definitions. What science claims that a grassland has higher habitat diversity than a woodland or forest, or shrubland? One likely factor driving the proposed project is not promotion of big game species and wildlife, but instead is being done for livestock. Please explain in the EA or EIS the impact of current livestock grazing practices in this landscape.

The claim that burning will increase resiliency of this area is highly questionable. First, these forests are not highly flammable as per the current science. Second, thinning will likely increase flammability by increasing wind speeds and vegetation drying due to a reduction of shade. Third, flammability will surely be increased over current conditions due to an increase of grasses,

including exotic species as cheatgrass. Please provide evidence that any actual published scientific papers that show that prescribed on such a large scale will reduce fires, and thereby increase “resiliency” of this winter range.

Please provide in the EA or EIS monitoring data on the effect of the fire on as winter range, or how this fire affected the extent of exotic vegetation, such as cheatgrass and other weeds. Since the proposed actions will be somewhat similar in effect, it would seem to be important for the agency to provide this information to the public.

Please provide in the EA or EIS any monitoring data, or references any current science, as to what the specific problems are in this landscape for wildlife. How did the agency determine that the current conditions are causing problems for wildlife? In general, one would not expect trees to be a problem for wildlife, especially juniper which is a highly valuable resource for wildlife, not just for forage, including berries, but as hiding and thermal cover. How has the agency determined that hiding cover are too high in this winter range? What are the objectives for hiding and thermal cover which are the target for management intervention?

Please explain what species of shrubs are going to be slashed and burned. Why aren’t these shrubs being used by wildlife?

NEPA requires that the Forest Service provide the public is provided information as to why this project will benefit wildlife. At a minimum, the agency needs to demonstrate to the public that this is in fact the case. The EA or EIS must document any scientific information as to how the resource specialists determined that the project will not lead to any significant effects on wildlife. These conclusions need to be documented for the public, including criteria that were used and evaluated to measure levels of significant impact. As just one question, if the Forest Plan standard to manage this area to promote big game species on their winter range is not being followed, this would most likely trigger significant impacts. It seems like that this is an intentional Forest Plan violation to promote livestock grazing over wildlife in this landscape.

Please discuss the current grazing use of this area by livestock. This information needs to be included as important information to the public.

The project will violate NEPA activities are being planned in the IRAs are done without an analysis of the impact of the project on wilderness characteristics.

Please provided as to what the vegetation types are in the areas not proposed for treatment. What was the basis for determining

areas for treatment? It seems likely that the non-treatment areas lack any shrubs and trees. If this is the case, the claims that diversity will be increased by expanding treeless areas in this winter range

Please provide information to the public as to why this project enhances wildlife habitat, or is needed to maintain natural ecosystem processes within an IRA. It is clear that this project requires much more information to be provided to the public, and much more documentation to justify vegetation management within IRAs. And as previously noted, the criteria which the resource specialists used to estimate the level of impact needs to be provided, as well, to the public. It seems readily apparent that this project requires at a minimum an environmental assessment in order to comply with the NEPA, including the provision of valid, reliable information to the public when and where the Forest Service is planning resource management activities.

The best available science, Christensen et al (1993),recommends elk habitat effectiveness of 70% in summer range and at least 50% in all other areas where elk are one of the primary resource considerations. According to Figure 1 in Christensen et al (1993), this equates to a maximum road density of approximate-

ly 0.7 mi/sq mi. in summer range and approximately 1.7 mi/sq mi. in all other areas.

Do any of the 6th Code watersheds in the Project area meet either of these road density thresholds? It appears the

Project area as a whole also far exceeds these thresholds. Please disclose this type of Project level or watershed analysis on road density.

Christensen et al (1993) state that if an area is not meeting the 50% effectiveness threshold of 1.7 mi/sq mi, the agency should admit that the area is not being managed for elk: “Areas where habitat effectiveness is retained at lower than 50 percent must be recognized as making only minor contributions to elk management goals. If habitat effectiveness is not important, don't fake it. Just admit up front that elk are not a consideration.” The Project EIS does not make this admission.

The Forest Service should provide an analysis of how much of the Project area, Project area watersheds, affected landscape areas, or affected Hunting Districts provide “elk security area[s]” as defined by the best available science,

Christensen et al (1993) and Hillis et al (1991), to be comprised of contiguous 250 acre blocks of forested habitat 0.5 miles or

more from open roads with these blocks encompassing 30% or more of the area.

Please provide a rational justification for the deviation from the Hillis security definition and numeric threshold that represent the best available science on elk security areas.

What best available science supports the action alternatives?

Schoennagel et al (2004) states: “we are concerned that the model of historical fire effects and 20th-century fire suppression in dry ponderosa pine forests is being applied uncritically across all Rocky Mountain forests, including where it is inappropriate.

Schoennagel et al (2004) states: “High-elevation subalpine forests in the Rocky Mountains typify ecosystems that experience infrequent, high-severity crown fires []. . . The most extensive subalpine forest types are composed of Engelmann spruce (Picea engelmannii), subalpine fir (Abies lasiocarpa), and lodgepole pine (Pinus contorta), all

thin-barked trees easily killed by fire. Extensive stand- replacing fires occurred historically at long intervals (i.e., one to many centuries) in subalpine forests, typically in association with infrequent high-pressure blocking systems that promote extremely dry regional climate patterns.”

Schoennagel et al (2004) states: “it is unlikely that the short period of fire exclusion has significantly altered the long fire intervals in subalpine forests. Furthermore, large, intense fires burning under dry conditions are very difficult, if not impossible, to suppress, and such fires account for the majority of area burned in subalpine forests.

Schoennagel et al (2004) states: “Moreover, there is no consistent relationship between time elapsed since the last fire and fuel abundance in subalpine forests, further undermining the idea that years of fire suppression have caused unnatural fuel buildup in this forest zone.”

Schoennagel et al (2004) states: “No evidence suggests that spruce–fir or lodgepole pine forests have experienced substantial shifts in stand structure over recent decades as a result of fire suppression. Overall, variation in climate rather than in fuels appears to exert the largest influence on the size, timing, and severity of fires in subalpine forests [].

We conclude that large, infrequent standreplacing fires are ‘business as usual’ in this forest type, not an artifact of fire suppression.”.

Schoennagel et al (2004) states: “Contrary to popular opinion, previous fire suppression, which was consistently effective from

about 1950 through 1972, had only a minimal effect on the large fire event in 1988 []. Reconstruction of historical fires indicates that similar large, high-severity fires also occurred in the early 1700s []. Given the historical range of variability of fire regimes in high-elevation subalpine forests, fire behavior in Yellowstone during 1988, although severe, was neither unusual nor surprising."

Schoennagel et al (2004), states: "Mechanical fuel reduction in subalpine forests would not represent a restoration treatment but rather a departure from the natural range of variability in stand-structure."

Schoennagel et al (2004) states: "Given the behavior of fire in Yellowstone in 1988, fuel reduction projects probably

will not substantially reduce the frequency, size, or severity of wildfires under extreme weather conditions."

Schoennagel et al (2004) states: "The Yellowstone fires in 1988 revealed that variation in fuel conditions, as measured by stand age and density, had only minimal influence on fire behavior. Therefore, we expect fuel- reduction treatments in high-elevation forests to be generally unsuccessful in reducing fire frequency, severity, and size, given the overriding importance of extreme climate in controlling fire regimes in this zone. Thin-

ning also will not restore subalpine forests, because they were dense historically and have not changed significantly in response to fire suppression. Thus, fuel- reduction efforts in most Rocky Mountain subalpine forests probably would not effectively mitigate the fire hazard, and these efforts may create new ecological problems by moving the forest structure outside the historic range of variability."

Likewise, Brown et al (2004) states: "At higher elevations, forests of subalpine fir, Engelmann spruce, mountain hemlock, and lodgepole or whitebark pine predominate. These forests also have long fire return intervals and contain a high proportion of fire sensitive trees. At periods

averaging a few hundred years, extreme drought conditions would prime these forests for large, severe fires that would tend to set the forest back to an early successional stage, with a large carry- over of dead trees as a legacy of snags and logs in the regenerating forest . . . . natural ecological dynamics are largely preserved because fire suppression has been effective for less than one natural fire cycle. Thinning for restoration does not appear to be appropriate in these forests. Efforts to manipulate stand structures to reduce fire hazard will not only be of limited effectiveness but may also move systems away from pre-1850 conditions to the detriment of wildlife and watersheds." "Fuel

levels may suggest a high fire ‘hazard’ under conventional assessments, but wildfire risk is typically low in these settings.”

Likewise, Graham et al (2004) states: “Most important, the fire behavior characteristics are strikingly different for cold (for example, lodgepole pine, spruce, subalpine fir), moist (for example, western hemlock, western redcedar, western white pine), and dry forests. Cold and moist forests tend to have long fire- return intervals, but fires that do occur tend to be high- intensity, stand-replacing fires. Dry forests

historically had short intervals between fires, but most important, the fires had low to moderate severity.”

According to Graham et al (2004), thinning may also increase the likelihood of wildfire ignition in the type of forests in this Project area: “The probability of ignition is strongly related to fine fuel moisture content, air temperature, the amount of shading of surface fuels, and the occurrence of an ignition source (human or lightning caused) . . . . There is generally a warmer, dryer microclimate in more open stands (fig. 9) compared to denser stands. Dense stands (canopy cover) tend to provide more shading of fuels, keeping relative humidity higher and air and fuel temperature lower than in more open stands. Thus, dense stands tend to maintain higher surface fuel moisture contents

compared to more open stands. More open stands also tend to allow higher wind speeds that tend to dry fuels compared to dense stands. These factors may increase probability of ignition in some open canopy stands compared to dense canopy stands."

Use of an EA for this project is also invalid because the proposed vegetation treatments would occur within Inventoried Roadless Areas (IRA). This qualifies as an extraordinary circumstance that invalidates use of a EA. It is the existence of a cause- effect relationship between a proposed action and the potential effects on these resource conditions and if such a relationship exists, the degree of the potential effects of a proposed action on these resource conditions that determine whether extraordinary circumstances exist (36 CFR 220.g(b).

In relevant part, regarding the prohibition on tree cutting, the Roadless Rule mandates:

Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the fol-

lowing circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;
36 C.F.R. §294.13 (2005).

The Roadless Rule further explains the meaning of the phrase "incidental to" in subsection (b)(2) above as follows:

Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples of these activities include, but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line con-

struction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other authorized activities such as ski runs and utility corridors; or for road construction and reconstruction where allowed by this rule.

Page 4 of the scoping notice states: "Use of prescribed fire is proposed on the remaining national forest system lands within the Forest, which includes inventoried roadless areas." It appears that the Project authorizes tree cutting on in roadless areas, the Project EA is not clear how the Forest Service will access those units. It is unclear whether the Forest Service will be reconstructing old roads, using illegal user-created roads, or using roads already closed by the Travel Plan in the Inventoried Roadless Area in order to conduct these activities.

Tree-cutting is not "incidental to" another management activity; it is the management activity. The Forest Service fails to acknowledge that the Roadless Rule provides a narrow definition of the phrase "incidental to" in the (b)(2) exemption:

Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples of these activities include, but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line construction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other au-

thorized activities such as ski runs and utility corridors; or for road construction and reconstruction where allowed by this rule.

66 Fed. Reg. 3258.

Every one of these examples shows that the management activity itself is not any form of vegetation management, i.e. tree-cutting – instead the management activities are things like trail management, road management, firefighting, land surveys, ski runs, utility corridors, or lawful road construction. In contrast, here the management activity itself is vegetation management, i.e. tree-cutting.

The Forest Service's interpretation of exemption (b)(2) is contrary to the explanation of "incidental to" in the Roadless Rule, and if adopted, would swallow the rule. The Forest Service could simply avoid the tree-cutting ban by labeling every tree-cutting activity in a Roadless Area as something other than tree-cutting – such as "restoration" – and thereby circumvent the ban with euphemisms. This is clearly not the intent of the Roadless Rule. 66 Fed. Reg. 3258. Accordingly, the (b)(2) exemption does not apply here.

The Montana federal district court recently addressed a similar issue. Hunters v. Marten, 470 F.Supp.3d 1151, 1167-1169 (D. Mont. 2020). The Court held: "It is simply not true that the Forest Service had no duty to communicate its transportation plan to the public. NEPA imposes upon the agency the duty to take a 'hard look' when it plans its actions and 'to provide for broad dissemination of relevant environmental information.'" Id. The Court further held:

“[Plaintiffs] contend that the final EIS is inadequate because it is misleading. [].The Court agrees with the latter. Having already discussed at length why the Forest Service’s treatment of the roadwork in the final EIS is inadequate and indicates bad faith, there is little more to say on the second issue. On remand, the Forest Service will be required to thoroughly develop its plan to bring heavy machinery into the roadless area.”

What scientific analysis did the Forest Service do to find that the National Forest System lands on the IPNF are departed from the natural range of variability?

Please see the attached paper by Dr. William Baker titled:

“Are High-Severity Fires Burning at Much Higher Rates Recently than Historically in Dry-Forest Landscapes of theWestern USA?”

Dr. Baker writes: “Programs to generally reduce fire severity in dry forests are not supported and have significant adverse ecological impacts, including reducing habitat for native species dependent on early-successional burned patches and decreasing landscape heterogeneity thatconfers resilience to climatic change.”

Dr. Baker concluded: “Dry forests were historically renewed, and will continue to be renewed, by sudden, dramatic, high-intensity fires after centuries of stability and lower-intensity fires.”

The purpose of this project is the need to restore a fire regime to the landscape. Based on Dr. Baker's paper, the proposed action will not meet the purpose and need of the project.

Dr. Baker's paper is the best available science. Please explain why this project is not following the best available science.

Much of the acreage that has burned in the Rockies is higher elevation lodgepole pine and subalpine fir forests that have long fire rotations of hundreds of years and have not been influenced to any great degree by fire suppression.

Furthermore, fuel treatment often enhances fire advancement by increasing the fine fuels (needles, branches, grass growth) on the surface. Plus, opening the forest by thinning can lead to greater drying and wind penetration, both major factors in fire spread.

The advocates for thinning continue to ignore that most large fires around the West, including those in mixed conifer and ponderosa pine, have occurred in lands under "active forest management." That includes the Dixie Fire and Bootleg Fires, which were among the two largest blazes this past summer in California and Oregon.

For instance, 75% of the Bootleg fire, which burned over 400,000 acres, had previously been "treated" by some form of "fuels management" with no discernible effect on fire spread.

There is plenty of proof from numerous fires where active forest management had no apparent effect on fire behavior or fire spread.

A review of 1500 fires across the West found that as a generalization, areas under "active forest management," which includes thinning and prescribed burning, tend to burn at higher severity than lands like wilderness areas where "fuel treatments" are prohibited.

There is an equally strong consensus among scientists that wildfire is essential to maintain ecologically healthy forests and native biodiversity. This includes large fires and patches of intense fire, which create an abundance of biologically essential standing dead trees (known as snags) and naturally stimulate regeneration of vigorous new stands of forest. These areas of “snag forest habitat” are ecological treasures, not catastrophes, and many native wildlife species, such as the rare black-backed woodpecker, depend on this habitat to survive.

Fire or drought kills trees, which attracts native beetle species that depend on dead or dying trees. Woodpeckers eat the larvae of the beetles and then create nest cavities in the dead trees, because snags are softer than live trees. The male woodpecker creates two or three nest cavities each year, and the female picks the one she likes the best, which creates homes for dozens of other forest wildlife species that need cavities to survive but cannot create their own, such as bluebirds, chickadees, chipmunks, flying squirrels and many others.

More than 260 scientists wrote to Congress in 2015 opposing legislative proposals that would weaken environmental laws and increase logging on National Forests under the guise of curbing wildfires, noting that snag forests are "quite simply some of the best wildlife habitat in forests.”

We can no more suppress forest fires during extreme fire weather than we can stand on a ridgetop and fight the wind. It is hubris and folly to even try. Fires slow and stop when the weather changes. It makes far more sense to focus our resources on protecting rural homes and other structures from fire by creating "defensible space" of about 100 feet between houses and forests. This allows fire to serve its essential ecological role while keeping it away from our communities.

For all of these reasons, the Project violates the Roadless Rule and the Project EA fails to take hard look and provide accurate information and analysis to the public regarding Roadless Rule compliance, in violation of the APA and NEPA.

Please explain why forest thinning and prescribed burning will not significantly affect the area's value to wildlife. We contend that the proposed thinning and burning will have significant adverse impacts on many wildlife species, impacts that are not currently present within IRAs. Please explain any adverse impacts that have been identified to wildlife from the current habitat conditions in IRAs. Since the current conditions are beneficial to wildlife, and the proposed conditions will be detrimental to wildlife, this means that the proposed action will eliminate existing values of the IRA. This would be a cause-effect relationship, invalidating the use of a EA.

What evidence do you have that shows fire has been suppressed in the area?

Please explain why a lack of fire has degraded wildlife habitat.

There is a considerable awareness today regarding the problems of noxious weed infestations on public lands. One activity that is clearly promoting noxious weeds are fuels reduction and prescribed burning projects. We cite only a few examples at this time. One example is a Joint Fire Science Report by Coop and Magee (Undated), where they note that fuels treatments resulted in rapid, large and persistent increases in the frequency, richness and cover of 20 non-native plant species including cheatgrass; exotic plant expansion appeared linked to the disturbance associated with treatment activities, reduction in tree canopy, and alterations to ground cover; exotic species were much more frequently encountered at treated than control sites, occurring at 86% of sample plots in treatments and 51% of untreated sample plots; richness of exotic species in treatments was more than double that of controls. What is also interesting in this study is that cheatgrass showed a negative effect of tree canopy, which means that cheatgrass was benefited by canopy removal. They noted that models for chestgrass alone and all non- native species together indicate strong negative associations with tree canopies, indicating that increased light availability, or perhaps

below-ground resources such as moisture or nitrogen, enhance colonization and growth in treatments. Increases in exotic plant species in treatment areas was one of the reasons these researchers concluded that managers need to be cautious about implementing treatments in light of the persistent, negative ecological impacts that accompany woodland thinning this includes an increase in fire frequency.

We wrote in our comments submitted by Jeff Juel:

The EA failed to disclose sufficient information regarding existing conditions of the IRA that may be affected by the proposed action. The EA fails to properly demonstrate compliance with the Idaho Roadless Rule and NEPA.

We wrote in our comments submitted by Sara Johnson:

This would be over 20,000 acres more than reported in the project EA. If the Wildlife Report is correct, that 95,950 acres could be burned, this would require an annual burning of 9595 acres if the EA is correct that would only occur on 71,416 acres, this would require an average annual burning of 7142 acres. As is required by the NEPA, the agency needs to provide high quality, accurate information on what are the expected acres are to be burned each

year, and what this Indicates for the expected timeline of the project.

The Forest Service responded:
The interdisciplinary team analyzed the Granite Fuels project, but comments provided by the public are evaluated including science suggested by commentors. Specialists cite the science they use. The EA/FONSI and resource reports contain information on past, present, and reasonably foreseeable actions that could contribute to cumulative effects. Each resource may have a different cumulative effects boundary and some resources like wildlife may have many for the varying species considered.
Specialists include the spatial analysis area in their reports. One analysis area for all resources would potentially provide misleading effects information.
For the purpose of evaluating the proposed action in the EA/FONSI, the approach was taken to evaluate effects of applicable treatments respective to each resource. By doing that we have shown even under the most impactful scenario, the project will meet all applicable laws, regulation and policy including the Forest Plan, and achieve the purpose of the project. Logically, if the most impactful scenario meets all requirements, then it follows that other scenarios with less impact will as well.
Furthermore, resource specific effects including cumulative effects are disclosed throughout the EA/FONSI and in specialist documents in the project file. To determine cumulative effects potential, a comprehensive list of past, present and reasonably foreseeable activities was compiled. Those activities

were considered in relation to the appropriate cumulative effects boundary for each resource.

Please analyze the wilderness characteristic of the both the inventoried and uninventoried roadless areas and wilderness study areas in the project area.

The Forest Service recognizes the value of forestland unencumbered by roads, timber harvest, and other development. Sometimes these areas are known as "inventoried roadless areas" if they have been inventoried through the agency's various Roadless Area Review Evaluation processes, or "unroaded areas" if they have not been inventoried but are still of significant size and ecological significance such that they are eligible for congressional designation as a Wilderness Area.

Roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. Special Areas; Roadless Area Conservation; Final Rule, 66 Fed. Reg. 3,244, 3,245 (Jan. 12, 2001) (codified at 36 C.F.R. Part 294). They provide large, relatively undisturbed landscapes that are important to biological diversity and the long- term survival of many at-risk species.

Roadless areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. Id. They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research. Id.

Other values associated with roadless areas include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing cultural properties and sacred sites; and other locally identified unique characteristics.

The Roadless Rule mandates:

Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the fol-

lowing circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;

... .
36 C.F.R. §294.13 (2005)(emphases added).

The Roadless Rule further explains the meaning of the phrase "incidental to" in subsection (b)(2) above as follows:

Paragraph (b)(2) allows timber cutting, sale, or removal in inventoried roadless areas when incidental to implementation of a management activity not otherwise prohibited by this rule. Examples of these activities include, but are not limited to trail construction or maintenance; removal of hazard trees adjacent to classified road for public health and safety reasons; fire line con-

struction for wildland fire suppression or control of prescribed fire; survey and maintenance of property boundaries; other authorized activities such as ski runs and utility corridors; or for road construction and reconstruction where allowed by this rule.

66 Fed. Reg. 3258.

How will the public know if the project is complying with the roadless rule if you are not telling the public where and when you are going to burn in roadless areas?

Please clearly tell the public when and where you are going to burn and specifically what exception to the 2001 Roadless Rule you are using and why?

Page 1 of the EA states:

About 90 percent of the analysis area is National Forest System (NFS) lands including one Inventoried Roadless Area, the Mallard Larkins Pioneer Area.

Please clearly tell the public when and where you are going to burn and specifically what exception to the 2001 Roadless Rule you are using and why?

Page 4 of the scoping notice states: Planned management that include tree cutting would only proceed within inventoried areas if the activity complies with one of the exceptions to the 2001 Roadless Rule.

The Roadless areas in the project area would be designated as Wilderness under the Northern Rockies Ecosystem Protection Act or (NREPA). Currently, twelve Senators are sponsoring NREPA in the Senate (S. 1531) NREPA recognizes this areas as an important wildlife corridor because of their importance as habitat for grizzly bears and lynx and connecting corridors for native species. Please analyze the area for its wilderness potential.

The Draft Decision Notice also states on page 3:

No commercial products would be removed. Trees would not be cut, except where required as a point-protection around certain improvements, cultural resources and recreational structures, and competing conifer species around whitebark pine as fuel reduction for resource protection. The cutting of these trees would fall under provision 36 CFR 294.24(b)(1)(i-iv) and 294.24(c)(1)(vi) of the Idaho Roadless Areas regulations and 36 CFR 223.2(e) disposal of timber for administrative use, where incidental to the implementation of a management activity not otherwise prohibited by this subpart. This does not require Regional Forester approval; however, effects to roadless characteristics have been considered. Snags would only be felled for safety reasons.

The Final EA lists responses to other comments about the Roadless Rule on page 65-66:

The Granite Fuels project has been developed in collaboration with the Idaho Roadless Commission. The commission has been and will continue to be updated on a regular basis. The Forest Service is adheringProject File E1 to the guidance associated with the roadless areas. Implementation of prescribed fire will occur by aerial ignition or hand ignition.

Page 9 of the EA states:

No commercial products would be removed. Trees would not be cut, except where required as a point-protection around certain improvements, cultural resources and recreational structures, and competing conifer species around whitebark pine as fuel reduction for resource protection. The cutting of these trees would fall under provision 36 CFR 294.24(b)(1)(i-iv) and 294.24(c)(1)(vi) of the Idaho Roadless Areas regulations and 36 CFR 223.2(e) disposal of timber for administrative use, where incidental to the implementation of a management activity not otherwise prohibited by this subpart. This does not require Regional Forester approval; however, effects to roadless characteristics will be considered. Snags would only be felled for safety reasons.

The EA, FONSI, and DDN also did not anyone the analyze the project area for its wilderness potential and did not demonstrate that the project complies with the Roadless Rule.

The project is in violation of NEPA, the APA, the Roadless Rule and the Appeals Reform Act.

REMEDY

Withdraw the EA/FONSI and DDN and write an EIS that fully complies with the law or choose the No Action Alternative.

We wrote in our comments written by Jeff Juel:

Using the EA process means FS would not be required to provide written responses to public comments, rendering the notion of public involvement rather meaningless. We believe the FS is obligated to prepare an EIS, and provide written responses to all comments.

The Forest Service responded:

The Granite Fuels EA followed established NEPA procedures in accordance with 36 CFR 220.7, the project information was released for a combined scoping and comment period. This allowed the interdisciplinary team to incorporate concerns brought forward by the public into project design or specific analysis of a resource if applicable.
NEPA requires agencies briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare ei-

ther an EIS or a FONSI (36 CFR 220.7(b)(3)(i)). The EA clearly describes the level of and reason for the analysis by resource. That analysis rightfully led to the preparation of the FONSI, which was made available to the public on the project website during the scoping and EA comment period.

The project is far too large to provide meaningful information or analysis to the public, and thus prevents agency transparency in management of public lands. It is not clear why the Forest Service believes that such a large project is either needed, or can be meaningfully understood and reviewed by the public.

We request a careful analysis of the impacts to fisheries and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on- snow events, and increases in stream water temperature. Please disclose the locations of seeps, springs, bogs and other sensitive wet areas, and the effects on these areas of the project activities. Where livestock are permitted to graze, we ask that you assess the present condition and continue to monitor the impacts of grazing activities upon

vegetation diversity, soil compaction, stream bank stability and subsequent sedimentation. Livestock grazing occurs in the Project area and causes sediment impacts, trampled or destabilized banks, increased nutrient loads in streams, and decreased

density, diversity, and function of riparian vegetation that may lead to increased stream temperatures and further detrimental impacts to water quality.

This project is a violation of the National Environmental Policy Act (NEPA) since it is far too large for the agency to provide adequate information to the public, and far too large for the public to understand how the project will impact natural resources. As an example, we expect that there will not be anything close to valid wildlife surveys, including for the goshawk, great gray owl, black-backed woodpecker, and other sensitive/management indicator species and Idaho Species of Concern, as the brown creeper and Cassin's finch, and several species of bats.

Please identify specifically where the prescribed burns will be and where before a decision is made so that the public can understand how the agency is managing these wildlife resources.

Saying that they will decide later denies the public the information needed to make informed comments and as to occupancy of the project areas by wildlife, which is a NEPA violation.

The Project will violate the NEPA if there are no valid snag surveys done for the project area both within and outside proposed harvest units.

The project will violate the NEPA if there are no valid surveys for old growth habitat within each project area, old growth types need to be defined and quantified by timber types, such as lodgepole pine, Douglas-fir, mixed conifer, spruce, subalpine fir, and limber pine.

The project will likely violate the NEPA if the mitigation measures for MIS, sensitive species, and Idaho Species of Concern (birds, mammals including bats) are not clearly defined, and demonstrated to be effective as per the current best science.

This is a violation of NEPA to not identifying specific areas where logging would have occurred and where roads and how many roads will be built.

The scoping notice indicates that the Forest Service will use "condition-based management" scheme, an approach that does not meet the minimum requirements of NEPA as enacted by the United States Congress and has been soundly rejected by the courts. Condition-based management means the Forest Service authorized the Project before identifying specific locations for logging, road construction, prescribed burns, and other fuel reduction activities.

The "condition-based management" approach will not adequately address the direct, indirect, and cumulative effects of the Project on the human environment. Please the provide the public a clear basis for choice among alternatives. Please give the public sufficient information to foster informed decision-making or informed public participation. Failing to do so will violate NEPA, 42 U.S.C. § 4332(2)(C), and is therefore "not in accordance with law" under 5 U.S.C. § 706(2)(A) and "without observance of procedure required by law" under 5 U.S.C. § 706(2)(D).

Please see the article below about a similar project in Alaska which a federal district court ruled was illegal.

Federal court blocks timber sale in Alaska's Tongass National Forest

https://www.adn.com/alaska-news/2020/06/25/federal-court-blocks-timber-sale-in- alaskas-tongass-national-forest/

JUNEAU — A federal judge has blocked what would have been the largest timber sale in Alaska's Tongass National Forest in decades.

Wednesday's ruling ends the U.S. Forest Service's plan to open 37.5 square miles of old- growth forest on Prince of Wales Island to commercial logging, CoastAlaska reported.

The ruling by Judge Sharon L. Gleason also stops road construction for the planned 15- year project.

Conservationists had already successfully blocked the federal government's attempt to clear large amounts of timber for sale without identifying specific areas where logging would have occurred.

Gleason allowed the forest service to argue in favor of correcting deficiencies in its re- view and moving forward without throwing out the entire project, but ultimately ruled against the agency.

Gleason's ruling said the economic harm of invalidating the timber sales did not outweigh "the seriousness of the errors" in the agency's handling of the project.

The method used in the Prince of Wales Landscape Level Analysis was the first time the agency used it for environmental review on an Alaska timber sale.

The forest service, which can appeal the decision, did not return calls seeking comment.

Gleason's decision affects the Prince of Wales Island project and the Central Tongass Project near Petersburg and Wrangell.

The ruling triggers a new environmental review under the National Environmental Policy Act, said Meredith Trainor, executive director of the Southeast Alaska Conservation Council.

The ruling in the lawsuit brought by the council includes a requirement for public input on specific areas proposed for logging, Trainor said.

Tessa Axelson, executive director of the Alaska Forest Association, said in a statement that the ruling "threatens the viability of Southeast Alaska's timber industry."

If the Forest Service did not conduct NEPA for the Fire Plan, please immediately start that NEPA process.

Please provide a map showing the WUI and the locations of all homes in comparison to the project area.

If the Forest Service did not conduct NEPA for the Fire Plan, please disclose the cumulative effects of Forest-wide implementation of the Fire Plan in the South Plateau project EIS, or EA if you refuse to write an EIS, to avoid illegally tiering to a non-NEPA document. Specifically analyze the decision to prioritize mechanical, human- designed, somewhat arbitrary treatments as a replacement for naturally-occurring fire.

Did the Forest Service conduct ESA consultation for the Fire Plan?

Will the Forest Service be considering binding legal standards for noxious weeds in its revision of the IPNF Forest Plan?

How effective have BMPs been at stopping (i.e. preventing) new weed infestations from starting during prescribed burning and related road operations?

Is it true that new roads are the number one cause of new noxious weed infestations?

Why isn't the Forest Service considering a Forest Plan amendment in this Project to amend the Forest Plan to include binding legal standards that address noxious weeds?

Is it true that noxious weeds are one of the top threats to biodiversity on our National Forests?

How can the Forest Service be complying with NFMA's requirement to maintain biodiversity if it has no legal standards that address noxious weeds?

What MIS did you find, how many and how did you look for these MIS?

Which wildlife species and ecosystem processes, if any, does prescribed fire benefit?

Which species and processes does prescribed fire harm?

What evidence do you have that this prescribed fire will make the forest healthier for fish and wildlife? What about the role of mixed severity and high severity fire – what are the benefits of those natural processes?

How have those processes (mixed and high severity fire) created the ecosystems we have today?

Over how many millennia have mixed and high severity fire have been occurring without human intervention?

What beneficial ecological roles do beetles play? Can the forest survive without beetles?

Will all WQLS streams in the project area have completed TMDLs before a decision is signed?

Will this project leave enough snags to follow the Forest Plan requirements and the requirements of sensitive old growth species such as flammulated owls and goshawks?

Is this Project consistent with "research recommendations (Krankina and Harmon 2006) for protecting carbon gains against the potential impacts of future climate change? That study recommends "[i]ncreasing or maintaining the forest area by avoiding deforestation," and states that "protecting forest from logging or clearing offer immediate benefits via prevented emissions."

Please list each visual quality standard that applies to each unit and disclose whether each unit meets its respective visual quality standard.

Page four of the EA states:
Need for Condition-Based Management

Site specific conditions that allow for safe prescribed burning can be quite dynamic. Wildland fire, fuels, and risk can change across the landscape from season to season. Maximum flexibility is needed duringimplementation to best respond to the ecological conditions within a burn unit and be responsive to smoke management.

Condition-based management is a management approach that allows a response to changing conditions between the decision and implementation phases. The Forest Service frequently spends two to three years preparing for and conducting environmental analyses consistent with NEPA regulations; however, while conducting these analyses, sites specific to prescribed burning projects may be altered, prior to analysis completion, due to wildland fire or other atmospheric events, such as high wind resulting in blowdown or flood events leading to landslides. Condition-based management allows for proposed treatments to be aligned after the decision has been made while considering the conditions at the time of implementation.
For prescribed burning, this adaptability is necessary due to the dynamic nature of the environmental conditions and the steps required to ensure safe practices.

Condition-based management is essential since many acres within the project area have departed from desired or ecological-

ly-sound conditions often created by wildfires. By increasing the number and size of treatment areas, the Forest Service can ensure a rapid response to both current conditions as well as unknown future conditions as they arise, like insect and disease activity.

REMEDY

Choose the No Action Alternate or write an EIS that fully complies with the law.

We wrote in our comments by Sara Johnson:

We are identifying violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Migratory Bird Treaty Act (MBTA), the Administrative Procedures Act (APA), and the Endangered Species Act (ESA) that implementation of this project will trigger.

The Forest Service responded:

The Granite Fuels EA followed established NEPA procedures in accordance with 36 CFR 220.7, the project information was released for a combined scoping and comment period. This allowed the interdisciplinary team to incorporate concerns brought forward by the public into project design or specific analysis of a resource if applicable.
NEPA requires agencies briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed

action and alternative(s), to determine whether to prepare either an EIS or a FONSI (36 CFR 220.7(b)(3)(i)). The EA clearly describes the level of and reason for the analysis by resource. That analysis rightfully led to the preparation of the FONSI, which was made available to the public on the project website during the scoping and EA comment period.

The EA, FONSI, and DDN did not take a hard look at the impact of the project and the cumulative impact of other Forest Service, state and private management activities on TES species , their habitat or the health of people.

The project is in violation of NEPA, NFMA, ESA, the Clean Water Act, the APA and the ESA.

The IPNF wrote on page 1 of the Wildlife Specialists report:

Introduction
Vegetation management activities typically impact wildlife through two mechanisms: habitat modification and disturbance to individuals. The removal of trees and ground vegetation can reduce habitat and have adverse effects for some species by reducing hiding cover, thermoregulatory cover, nesting and denning opportunities, and food sources. This includes species like cavity nesting birds, fisher, and Canada lynx.
For other species, the removal of tree canopy increases early seral vegetation and improves forage conditions. As long as sufficient hiding and thermoregulatory cover is available,

species like deer, elk, and moose will take advantage of and benefit from vegetation management.

Disturbance to individuals can come from management activities, elevation of human presence, including the uptick of road use, active vegetation management and the noise and light pollution associated with mechanized equipment, particularly if it is above baseline conditions. This disturbance would likely cause individuals to avoid parts of the project area as activities occur, and thus potentially creating adverse effects. As with vegetation management, the degree of response would vary by species. The effect on species and their potential habitat, measured in acres, is the primary indicator used in the analysis. For species without modeled habitat, a qualitative discussion of habitat conditions and effects to such habitat is the indicator used in the analysis. Potential effects, by relevant species, were identified and categorized as discussed in the "Species Screen" section based on habitat relationships, scientific literature on effects associated with prescribed burning. Measurement criteria are based on the types of potential effects, scientific literature, the nature of the proposal, and applicable data. Tables 2 and 3 display the indicators that were used to measure effects on wildlife species analyzed. Indicators for each species vary and are based on those factors that could result in measurable effects (positive or negative) to the species. Effects to species analyzed in more detail are carried through this document. Effects to species not analyzed in detail can be found within Appendix A (20240813RptWildlifeAppendixAx1BernhardtL1x). Species not analyzed in detail are affected at a level that does not increase risk to the species, or effects have been

adequately mitigated through project design, or the species is not expected to be present.

Effect Statements:
Effect 1: The Granite Fuels project will alter habitat conditions for Canada Lynx.

Effect 3: The Granite Fuels project will alter habitat conditions for Grizzly Bears

Effect 4: The Granite Fuels project may disturb individual Grizzly Bears

Effect 5 The Granite Fuels project will alter habitat conditions for Wolverine

Effect 6 The Granite Fuels project may disturb individual Wolverine
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Effect 7 The Granite Fuels project will alter habitat conditions for Fisher

Effect 8 The Granite Fuels project may disturb individual Fisher.

Table 1 Summary of determination of effects to Threatened (T), Candidate (C), and Sensitive Species
♦ Species ♦ Status1 ♦ Determination2
Canada Lynx T NLAA
Grizzly Bear T NLAA

North American Wolverine T NLAA
Monarch Butterfly C NE (See Appendix A)
Effect 2: The Granite Fuels project may disturb individual
Canada LynxGranite Fuels Wildlife Report
Idaho Panhandle National Forests

Fisher S MIIH
Little Brown Myotis S MIIH (See Appendix A)
White-headed Woodpecker S NI (See Appendix A)
Western Toad S MIIH (See Appendix A)
Western Bumble Bee S MIIH (See Appendix A)
American Bittern S NI (See Appendix A)
Black Swift S NI (See Appendix A)
Common Loon S NI (See Appendix A)
Harlequin Duck S MIIH (See Appendix A)
Horned Grebe S NI (See Appendix A)
Trumpeter Swan S NI (See Appendix A)
Bighorn Sheep S NI (See Appendix A)
1T=Threatened, C=Candidate, S=Regional Forester Sensitive Species
2NE=No Effect, NI=No Impact, NLAA=May effect but Not Likely to Adversely Affect, MIIH=May Impact Individuals or habitat b

The IPNF wrote on page 4 of the Wildlife Specialists report:

A Biological Assessment will be submitted to the Service for concurrence on determinations for Lynx,
Wolverine, and Grizzly Bear. The species list from U.S. Fish and Wildlife Service (Project Code 2024-

0101177) identified the above threatened species as potentially occurring within the boundary of the Granite Fuels project and/or may be affected the proposed project. Proposed and final designated critical habitat was not identified for terrestrial wildlife within the project area. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered SpeciescAct (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

The project is in violation of NEPA, the APA, ESA, and the Appeals Reform Act. The project is also in violation of the Forest Plan because the EA, FONSI, and DDN did not demonstrate that the project complies with the Forest Plan including the hiding, security, and thermal cover standards for big game, lynx, and grizzly bears.

On November 28, 2011 the FS issued the Record of Decision for the Revised Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones on the Kootenai, Idaho Panhandle and Lolo National Forests (aka "Access Amendments"). Alliance fully participated in the public process during the development of the Access Amendments, and incorporates its comments and appeal of that Decision within this objection.

Alliance participated during the public process as the Northern Rockies Lynx Management Direction (NRLMD) was developed. We believe that the Forest Plan/NRLMD does not consider the best available science. We incorporate the

documentation of AWR's participation in the NRLMD public process within this objection to the Ripley Draft DN.

In the past several years, grizzly bear distribution on the Idaho Panhandle National Forest has significantly changed. Grizzly bears now regularly occupy areas on the IPNF where logging and grazing occur. This is a significantly changed condition.

In the EA, the agency repeatedly represents to the public that there are no Forest Plan standards to protect grizzly bears in these areas:

• "There are no standards for motorized route density inside or outside the
Recovery Zone;"

• "There are no standards in the Conservation Strategy for management of
grizzly bears outside of the [Grizzly Bear Recovery Zone;"

• "There are no 'standards' for road density for grizzly bear as a listed species.

The conservation strategy standard (adopted as a forest plan amendment but only binding if the bear is delisted) is to maintain secure habitat at or above 1998 baseline levels within the Primary Conservation Area (PCA). The project area is OUTSIDE of the PCA. There are no standards in the conservation strategy for habitat outside the PCA.

Adverse impacts and unpermitted take of grizzly bears are likely occurring in these areas of occupied grizzly bear habitat for which there are no standards and no forest plan consultation.The agencies must reinitiate and complete consultation on

the impact of Idaho Panhandle Forest Plan implementation on grizzly bears where they occur today.
The Beaverhead-Deerlodge National Forest and Gallatin National Forest have already re-initiated consultation on their forest plans to address contemporary grizzly bear distribution. In 2010, the Kootenai National Forest was court-ordered to reinitiate consultation on the impacts of its forest plan on contemporary grizzly bear distribution.

Until the agencies reinitiate and complete re-consultation on the Idaho Panahndle Forest Plan, until the Record of Decision is signed.

Selkirk Ecosystem (SE)

This ecosystem encompasses approximately 2,200 square miles, of forested and mountainous habitat in northwestern Idaho and northeastern Washington and adjacent land in British Columbia. The SE is the smallest recovery area and is not large enough on its own to fully recover grizzly bears without connectivity with the Canadian population further north as well as with grizzly bear populations to the east in the United States.

Currently, there are approximately 30-50 grizzly bears in the SE, about the same as when this population was listed in 1975. None of the 1993 recovery plan criteria (population size, distribution of females with cubs, mortality) have been met. Human-caused mortality has increased in the SE, particularly during the last decade. There has been less of an effort to estimate size of the grizzly bear population in the SE compared to any other occu-

pied ecosystems of the lower 48 states. Although the Service claims that the population is increasing slightly, the trend analysis is inconclusive.

As with the CYE population, the ecosystem's small size, fragmented habitat, high levels of mortality, and lack of secure core habitat are major problems for grizzly bears. The genetic and demographic isolation of the U.S. grizzly bear population in the southern Selkirks from the Canadian population in the central Selkirks poses a serious threat to the long-term persistence of this population. The transnational movement of grizzly bears within the SE is impeded, if not prevented, by Highway 3. Movement of grizzly bears between the SE and the CYE is additionally blocked by Interstate Highway 95. To the west, movement of bears is also inhibited by the extensive agricultural lands in eastern Washington.

If the Biological Opinion/Incidental Take Statement applies to all occupied grizzly habitat, then the Forest Service must designate Management Situations for all current grizzly habitat on the Forest and implement the management direction required under the Guidelines. For the Project area, the Forest Service must designate the area as Management Situation 1 because grizzly use of the area is common, and the agency must demonstrate Project area compliance with the road density standard for Management Situation 1, which is 1.0 miles/square mile open road density.

The Forest Service must also go through a NEPA analysis

or ESA analysis for this attempt to amend the Idaho Panhandle Forest Plan.The EIS and best available science Schwartz el al (2010)
acknowledge open road density as a key factor that impacts grizzly bears.
The FS should be identifying key habitat components for grizzly bears for prioritizing road density reductions (Proctor, et al., 2020) so populations can recover.
“Our analysis shows that grizzly bears have little or no opportunity to select home ranges with lower road density or higher percentages of core... Because grizzly bears could not have selected
Home ranges having more core area and lower road densities, and there has been no growth in the population, there is no basis to conclude the proposed access standards are sufficient to insure the recovery of the Cabinet-Yaak and Selkirk grizzly bear populations” (Merrill 2003).
Great Bear Foundation et al., 2009 discusses in great detail how the Access Amendment Alternative eventually selected leads to a significant deterioration in an already unacceptable baseline condition for grizzly bears. The scientific discussions in Great Bear Foundation et al. 2009, as well as AWR comments on the Access Amendment DSEIS refute the FS’s claim to be utilizing the best available science for the grizzly bear.The Forest Plan is not consistent with best available science
on road density in grizzly bear habitat outside of Bear Management Units.
There is no Biological Assessment (BA) published on the project website, nor a Biological Opinion (BO), so we are

unable to see results of U.S. Fish & Wildlife Service consultation, including terms and conditions to regulate "take." The BA and BO must be made available to the public before a draft Decision is published in order for the public to be properly informed at this final step of public involvement—the objection stage.

The veracity of the FS's inventory of system and nonsystem ("undetermined" or "unauthorized") roads is at issue here also. This is partly because the FS basically turns a blind eye to the situation with insufficient commitment to monitoring, and also because violations are not always remedied in a timely manner.

The project area is not within a BMU or BORZ. But by law if there is documention of 3 or more grizzly bears the area shall be included in a BORZ. The BORZ has not been created therefore the project is in violation of the NFMA, NEPA, the Idaho Panhandle Forest Plan, the APA and the ESA.

The Granite Fuels project would violate the Forest Plan/ Access Amendment standards, a violation of NFMA.

The EA does not disclose how many years the existing core ares have provided the habitat benefits assumed under the Forest Plan. As pointed out, some has been lost (due to"private infrastructure development") and we're not told of other likely and forseeable reductions.

Since we are awaiting the results of updated ESA consultation on the Forest Plan, the issuance of the Ripley draft DN is premature and subverts NEPA and the ESA.

Furthermore, this population is currently warranted for uplisting to Endangered, in recognition of its biological and

legal status.
Part of the problem is the lack of connectivity between the Selkirk and the Cabinet-Yaak Ecosystem (CYE), creating virtual isolation between portions the recovery area.
Also, the FS's population estimates of grizzly bears in the Selkirk and CYE ("improvements") are not scientifically defensible. The FS therefore assumes increased impacts with this timber sale are acceptable.
Also, the EA assumes that abundance of huckleberries are demographically limiting for grizzly bears in this region, and further assumes that Project treatments will substantially enhance abundance of huckleberries to an extent sufficient to offset any losses of habitat security.
There is little or no evidence that food abundance is a significantly limiting factor for grizzly bears in the Cabinet-Yaak Ecosystem—especially as manifest in reproduction. On the other hand, there is ample evidence that human-caused mortality had governed and continues to govern the fate of this population, with food effects manifest primarily in the extent to which grizzly bears are exposed to human-related hazards during years when berries are in shorter supply.
The FS should be identifying key habitat components for grizzly bears for prioritizing road density reductions (Proctor, et al., 2020) so populations can recover.
The project area is not within a BMU or BORZ and grizzly bear presence here is a recent occurrence, with documentation by three male grizzly bears over the past 5-7 years
Dr. David Mattson makes the following points.
The assessment of prospective effects of the this project on

grizzly bears in the is premised on several critical assumptions.

First, status of the Cabinet-Yaak and Selkirk grizzly bear population is assumed to have improved since 2012. Second, and related, the IPNF assumes that some erosion of security for grizzly bears is therefore permissible, conditioned on a related assumption that security and road access standards employed by the IPNF are sufficient for recovery of grizzly bears in this ecosystem.

All of these assumptions are unwarranted.

Briefly:• The weight of available evidence does not support concluding that population status has improved. For one, the methods used to estimate trend and current population size are beset with a host of problems. For another, the information able to be distilled from demographic data suggests that any improvement has stalled since 2014.

• Variations in population size and trajectory between 1999 and 2010 are more likely attributable to variations in abundance of natural foods—berries in particular—that affect exposure of bears to humans rather than to any increased mitigations. During years of scant berries, bears likely forage more widely and more often end up in conflict situations or exposed to malicious killing.

• Malicious and other unjustified killing by humans remains the dominant cause of death for grizzly bears in the Elkirk and Cabinet-Yaak Ecosystem. These kinds of killings are predictably associated with roads. As a result, levels of road access need to be substantially reduced and related levels of habitat security substantially increased

rather than the opposite, as is being proposed for the Buckskine Saddle Project.• Road density and habitat security standards used by the
IPNF are patently deficient, partly because they are based on research that conflates behavioral phenomena such as avoidance and displacement with demographic phenomena, notably survival. The scale is wrong as well, given that exposure to mortality hazards logically accrues over years as a consequence of cumulative annual movements of bears vis-à-vis hazardous environs. As a corollary, the fact that standards on the IPNF are more lax
than standards on the Flathead NF is self- evidently nonsensical given that grizzly bears in the Selkirk Ecosystem remain in a much more precarious status compared to grizzly bears in the Northern Continental Divide Ecosystem.
• There is little or no evidence that food abundance is a significantly limiting factor for grizzly bears in the Selkirk Ecosystem—especially as manifest in reproduction.
On the other hand, there is ample evidence that human-caused mortality had governed and continues to govern the fate of this population, with food effects manifest primarily
in the extent to which grizzly bears are exposed to human-related hazards during years when berries are in shorter supply.
• Compounding prospective problems with the project, proposed activities are concentrated in an area that is vital for facilitating movement of grizzly bears between core habitats. Project activities will diminish rather than enhance security needed not only to facilitate transit of bears, but also increase the Granite Files project promises to harm

grizzly bears in the Selkirk Ecosystem.

Dr. David Mattson writes on Grizzly Times:
https://www.grizzlytimes.org/single-post/2017/08/29/court-helps-cabinet-yaak-grizzlies-again-time-for-fish-and-wildlife-service-to-do-better

Time is Running Out for Cabinet-Yaak, Selkirk Grizzlies

For decades, the FWS' top priority has been stripping Yellowstone's grizzlies of their endangered species protections, which happened for the second time in June of this year. Removing protections for grizzlies in the Northern Continental Divide ecosystem is the agency's next goal; a delisting proposal is expected for the NCDE in 2018.

The FWS' focus on eviscerating protections for these larger populations has come at the additional expense of grizzlies that are on the ropes -- not only in the Cabinet Yaak, but its neighbor to the west in Idaho, the Selkirks. The Selkirks, a similarly small ecosystem that also straddles the Canadian border, and supports perhaps 50 animals on the US side.

Given the small size of these populations, the slide to extinction could be relatively quick, as these bears are not far from zero now. Grizzlies have extremely low reproduction rates,

which makes recovery much more difficult. There are only a handful of reproductive females in each ecosystem, and the loss of even one of these females could be devastating.

It is impossible to overstate the level of threat facing Selkirk and Cabinet-Yaak grizzlies. Sadly, there is no designated Wilderness in the Yaak area, and, the Cabinet Mountains are long and skinny, giving people easy access to even the farthest reaches of these scant wildlands. Only a small portion of the Selkirks is protected Wilderness.

There is no portion of either ecosystem protected by a National Park, which is why you may have never heard of them. That matters, because in Yellowstone, Glacier and, seasonally, Grand Teton Parks, grizzly bears are protected from people with guns. This alone has made a huge difference to recovering grizzly bears.

Both the Cabinet-Yaak and Selkirk ecosystems are hammered by logging roads. The Canada side of the ecosystem is pretty beat up too – making bears more or less isolated from larger populations on all sides.

Adding insult to injury, two hard rock mines are poised to hemi-sect the Cabinet-Yaak ecosystem. If the Rock Creek Mine is built on the west side of the Cabinets and the Montanore mine on the east, the ability of grizzly bear to travel from the north to the southern third of the bear's range would be seriously compromised. Even the FWS has admitted that these mines, if built at the same time (which is now proposed), would be the last nails in the coffin for this population. So far, litigation brought by conservation groups (does this sound like a theme?) has forestalled these mines.

As I mentioned earlier, prospects even under the current conditions are so bleak that the US Fish and Wildlife Service has resorted to dumping grizzly bears from the healthier Glacier population into the Cabinet-Yaak to prevent the population from winking out. Still, out of 17 grizzly bears that have been relocated during the last 15 years, only three have been known to contribute genes to the population.

All is not lost, however, for the habitat, with its Pacific maritime influence, is incredibly productive, with berries that Yellowstone grizzly bears could only dream of. There is hope, if the thugs stop killing bears, as the ESA requires, and if enough habitat is protected.

Uplisting the Cabinet Yaak and Selkirk populations to endangered status and designating critical habitat for these bears could prompt needed restoration and make habitat more secure for grizzlies. Stiffer penalties and more aggressive prosecution of poaching cases could also reduce malicious killing. Better coexistence practice could reduce conflicts. Proven methods include running electric fence around beehives and chicken coops, and installing bear resistant garbage bins around home sites.

Not doing stupid, harmful stuff would also help enormously.

We wrote in our comments:

1. The IPNF needs to complete formal consultation for the threatened Canada lynx, grizzly bear, wolverine, and whitebark pine.

Contrary to the conclusions provided in the Granite Fuels that the Canada lynx (hereafter "lynx"), grizzly bear, wolverine and whitebark pine will not have significant impacts triggered by this project, the current best science indicates otherwise. These significant adverse impacts on these 4 species requires that the IPNF complete consultation with the U.S. Fish and Wildlife Service.

Have you surveyed the entire forest for whitebark pine? This must be done before a draft decision is signed so the public has a chance to comment. Whitebark pine seedlings, saplings and mature trees, present in subalpine forests proposed for burning, would experience mortality from project activity. Whitebark pine is fire intolerant (thin bark). Fire favors whitebark pine regeneration (through canopy opening and reducing competing vegetation) only in the presence of adequate seed source and dispersal mechanisms (Clarks Nutcracker or humans planting whitebark pine seedlings).

The Forest Service responded:

The Granite Fuels project is a condition-based NEPA approach. "Using condition-based management for planning and NEPA analysis has a distinct advantage for implementing prescribed fire projects. It allows managers to choose among several potential project areas to burn in the right place at the right time" (EA, p. 4). Location and timing of burn units will be determined during the pre-implementation phase (see Appendix C in the EA). Additional analysis needs will be identified and completed prior to approval of any burn units, which

would include timing of burning in terms of spring birds, whitebark pine protection, and re-treatments of brushfield or lodgepole pine units. Any pre-work by crews or district personnel will be identified at this time as well, and impact on the landscape will be determined and managed as appropriate according to the Forest Plan. Once the pre- implementation checklist has been approved by all resource specialists, burn plans will be prepared.

White pine blister rust, an introduced disease, has caused rapid mortality of whitebark pine over the last 30 to 60 years. Keane and Arno (1993) reported that 42 percent of whitebark pine in western Montana and Idaho had died in the previous 20 years with 89 percent of remaining trees being infected with blister rust. The ability of whitebark pine to reproduce naturally is strongly affected by blister rust infection; the rust kills branches in the upper cone bearing crown, effectively ending seed production.

Whitebark pine seedlings and saplings are very likely present in the subalpine forests proposed for burning and logging. In the absence of fire, this naturally occurring whitebark pine regeneration would continue to function as an important part of the subalpine ecosystem. Since 2005, rust resistant seed sources have been identified in the Northern Rockies (Mahalovich et al 2006). Due to the severity of blister rust infection within the region, natural whitebark pine regeneration in the project area is prospective rust resistant stock.

Although prescribed burning can be useful to reduce areas of high-density subalpine fir and spruce and can create favorable

ecological conditions for whitebark pine regeneration and growth, in the absence of sufficient seed source for natural re-generation maintaining the viability and function of whitebark pine would not be achieved through burning. Planting of rust-resistant seedlings would likely not be sufficient to replace whitebark pine lost to fire activities.

What surveys have been conducted to determine presence and abundance of whitebark pine re-generation? If whitebark pine seedlings and saplings are present, what measures will be taken to protect them? Please include an alternative that excludes burning in the presence of whitebark pine regeneration (consider 'Daylighting' seedlings and saplings as an alternative restoration method). Will restoration efforts include planting whitebark pine? Will planted seedling be of rust- resistant stock? Is rust re-sistant stock available? Would enough seedlings be planted to replace whitebark pine lost to fire activities? Have white pine blister rust surveys been accomplished? What is the severity of white pine blister rust in proposed action areas?

Since Whitebark pine are now listed as threatened the ESA, you must formally consult with the FWS on the impact of the project on whitebark pine and consult with the FWS on the revised For-est Plan's effect on whitebark pine. To do this the Forest Service will need to have a complete and recent survey of the entire project area for whitebark pine and consider planting whitebark pine as the best available sci-ence by Keene et al. states is the only way to get new whitebark pine to grow. The Forest Service is incorrect when it states that the project will have "No signifi-cant effects would result from this project or cumulatively with

other activities on National Forest or adjacent lands that would affect at-risk plant species' ability to persist on the landscape." Since you have done no surveys of whitebark pine what is the basis of the "No effect" statement? Please formally consult with the FWS on the impact of the project on Whitebark pine. Since whitebark pine are very slow growing trees and take years to mature, what scientific evidence to you have to back up the following statement on page 29? "Some immature trees may be lost, but this would not result in a trend toward federal listing."

The IPNF responded:

List of commenters for the Granite Fuels project EA
Letter Number Commenter(s) Organization(s)
1 Kaleb Rounsevel None Listed
2 Carson Watkins Idaho Department of Fish and Game
3* Mike Garrity Alliance for the Wild Rockies
4 Emily Jochem Shoshone Benewah Forest Collaborative
5 Jeff Juel Friends of the Clearwater
6 Sara Johnson Native Ecosystems Council
**** Letter 3 is not pertinent to the Granite Fuels project thus no comments are included in the response to comments document.***

Since the Forest Service did not respond to my comments the project is in violation of NEPA, the APA, ESA, and the Appeals Reform Act. The project is also in violation of the Forest Plan because the EA, FONSI, and DDN did not demonstrate that the project complies with the Forest Plan.

The Granite Fuels project is not following the best available science for whitebnark pine. Please see the attached paper by Six et al. 2021 Whitebark Genetics 2021. Six et at al. 2021 found: "Anthropogenic change is creating or enhancing a number of stressors on forests. To aid forests in adapting to these stressors, we need to move beyond traditional spacing and age- class prescriptions and take into account the genetic variability within and among populations and the impact our actions may have on adaptive potential and forest trajectories. Because so little is known about the genetic diversity in most forest trees, and because it is key to effective conservation, studies of genetic diversity and structuring in forest trees should be a top priority in forest adaptation and conservation efforts."

The project can not protect white bark pine trees if they have surveyed for whitebark pine trees.

How many white bark pine does the DDN expect to kill?

REMEDY

Withdraw the EA, FONSI, and the DDN and write an EIS that fully complies with the law including making the BA to the public before the objection period starts.

Forest Birds

We wrote in our comments:

The spring burning period is defined as from January 1-May 15 (Wildlife Report at 37); please define which units are expected to be burned in the spring, which will create mortality to migratory birds, given that the EA at 66 defined bird nesting season from February 1 through August 31.

Also as a part of the NEPA, the agency needs to assess the cumulative impacts of local climate changes on wildlife with a host of other adverse impacts, including a loss of hiding cover (triggering increased predation of nestlings and adults), thermal cover (triggering higher vulnerability to mortality from extreme weather events), nesting sites, and forage for forest birds, as well as the expected loss of birds due to smoke toxicity.

The Forest Service responded:

The Granite Fuels project is a condition-based NEPA approach. "Using condition-based management for planning and NEPA analysis has a distinct advantage for implementing prescribed fire projects. It allows managers to choose among several potential project areas to burn in the right place at the right time" (EA, p. 4). Location and timing of burn units will be determined during the pre-implementation phase (see Appendix C in the EA). Additional analysis needs will be identified and completed prior to approval of any burn units, which would include timing of burning in terms of spring birds, whitebark pine protection, and re-treatments of brushfield or lodgepole pine units.

The Forest Service is violating the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Neotropical Migratory Bird Act (NMBA), and the Administrative Procedures Act (APA) in the regards to disclosing impacts of a large suite of forest birds to the public, a failure to take a "hard look" at direct, indirect and cumulative impacts of the logging and fuels management on forest birds, a failure to maintain a diversity of wildlife in the project area, and a failure to integrate bird conservation principles, measures and practices into the proposed project, and a failure to avoid "taking" of neotropical migratory birds.

A. There are at least 38 species of western forest birds likely present in the Granite Fuels Project area where no analysis was completed even though these species will have essential habitat removed across vast expanses of the project area.

As noted in the agency response to comments at 24, there was no analysis or disclosures specific to neotropical and non-migratory songbirds. At a minimum, the agency therefore has no basis for concluding that the project will not have any significant impacts, including on forest birds. The following suites of forest birds will have roughly 20,000 acres of habitat removed and/or degraded with the project. This includes 13,217 acres of logging, and 6,469 acres of fuels treatments, including burning out the understory of forests, with some crowning of these fires expected. There has also been 5,181 acres of past logging in the project area (Wildlife Report at 18), as well as an undisclosed loss of snags in roadside salvage activities.

The Migratory Bird Treaty Act makes the taking, killing or possessing of migratory birds unlawful. No surveys for forest birds have been done for the project. Logging on 13,217 acres has a significant potential to destroy nests of forest birds, especially birds that are nesting late in the season, including due to re-nesting. This will result in "taking" of neotropical migratory birds. The level of loss of cavity-nesting birds from roadside salvage is also unknown due to a lack of surveys; no surveys for this salvage were identified in the EA or Wildlife Report.

Executive Order 13186 of 2001 directed Federal agencies to evaluate the effects of Federal actions on migratory birds with an emphasis on species of concern. Subsequently, a Memorandum of Understanding (MOU) developed between the Forest Service and the U.S. Fish and Wildlife Service (2008) directed the Forest Service to evaluate the effects of agency actions on migratory birds within the NEPA analysis process, focusing first on species of management concern along with their priority habitat and key risk factors.
The Granite Fuels project evaluated project impacts on only 2 forest bird species, the Flammulated Owl and Pygmy Nuthatch. This analysis resulted in an agency failure to evaluate project impacts on a large suite of other vulnerable forest birds species, including those associated with (a) old growth forest at some phase of their life cycle, (b) associated with snags for nesting and/or foraging sites, (c) associated with dense relatively undisturbed forests, and (d) dependent upon conifer seeds for forage. These species include at least 40 species that likely occur on the Idaho Panhandle Forests.

a. Bird Species Associated with Old growth Forests

The Flathead National Forest provided a list of forest wildlife that are associated with old growth forests at some phase of their life cycle. These include the following 18 forest bird species that likely occur on the Idaho Panhandle Forest:

1. Black-backed Woodpecker
2. Boreal Owl
3. Brown Creeper
4. Flammulated Owl
5. Golden-crowned Kinglet
6. Hairy Woodpecker
7. Hammond's Flycatcher
8. Hermit Thrush
9. Lewis Woodpecker
10. Northern Goshawk
11. Pileated Woodpecker
12. Pine Grosbeak
13. Red-breasted Nuthatch
14. Swainson's Thrush
15. Three-toed Woodpecker
16. Townsend's Warbler
17. Winter Wren
18. Pygmy Nuthatch

b. Bird Species Associated with Snags

The Flathead National Forest also provide a list of forest wildlife that are associated with snags, generally for nesting. These include the following 21 forest bird species that likely occur on the Idaho Panhandle Forest;

1. American Kestrel
11. Pileated Woodpecker

2. Black-backed Woodpecker
3. Boreal Owl
4. Brown Creeper
5. Flammulated Owl
6. Hairy Woodpecker
7. House Wren
8. Lewis Woodpecker
9. Mountain Bluebird
10. Northern Flicker
12. Northern Pygmy Owl
13. Red-breasted Nuthatch
14. Red-naped Sapsucker
15. Northern Saw-whet Owl
16. Three-toed Woodpecker
17. Tree Swallow
18. Violet-green Swallow
19. Western Screech Owl
20. Williamson Sapsucker
21. Pygmy Nuthatch

c. Bird Species Associated with Dense Forests

The following 17 species of forest birds that are likely present on the Idaho Panhandle National Forest require dense forests as habitats. Those species whose names are followed by an asterisk are also old growth species.

1. Boreal Owl* (USDA 2018; Carlsen 1991).
2. Brown Creeper* (USDA 2018; Hutto 1995).
3. Golden-crowned Kinglet* (USDA 2018; Hutto 1995).
4. Hammond's Flycatcher* (USDA 2018; Hutto 1995).
5. Northern Goshawk* (USDS 2018)

6. Pileated Woodpecker* (USDA 2018; Hutto 1995).
7. Townsend's Warbler* (USDA 2018; Hutto 1995)
8. Hermit Thrush* (Hutto 1995).
9. Gray Jay (Hutto 1995).
10. Mountain Chickadee (Hutto 1995).
11. Pine Grosbeak* (Hutto 1995).
12. Red-breasted Nuthatch* (Hutto 1995).
13. Winter Wren* (Hutto 1995).
14. Stellar's Jay (Hutto 1995).
15. Soliltary Vireo (Hutto 1995).
16. Ruby-crowned Kinglet (Hutto 1995)
17. Great Gray Owl* (Koshmrl 2013)

d. Forest Birds That Feed on Conifer Seeds

The following 17 forest bird species that likely occur on the Idaho Panhandle National Forest feed on conifer seeds as forage (Smith and Balda 1979; Smith and Aldous 1947; Widrlechner and Dragula 1984).

1. Hairy Woodpecker
2. Clark's Nutcracker
3. Gray Jay
4. Stellar's Jay
5. Mountain Chickadee
6. Red-breasted Nuthatch
7. Crossbills
8. Pine Siskin
9. Lewis Woodpecker
10. Northern Flicker
11. Winter Wren
12. American Robin
13. Evening Grosbeak
14. Pine Grosbeak
15. Chipping Sparrow
16. Oregon Junco
17. Pygmy Nuthatch

Excluding an overlap of forest birds that use more than one of these forest types, along with the analysis of habitat for the Flammulated Owl and Pygmy Nuthatch, there are at least 38 western forest birds likely present on the Idaho Panhandle National Forest that will be adversely impacted by the loss and/or degradation of almost 112,000 acres of habitat in the Granite Fuels Project Area. This is clearly a significant adverse impact, not only from a resource aspect, but for forest birds, most of which are neotropical migratory birds. The project had no analysis of almost all these species, even though this is required by the NEPA and the MBRA, as well as the NFMA.

B. There are no conservation measures in place to protect adequate levels of habitat for the 40 species of western forest birds that will have vast expanses of their habitat removed and/or degraded with the project.

Conservation measures are essential in order to minimize impacts from logging and prescribed burning on wildlife, including forest birds. The only conservation measures included for western forest birds for the Granite Fuels project include leaving a few snags in harvest units, and leaving some bigger old trees in logged old growth and recruitment old growth stands. All 4 of the forest bird habitat groups discussed above will experience severe adverse impacts from the proposed project.

a. Forest Birds Associated With Old Growth Forests

In the Response to Comments at 37 and 64, the agency acknowledges there was no analysis of wildlife associated with old

growth forests, claiming there are no “true obligates” for old growth. However, the Flathead National Foreste noted that old growth-associated species are those that require or use old growth as important habitat at some phase of their life cycle (USDA 2019). And Montana Partners in Flight (2000) recommends 20-25% old growth for all forest birds. The Granite Fuels NEPA analysis did not identify the scientific reference being used to support a lack of any management for old growth wildlife because almost none exist.

There was also no analysis of how the proposed management of old growth and recruitment old growth will maintain western forest birds in the Granite Fuels NEPA documents. It was difficult to even determine how much old growth current exists in this area. This information was not even included in the Wildlife Report. However, the response to comments section of the draft DN at 36 states there are 1,099 acres of old growth in the project area. This equates to 2% old growth. The current recommended level of old growth for forest birds ranges from 20-25% (Montana Partners in Flight 2000). The current recommended levels of old growth for the Northern Goshawk is 20% (Reynolds et al. 1992). The current level of old growth recommended for the Pileated Woodpecker is 25% (Bull and Holthausen 1993). Historical levels of old growth in the Northern Rocky Mountains is 20-50% (Lessica 1996). However, the landscape composition of historical older forest habitat, evaluated with the same methodology used by Lessica, or fire cycles, likely included from 36% up to 71% as older forests (over 100 years in age) (McKelvey et al. 1999). These levels would depend upon what fire cycles, from 100 years up to 300 years, were operating within a specific

landscape. Id. So historically, forest landscapes would have been dominated by a mosaic of both older forests as well as old growth. In addition, old growth forests would have varied from early-phase to late-phase old growth, depending upon the age of the forest and seral conditions (USDA 1993; Whitford 1991; Green et al. 1991).

What is the current level of old growth habitat in the Granite Fuels Project area? There are already severe habitat deficiencies for old growth-associated forest birds. The additional proposed burning of old growth and old growth recruitment stands (possibly early phase old growth) will further reduce this habitat, indicating the agency has no interest in managing for old growth-associated wildlife, including neotropical migratory birds.

The proposed burning of old growth stands is also a NEPA violation, because the agency claims that it will remain old growth in spite of burning. However, we identified at least 11 species of forest birds that require dense old growth forests. Forest thinning by burning would remove habitat for these species. The proposed old growth management is simply to increase the growth of remaining trees.
There is no information ever provided that this burning proposal will maintain, let alone promote, wildlife associated with old growth. What the agency is proposing is to manage old growth stands for timber production (e.g., improving stand vigor), while on paper still calling them old growth?

b. Forest Birds Associated with Dense Forest Habitat

It appears that the lack of more dense forest habitat in the Granite Fuels Project Area not only creates a severe lack of more dense old growth required by many old growth species, but as well, a lack of dense forest habitat for other species that are not specifically old growth associates. It is clear that the proposed forest thinning on 13,217 acres will create a severe habitat loss compared to existing conditions for the 17 forest birds that need dense forest habitat. This is a significant adverse impact on neotropical migratory birds, in violation of the MBTA. This Act and the associated MOU is also being violated because there is no conservation strategy in place on the Idaho Panhandle National Forest to maintain habitat for these 17 forest bird species that require relatively dense forest habitat, in spite of a logging program in place that thins and/or removes forest habitat.

c. Forest Birds Associated with Snags

This project will also create a severe adverse impact on the 21 species of forest birds dependent upon snags for nesting and foraging. Although some snags may be left in burning units, most of the forest birds that use snags require snags embedded in forests. It is a violation of the MBTA and associated MOU, but also a NEPA violation by failing to use the current best science in a NEPA document, to claim that snag retention in harvest units will maintain this large suite of species.

d. Forest Birds that Feed on Conifer Seeds

There are at least 17 western forest bird species that feed on conifer seeds. Forest thinning and clearcutting will reduce the availability of conifer seeds to these forest bird species. As just one example, Douglas-fir stands have been reported to produce up to 95,000 seeds per acre in a good cone year (Hagar 1960). Most conifers begin producing cones only after the6 are about 20 to 30 years old; younger conifers produce smaller cone crops than do older conifers; maximum cone production for some conifers is 200 years or age; an old-growth stand of Douglas-fir produces 20 to 30 times more cones than a 50 to 100 year old second growth stand; smaller cone-producing trees in a stand fail to produce cones more often than larger and presumably older trees; a conifer that first begins producing cones at 30 years of age may regularly produce many cones only after 90 or more years (Benkman 1993). Also, because cross-pollination and the number of full seeds per cone declines as mature tree density decreases, there will be a lower limit to tree density (as affected by forest thinning) below which seeds are adequate for some bird species. Id.

The Idaho Panhandle National Forest has no conservation strategy in place to maintain adequate habitat for forest birds that feed on conifer seeds. Nor is there any analysis in the Granite Fuels Project NEPA analysis as to how this suite for forest birds will be impacted by the proposed logging.

e. Hiding and Thermal Cover for Forest Birds will be Removed.

The reductions in forest overstory and understory density through prescribed burning, is never evaluated as per impacts on forest birds, either in regards to the loss of thermal and hiding cover. Thermal cover is important to almost all forest birds by mitigating the effects of severe weather as well as general weather extremes (Herbers et al. 2004). And hiding cover is not only important to help conceal nesting birds, but also to hide newly fledged juvenile birds who are generally flightless when they leave the nest. Forest thinning will result in increased mortality for forest birds due to these reductions in hiding and ther project area.

C. The agency has violated the NEPA by failing to identify the ongoing significant declines of North American birds, including western forest birds, a important disclosure to the public since the proposed project will degrade and/or remove more habitat for these declining species on about 20,000 acres of the project area; failure to acknowledge this ongoing decline for a project that will eliminate vast acres of western forest bird habitat also demonstrates a failure to take a "hard look" at the project; as a result, the agency ignored the possibility that this project will contribute to cumulatively significant adverse impacts on this large suite of western forest birds.

The Forest Service failed to identify that many birds in North American, including western forest birds, have been declining since the 1970s. This alarming trend will be directly exacerbated by the proposed logging and burning of almost 20,000 acres in the Granite Fuels project area. As early as 2016, there were reports of significant population declines of North American birds.

A report in Scientific American (2016) noted that the number of breeding North American birds had plummeted by approximately 1.5 billion over the past 40 years; 46 species had lost at least half their populations, primarily through urbanization and habitat degradation. A more recent publication indicates these declines have been even more severe. Rosenberg et al. (2019) used multiple and independent monitoring networks to reach their conclusions that the North American avifauna have had a net loss approaching 3 billion birds, or 29% of the 1970 abundance; a continent-wide weather radar network also reveals a similarly steep decline in biomass passage of migrating birds over a recent 10-years period. The authors concluded that this loss of bird abundance signals an urgent need to address threats to avert future avifaunal collapse and associated loss of ecosystem integrity, function and services.

This severe decline in North American avifauna has been well publicized. The Bozeman Daily Chronicle included a story on this issue in their September 20, 2019 issue, with a headline for this study "Where have all the wild burds gone? 3 billion fewer than 1970." The Week magazine also published a similar report on this decline in their October 4, 2019 issue, with a story headline "Birds vanishing from America's skies." The New York Times published a relatively extensive story on this topic on September 19, 2019 titled "The crisis for birds is a crisis for us all." And finally, the Montana Outdoors November/December issue of 2019 reported on this bird decline. The title of this report was "Really wrong" bird losses. This magazine is published by the Montana Fish, Wildlife and Parks.

The above reports of severe decline in North American birds were all based on the Rosenberg et al. (2019) scientific publication. This article also identified bird species declines by habitat. Of the 67 species of western forest birds tallied in Table 1, the net change in their abundance since 1970 is minus 139.7%; 64.2% of these western forest bird species are in decline. A graph in the Montana Outdoors November/December 2019 article on bird declines shows that western forest birds have decline by almost 30% since the 1970s.

The US FWS wrote on page 2 of their letter about TES:

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what- we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA docu-

ments (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

How Many Birds are Killed?

https://www.fws.gov/library/collections/threats-birds

True estimates of mortality are difficult to determine. However, recent studies have synthesized the best available data to estimated ranges of mortality to bird populations in North America from some of the most common, human-caused sources of bird mortality. These are listed in the table below. This list addresses only human-caused sources, not natural sources. Many additional human-caused threats to birds, both direct (causing immediate injury/death) and indirect (causing de-

layed negative effects to health or productivity) are not on this list because the extent of their impact is either not currently well researched or easily quantified. For instance, habitat loss is thought to pose by far the greatest threat to birds, both directly and indirectly, however, its overall impact on bird populations is very difficult to directly assess. Other common human-caused and natural threats to birds that are known, but not listed below include various entanglement and entrapment threats e.g., open pipes and nets); predation by other animals besides cats, including humans (e.g., poaching); weather events; starvation; and disease.

The above paragraph from the FWS states: ***For instance, habitat loss is thought to pose by far the greatest threat to birds, both directly and indirectly, …***

Yet in spite of the FWS submitting this in a letter to the IPNF, there is little to no analysis of how the Granite Fuels project will impact forest birds and no surveys of where birds nest in violation of NEPA, NFMA, MBTA, Bald and Golden Eagle Protection Act (BGEPA), the APA and the Forest Plan.

The Wildlife Specialists Report on page 17 states:

Currently there are no IPNF FP Standards specific to migratory birds however Guidelines (fine filter components) do exist that protect some species from disturbance and/or the loss of nest trees from NFS lands (FW-GDL-WL-05 through 07, FW-GDL-WL-20, and FW-GDL-WL-23).

Remedy

Choose the No Action Alternative or Withdraw the Draft Decision Notice, EA and FONSI and write an EIS that fully complies with the law including getting a permit for this project for a take of migratory birds and their habitat. Please also survey for birds and their nest and amend the Forest Plan to include Standards specific to migratory birds.

Big Game

We wrote in our comments:

Please disclose the currently available amount of big game (moose and elk) hiding cover, winter range, and security in the project area, and the amounts during and after project implementation.
Please disclose the methods used to determine big game hiding cover, winter range, and security, and its rate of error as determined by field review.

The Forest Service responded:

Big game cover, winter range and security are discussed within the Wildlife Report (pages 18-19, 44-46).
The mosaic nature of burns makes it impossible to estimate post-implementation cover amounts with any accuracy, hence the qualitative analysis.

The agency is violating the NEPA by a failure to evaluate project impacts on elk, which is a Management Indicator Species for the RFP; the agency is also violating the NFMA by failing to adhere to Revised Forest Plan (RFP) direction for elk regarding security and management of big game winter ranges; and the agency is violating the NEPA by failing to define claimed mitigation measures that are supposed to avoid the triggering of significant impacts without ever demonstrating how this will be achieved.

A. There is no valid analysis of project impacts on elk.

a. There is no analysis of project impacts on hiding cover.

The NEPA analysis for the Granite Fuels Project does not evaluate how the forest thinning and under-burning on almost 20,000 acres within approximately 51,000 acres, or roughly 40% of the landscape, will affect elk hiding cover. Hiding cover is defined in Black et al. (1976) as enough horizontal cover to conceal at least 90% of al elk within 300 feet. As is note din the project Wildlife Report, seed tree and shelterwood cuts will reduce forest stands to about a 10% canopy cover or less, with prescribed burning following to remove any remaining smaller trees. Hiding cover will be removed on these treatment acres. The more than 5000 acres of forest understory burning will also remove hiding cover by killing smaller trees and shrubs that provide most of the horizontal cover. It is likely that the commercial thinning units will also remove horizontal hiding cover as well, due to both stand overstory and understory thinning, even though the Wildlife Report at 16 claims that commercial thinning, improvement cuts, and precommercial thinning will retain

hiding cover. No documentation was provided to support this claim.

The NEPA analysis for this project does not identify either the current level of hiding cover, or what it will be after the project is implemented. Thus the public is not provided the information required to understand that project impacts will not be significant to elk. The historic level of hiding cover recommended for elk is 40% (Black Et al. 1976). However, good hiding cover has been defined as at least 66% of the landscape (Lyon et al. 1985). This 66% level of hiding cover is likely sufficient to provide a minimum of 30% security on the landscape (Christensen et all 1993; Hillis et al. 1991). These security blocks require a minimum of 250 acres of contiguous forest cover to qualify as security. It is thus unlikely that a 40% hiding cover level would be sufficient to meet the 30% security recommendation.

If the project will reduce hiding cover below the minimum recommended level of 40%, then the project will have significant adverse impacts on elk, which would require completion of an Environmental Impact Statement (EIS).

b. There was no analysis of project impacts on elk security.

As noted above, the recommended level of big game security is 30% (Christensen et al. 1993; Hillis et al. 1991). The Wildlife Report at 14 notes that security is defined as per the Hillis Paradigm, which include generally timbered areas over 250 acres in size and at least 0.5 miles from an open road. This is not quite accurate, as the Hillis Paradigm defines elk security as a mini-

mum of 250 acres of "contiguous forest cover" over 0.5 miles from a motorized route.

The project is in violation of NEPA, the APA, and the Appeals Reform Act. The project is also in violation of the Forest Plan because the EA, FONSI, and DDN did not demonstrate that the project complies with the Forest Plan including the hiding, security, and thermal cover standards for big game.

Remedy
Withdraw the draft decision and write an EIS that fully complies with the law or choose the Na Action Alternative.

Lynx

We wrote in our comments:

"The project would take place within five LAUs that are entirely or partially overlapping the Granite Fuels project area. Currently, the proposed burn units contain a total of 63,853 acres of modeled lynx habitat…." The EA does not include enough analysis that demonstrates consistency with the NRLMD/forest plan.
5 48 "To date, very few stands have been surveyed to determine the presence of mature multi-storied lynx habitat, but a project design feature requires surveys prior to implementation of the prescribed burns." How can an E or Biological Assessment analyze impacts if habitat conditions in the project are

not known?
5 51 Has the FS removed or altered any of the NRLMD Lynx Analysis Units since the forest plan amendment was adopted? Has the FS re-classified lynx habitat in the IPNF since the NRLMD was adopted? If so, does that affect project area management direction?
5 52 The FS has not included a Biological Assessment (BA) on the project webpage. One project wildlife report says, "A Biological Assessment will be submitted to the (U.S. Fish and Wildlife Service) for concurrence on component of consultation with the U.S. Fish and Wildlife Service to comply with the Endangered Species Act.

"(T)he Granite Fuels proposal is not a 'timber management' project as defined by the NRLMD, treatment acres are not applied toward Standard VEG S2. Therefore, this proposal would also be consistent with this Standard." Regardless of the type of project, impacts would include degrading lynx habitat. If that's the actual intent of the Standard, it does not really protect lynx habitat.
5 109 The Forest Plan/FEIS fail to describe the quantity and quality of habitat that is necessary to sustain the viability of the wolverine.
5 119 Please disclose if the FS conducted surveys for Canada lynx occurrence or assessed the suitability of lynx habitat in the project area.
6 131 1. The IPNF needs to complete formal consultation for the threatened Canada lynx, grizzly bear, wolverine, and whitebark pine.

6 132 Contrary to the conclusions provided in the Granite Fuels that the Canada lynx (hereafter "lynx"), grizzly bear, wolverine and whitebark pine will not have significant impacts triggered by this project, the current best science indicates otherwise. These significant adverse impacts on these 4 species requires that the IPNF complete consultation with the U.S. Fish and Wildlife Service.

6 133 For the wolverine and grizzly bear, key habitats such as maternal denning habitat and secure habitats will be reduced by vegetation alterations and disturbances for this project. The disturbances to these species will be "chronic," including over at least a 20-year period.

6 137 The current Forest Plan direction for the lynx is outdated by over 20 years. The Northern Rockies Lynx Management Direction (hereafter "Lynx Amendment" is an invalid measure of lynx habitat quality, including measures of project vegetation impacts. The effects of the Granite Fuels project on lynx are limited to a measure of no more than 30% openings in lynx habitat, while the current best science identifies only 5% openings in productive lynx habitat.

6 139 As well, the agency has not surveyed the project area for multistory snowshoe hare habitat, which cannot be reduced as per Forest Plan direction. Without any inventory, the agency cannot demonstrate this key habitat for lynx will not be destroyed in violation of the Forest Plan. While no surveys have yet been done, the agency still concludes these habitats will not be destroyed by the project. These surveys need to be completed before a proposed decision is released to the public, as is required by the NEPA, because the agency has

to document that this key habitat will not be burned in the Granite Fuels project.

The Forest Service responded:

A Draft Biological Assessment has been submitted to the U.S. Fish and Wildlife Service and is currently under review. Once the final assessment has been completed the IPNF Forest Supervisor will submit the final Biological Assessment requesting concurrence from Forest Service determinations. The U.S. Fish and Wildlife Service will have a minimum of 90 days to send their Biological Opinion and Letter of Concurrence. All final documents will be included in the project record once consultation is completed.

To date, very few stands have been surveyed to determine the presence of mature multi-storied lynx habitat, but a project design feature (WLD-4) requires the fuels specialist to consult with the District Wildlife Biologist to determine the need for surveys within modeled Lynx habitat prior to implementation. For each annual prescribed fire plan, if prescribed fire is proposed within lynx habitat and it's unknown if there are stands of multi-storied habitat suitable for winter use by lynx and hares, the proposed burn units will be reviewed by the District Biologist if the proposed burn units are clearly not mature multi-storied habitat (determined by a Wildlife Biologist review) i.e. they are decadent shrub fields or lodgepole pine dominated stands that typically do not have live branches near the ground once they grow to more than about eight inches diameter at breast height (DBH), or they did have a survey and were not identi-

fied as having decent pockets of MSLH (i.e. at least 8 to 10 acres), further surveys are not required. The wildlife biologist shall communicate survey results information to the fuels specialist and identify areas (if any) to be added to the no ignition exclusion zones GIS layer.

REMEDY

Choose the No Action Alternative or write an EIS that fully complies with the law.

Would the habitat be better for whitebark pine, grizzly bears, monarch butterflies, whitebark pine, wolverines, pine martins, northern goshawks, bull trout, bull trout critical habitat, lynx critical habitat, and lynx if roads were removed in the Project area?

Please provide us with the full BA for the whitebark pine, wolverines, monarch butterflies, whitebark pine, grizzly bears,

pine martins, northern goshawks, bull trout, bull trout critical habitat, lynx critical habitat, and lynx.

The Roadless areas in the project area would be designated as Wilderness under the Northern Rockies Ecosystem Protection Act or (NREPA). Currently, twelve Senators are sponsoring NREPA in the Senate (S. 1531) NREPA recognizes this areas as an important wildlife corridor because of their importance as habitat for grizzly bears and lynx and connecting corridors for native species. Please analyze the area for its wilderness potential.

Since the Forest Service did not survey the project area for wolverines, lynx or lynx habitat, the Forest Service did not take a hard look at the impact of the project on lynx and lynx habitat in violation of NEPA, NFMA, the Forest Plan, the APA and the ESA.
Please see below for how to survey for lynx and wolverines:

2022 & 2023 Field Season's Report

Helena, Lewis and Clark & Bitterroot – National Forests

A Non-Invasive Approach to Monitoring

SEASON 3 & 4

Report prepared by Bret Davis and Kalon Baughan and

A Non-Invasive Approach to Monitoring Individual Meso-Carnivores

Study Area:
Helena, Lewis and Clark & Bitterroot - National Forest's

2022 & 2023 Field Season's – 3rd and 4th Season.

Project Personnel:
Kalon Baughan and Bret Davis

Report prepared by Bret Davis and Kalon Baughan and submitted to MPG Ranch, August 2023

Cover photo courtesy of Kalon Baughan

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Executive summary

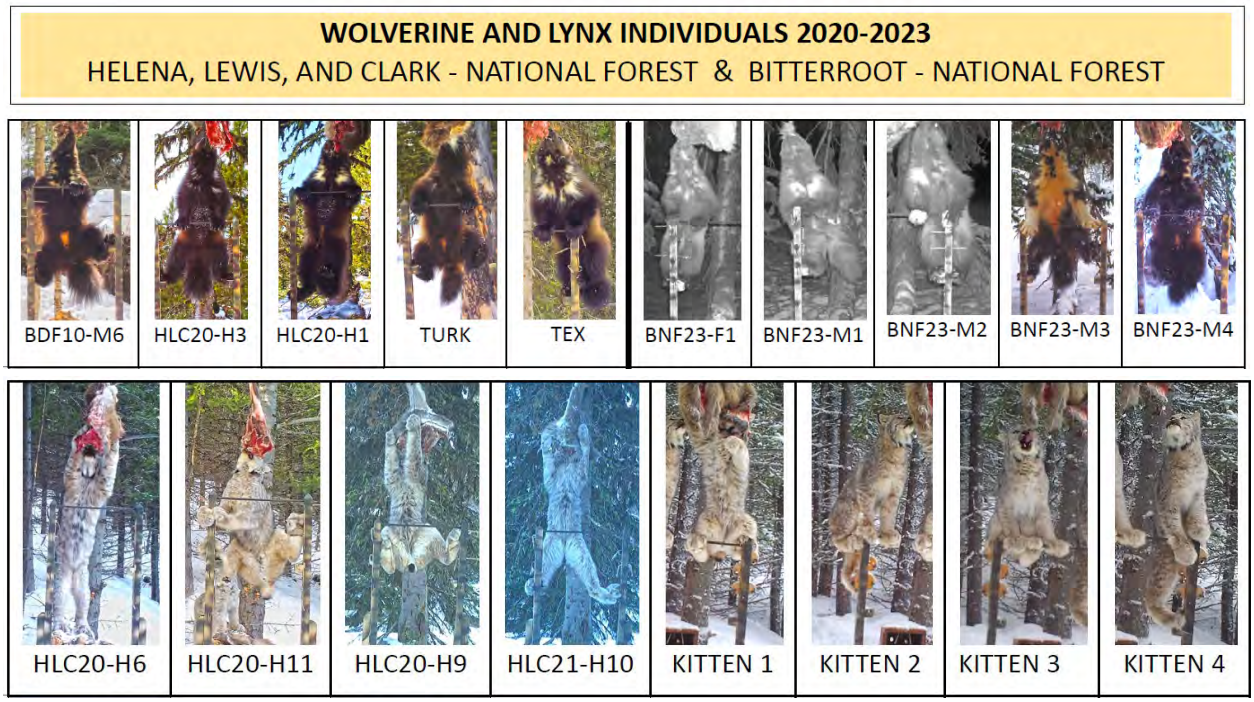
2022 and 2023 were the 3rd and 4th monitoring seasons conducted by Wild Ideas, LLC in the Helena Lewis and Clark National Forest (HLC-NF) and Bitterroot National Forest (B-NF) in western Montana. 2023 was the first season monitoring in the B-NF with the goal of increasing the sample size of focal species individuals, repeating, and testing the monitoring method in other regions of Montana, and reporting efforts to agencies. Wolverine and lynx were the focal species of the study. As of 2023, wolverine is an ongoing candidate for listing under the Endangered Species Act and Canada lynx are listed as Threatened. Bobcat, red fox (Atkins, 2018), and American marten were also noted as other meso-carnivores of interest for studies using the specialized methods.

Researchers deployed monitoring stations within the HLC-NF at 10 sites in 2022 and 4 sites in 2023. Additionally, 5 sites were deployed in the B-NF. The Southwestern Crown Collaborative (SWCC) set up adjacent baited monitoring stations to within approximately 50 yards of 8 Wild Ideas monitoring station sites in 2022.

The study was designed to investigate an alternative methodology to monitor individual rare meso-carnivores that takes advantage of technological advances in artificial intelligence and digital photography to be less invasive (Baughan, 2021). Identifying photographs of focal species were simultaneously collected with genetic samples to provide a double-blind confirmation of identity at monitoring stations (Magoun, 2011). This methodology has been demonstrated to be more cost effective, and in addition to species, sex, and individual identification, can offer robust noninvasive data on reproductive status and demographics, which cannot be derived from genetic analysis.

The field seasons commenced at the start of the new year and closed in the middle of April. Baiting at stations was discontinued by March 31. Stations were reclaimed as access allowed while a subset of cameras remained continuously operational throughout the summer months.

Researchers identified 10 wolverine individuals and 8 lynx individuals between 2020 and 2023 during this study. Results of genetic analyses from samples recovered in 2020 - 2022 were consistent with photographic identifications in 100% of cases. Results of genetic analyses from samples recovered in 2023 are pending.



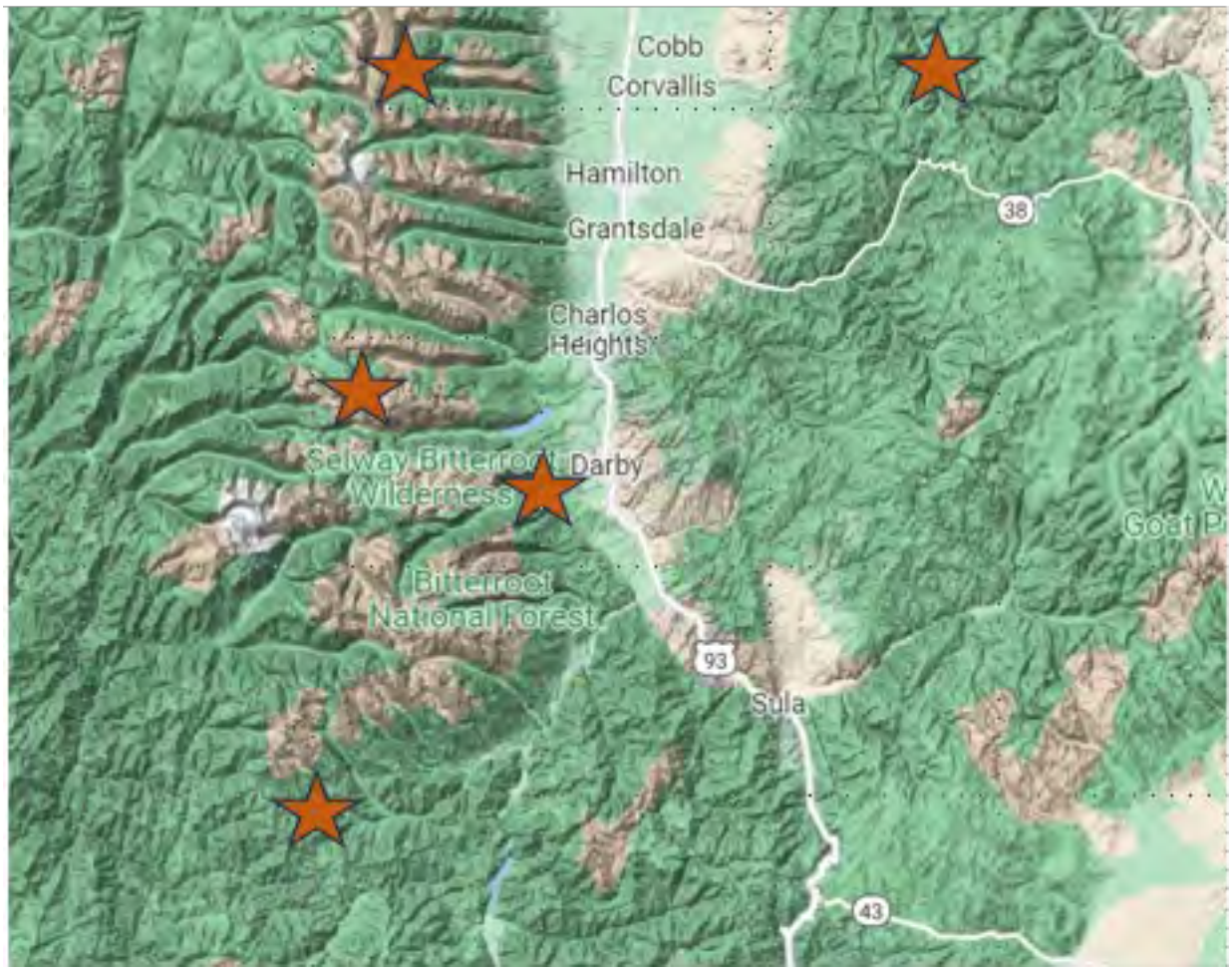
Study Area

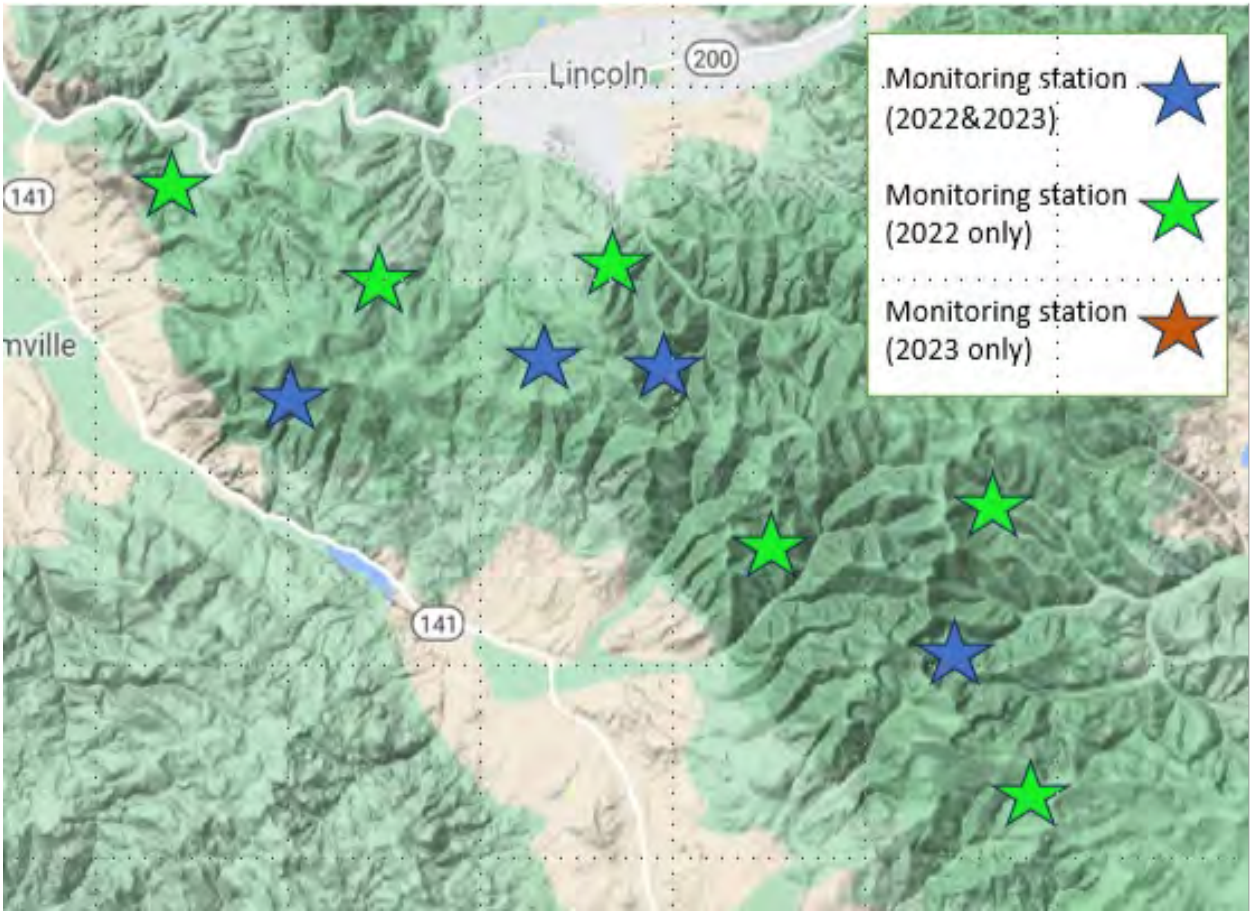
The study area in the HLC-NF was situated near the Continental Divide south of the town of Lincoln. In 2023 it was a 200 sq. mi. area, and in 2023 this was reduced to a 175 sq. mi. area. It was contained within a trapping district designated as a Lynx Protection Zone with special regulations (Fish Wildlife and Parks, 2022). 10 monitoring stations were deployed in 2022 and 4 of these were deployed again in 2023.

The study expanded into the B-NF in 2023. A single monitoring station was located on the east side of Highway 93 in the Sapphire range. Four other monitoring stations were located on the west side of Highway 93.

Helena Lewis and Clark National Forest

Bitterroot National Forest


Cobb
Corvallis
Hamilton
Grantsdale
38
Charlos
Heights
Darby
Selway Bitterroot
Wilderness
Bitterroot
National Forest
93
Sula
43



Methods

Methodology followed that from the 2020 and 2021 field seasons (Baughan, 2021). Bait stations were assembled with integrated camera and genetics capture devices to simultaneously recover identifiable photographs and genotypes of focal species carnivores (wolverine and lynx) interfacing with the station. By comparison of photographs with recovered genotypes, two independent methods of identification were developed that can be used for future recaptures of individuals. The photographic identification was rooted in pelage marks on the ventral region that are unique to focal species individuals and persistent in time. An ID was made if there were sufficient marks to make a reasonable assessment. Detected individuals were considered not identifiable if they did not show sufficient marks. In some cases, such as with lynx family members, kittens were distinguished from adults by juvenile features (i.e. smaller size and traveling with an adult female lynx). A detection in this report is defined as a

day in which an individual species of interest (wolverine, lynx, bobcat, marten, or fox) triggered the remote camera.

Genetic samples were chosen for analysis to balance cost with acquiring genotypes of all known individuals at all stations they were detected at by photographic identification. In other words, to maximize the number of recovered genotypes from each monitoring station.

3

Observation Effort

Stations were deployed at the start of the new year, checked through the middle of April, and extracted as conditions allowed in the spring. A station check consisted of recovering/replacing SD cards, checking/replacing batteries, recovering genetic samples, replacing gun brushes, replacing bait, deploying scent lure, and any other general maintenance issues (i.e. clearing snow, etc.). Baiting at stations was discontinued after March 31 to avoid conflict with bears.

Station Checks

Tables give the days of the month that station checks were conducted. Values in bold are station checks from which recovered genetic samples were analyzed.

Helena Lewis and Clark National Forest, 2022 & 2023

Station Year BM

CC

DM

FG HC JC MC MQ

OM

PP SC

Bitterroot National Forest, 2023

Station Deploy

January

Station Check February

March

April

Station Extract

2022	16-Jan	/	**8**	**10**	/	9-Jun
2022	9-Jan	21,27	15,24	/	/	**3-Apr**
2023	4-Jan	21	7,28	**19**	4	3-Jun
2022	11-Jan	21	**17**,**24**	**3**,**21**	/	**31-Mar**
2023	4-Jan	11,21	7,12,**25**	**2**,18,22	3	14-Apr
2022	5-Jan	13	**15**,24	**21**	/	**6-Apr**
2022	17-Jan	/	7	/	/	7-Apr
2022	3-Jan	**24**,26,**29**	1,**18**,26	**8**,**21**	/	**31-Mar**
2022	19-Jan	/	/	3	/	2-Apr
2022	16-Jan	27	18	/	/	12-Mar
2022	18-Jan	/	/	**3**	/	1-Apr
2023	12-Jan	/	**9**	**1**	/	3-Jul
2022	13-Jan	17,19,**29**	4,**19**	**6**,**19**	/	**11-Apr**
2023	21-Jan	/	5,**26**	**13**,**27**	/	18-Jun
2022	5-Jan	24,26	18	8,22	/	1-Jul

Station
Deploy January

Station Check February

Station Extract

Station
BC 18-Jan / LH 19-Jan / NP 25-Jan / PA 1-Feb / TC 26-Jan /

March
18 6,25 / 17-Apr

April

16 4 / **6-Apr** 16 4 / 6-Apr 17 **7,16 16** 3-May 18 5,25 / 5-Apr

4

Recovered genetic samples

Helena, Lewis and Clark-National Forest, 2022 & 2023

In 2022, 131 genetic samples were delivered to the Rocky Mountain Research Station (RMRS) for analysis (presumed 25 lynx, 36 wolverine, 60 wolverine and lynx, 4 bobcat, and 6 red fox and wolverine). Results were received June 5, 2023.

In 2023, two sets of genetic samples were delivered to RMRS. 68 samples (presumed 60 lynx and 8 wolverine) from HLC-NF and 31 (all wolverine) from B-NF. Results are pending at the time of this writing.

Tables give the number of collected samples from each presumed species at each station. Presumed species at time of sample collection is indicated. Non-zero values are given in bold, as are years and stations with collected samples. Blue cells indicate values from 2023 and red cells indicate values from 2022.

Helena Lewis and Clark National Forest, 2022 & 2023

Station

TOTAL

BM CC

DM

FG

HC

JC

MC MQ

OM PP

SC

Bitterroot National Forest.

Wolverine + Lynx

Wolverine + Red Fox

Year Lynx

Wolverine

Bobcat

Total

2022	**25**	**36**	**60**	**4**	**6**	**131**
2023	**60**	**8**	**0**	0	0	**68**
2022	0	**6**	0	0	0	**6**
2022	0	0	**6**	**4**	0	**10**
2023	**6**	0	0	0	0	**6**

2022	**12**	0	**21**	0	0	**33**
2023	**54**	**1**	0	0	0	**55**
2022	0	**3**	**12**	0	0	**15**
2022	0	0	0	0	0	0
2022	**3**	**9**	**21**	0	0	**33**
2022	0	0	0	0	0	0
2022	0	0	0	0	0	0
2022	**10**	0	0	0	**6**	**16**
2023	0	**4**	0	0	0	**4**
2022	0	**18**	0	0	0	**18**
2023	0	**3**	0	0	0	**3**
2022	0	0	0	0	0	0

In 2023, 31 genetic samples of wolverine from B-NF were delivered to RMRS.

Station Lynx BC 0 **LH** 0 NP 0 **PA** 0 TC 0

Total 0

Wolverine Total 0 0 **5 5** 0 0

26 26

0 0

31 31

5

Photographic Detections

Observed carnivores during the study (2020-2023) include wolverine, Canada lynx, bobcat, red fox, American marten, mountain lion, gray wolf, short-tailed weasel, long-tailed weasel, grizzly bear, black bear, striped skunk, coyote.

...Ungulates include mule deer, white-tailed deer, moose, elk.
...Small mammals include red squirrel, northern flying squirrel, snowshoe hare, chipmunk spp., porcupine, golden-

mantled ground squirrel, mouse spp., yellow-bellied marmot.
...Birds include northern goshawk, golden eagle, great horned owl, red-tailed hawk, common raven, Steller's jay, pileated

woodpecker, ruffed grouse, Clark's nutcracker, Canada jay, magpie, mountain chickadee, robin, ruby-crowned kinglet.

Grizzly bears continue to become a more present part of the Montana landscape. As such, observations of grizzly bear are carefully noted and reported to biologist Jamie Jonkle with Montana FWP. In 2022, grizzly bear was detected at 1 station on 1 day. In 2023, grizzly bear was detected at 2 stations on 3 days.

Species of interest

Five meso-carnivore species of interest (wolverine, Canada lynx, bobcat, red fox, and American marten) were detected by this study in 2022 and 2023 interfacing with the monitoring stations in the intended way. We consider bobcat, red fox, and marten excellent next candidates for applying the novel monitoring methods for individual identification by photographic evidence.

Wolverine was detected in HLC-NF in 2022 at 9 of 10 monitoring stations (90%) and in 2023 at 4 of 4 stations (100%). Wolverine was detected in B-NF in 2023 at 2 of 5 stations (40%).

Lynx was detected in HLC-NF in 2022 at 6 of 10 monitoring stations (60%) and at 3 of 4 stations (75%) in 2023. Lynx was not detected in B-NF in 2023. Lynx-safe hair snags continue to be utilized and effective. No instances of lynx being ensnared by lynx-safe hair snags were documented in 2022 and 2023 where they were deployed.

American marten was only documented in the B-NF in 2023 and at all stations (100%). Marten was abundant at monitoring stations.

Fox and bobcat have both been documented both in the HLC-NF and B-NF.

6

Tables give the year and station at which species of interest were detected in 2022 (red cells) and 2023 (blue cells).

Helena-Lewis and Clark National Forest, 2022 & 2023

Station Year BM

CC

DM

FG HC MC MQ JC

OM

PP SC

Bitterroot National Forest, 2023

Station BC LH NP PA TC

Wolverine

Lynx

Marten

Fox

Bobcat

2022

2022

2023

2022

2023

2022

2022

2022

2022

2022

2022

2023

2022

2023

2022

Wolverine Lynx

Marten Fox

Bobcat

Individual Focal Species
Wolverine 10 individuals (8M, 2F) were detected in total between 2020 and 2023. Of these, five (4M, 1F) were detected

in the HLC-NF and five (4M, 1F) were detected in the B-NF. Tables give the year individuals were detected (green cells).

Helena Lewis and Clark National Forest, 2020-2023

Male wolverine Turk was first detected by Wild Ideas in 2022 and is a match to USFS code SWCC_22_GuloM46 from samples collected by SWCC in 2022. Male wolverine Tex was first detected by Wild Ideas in 2023 and results are pending for a genotype. Male wolverine BDF10-M6 was last detected by Wild Ideas in 2021 after being first detected in 2010 by Wild Things Unlimited.

Year BDF10-M6 (M) 2020
2021
2022

2023

HLC20-H3 (F)

HLC20-H1 (M)

Turk (M)

Tex (M)

7

Bitterroot National Forest

All individual wolverines (males BNF23-M1, BNF23-M2, BNF23-M3, BN-F23-M4, and female BNF23-F1) were new to this study. Wolverines BNF23-F1 and BNF23-M3 were identified by photographic analysis as “Pal” and “Powder Paws” from the Wolverine Watchers monitoring effort.

Lynx 8 individuals were detected in total between 2020 and 2023 in the HLC-NF only. Adult female lynx HLC20-H11 and adult male lynx HLC20-H6 were documented traveling together in all years of the study (2020-2023) and with kitten(s) in

all years except 2022. traveling with 4 kittens.

2020

2021

2022
2023

Of the 131 samples recovered in 2022, 107 (all from focal species) were chosen for analysis by the RMRS (see Appendix 2). Among the 24 samples not selected for analysis were 4 bobcat samples from CC station and 6 red fox samples from OM station. One sample was not sufficient for collection of DNA.

From these samples, RMRS identified 61 lynx and 41 wolverine genotypes. A subset of samples was analyzed further for individual and sex identification.

RMRS tested 25 lynx samples and obtained individual and sex identification from 20 of those tested lynx samples (80%). They identified three individuals from those samples. Two individuals were detected in both 2020 and 2021 (male HLC20-H6 and female HLC20-H11). Male HLC21-H10 was also detected from samples in 2021.

RMRS tested 27 wolverine samples and obtained individual and sex identification from 24 of the samples (89%). They identified two individuals from those samples. One individual was detected in both 2020 and 2021 (female HLC20-H3). The other individual was detected in 2021 only (male "Turk"). "Turk" is a new individual to this study.

In all years of this study, identification of species, sex, and individual genotype by genetic analysis was consistent with photographic analysis in 100% of cases.

In 2020 and 2021 they were accompanied by a single male kitten. In 2023 they were observed

2023 Kitten 1 (M)

2023 Kitten 2 (M)

2023 Kitten 3 (F)

2023 Kitten 4 (F)

Year

HLC20- H6 (M)

HLC20- H11 (F)

HLC20- H7 (M)

HLC21- H10 (M)

Recovered genotypes, Helena Lewis and Clark National Forest, 2022

8

Photographic detections confirmed by recovered genotype

Helena Lewis and Clark National Forest, 2022

The table gives detected focal species individuals by photographic evidence with instances of an individual's presence beingconfirmedbyrecoveredgenotypegiveninbold. Onaverageatastationin2022,76%ofindividualsdetectedby photographic evidence had associated recovered genotypes. 2023 genetic results are pending, and so no individual's presence as detected by photographic evidence has been confirmed by a recovered genotype.

TOTAL

BM CC

DM

FG JC

OM

PP SC

Bitterroot National Forest

Wolverine was detected at 2 of 5 monitoring stations (PA and LH) in 2023. 4 individuals (3 M and 1 F) were detected at PA and one at LH (1 M). Genetic samples linked to photographic evidence were recovered for all individual wolverines and analysis results are pending.

Station

Year

Wolverine

Turk

Lynx

Total

Portion ID'ed by genotype (2022)

2022

2

3

5

5of5

2023

3

6

9

/

2022

/

WV (2)

1of2

2022

Turk, **HLC20-H3**

Turk

HLC20-H6

WV (1), LX (1)

1of2

2023

Turk, HLC20-H3, Tex

HLC20-H6, HLC20-H11, and 4 kittens

WV (3), LX (6)

/

2022

HLC20-H6 and HLC20- H11

WV (1), LX (2)

3of3

2023

Turk, Tex

Turk

HLC20-H6, HLC20-H11, and 4 kittens

WV (2), LX (6)

/

HLC20-H6

WV (1) LX (1)

2022

2of2

Turk, HLC20-H3

HLC20-H6

2022

2022

Turk

HLC21-H10

WV (2), LX (1)

WV (1), LX (1)

2of3

1of2

2023

Turk, Tex

Turk, HLC20-H3

2023 solo male kitten

WV (2), LX (1)

/

2022

/

WV (2)

2of2

2023

Turk, HLC20-H3

/

WV (2)

/

2022

Turk

/

WV (1)

0of1

9

Reproductive status

Wolverine

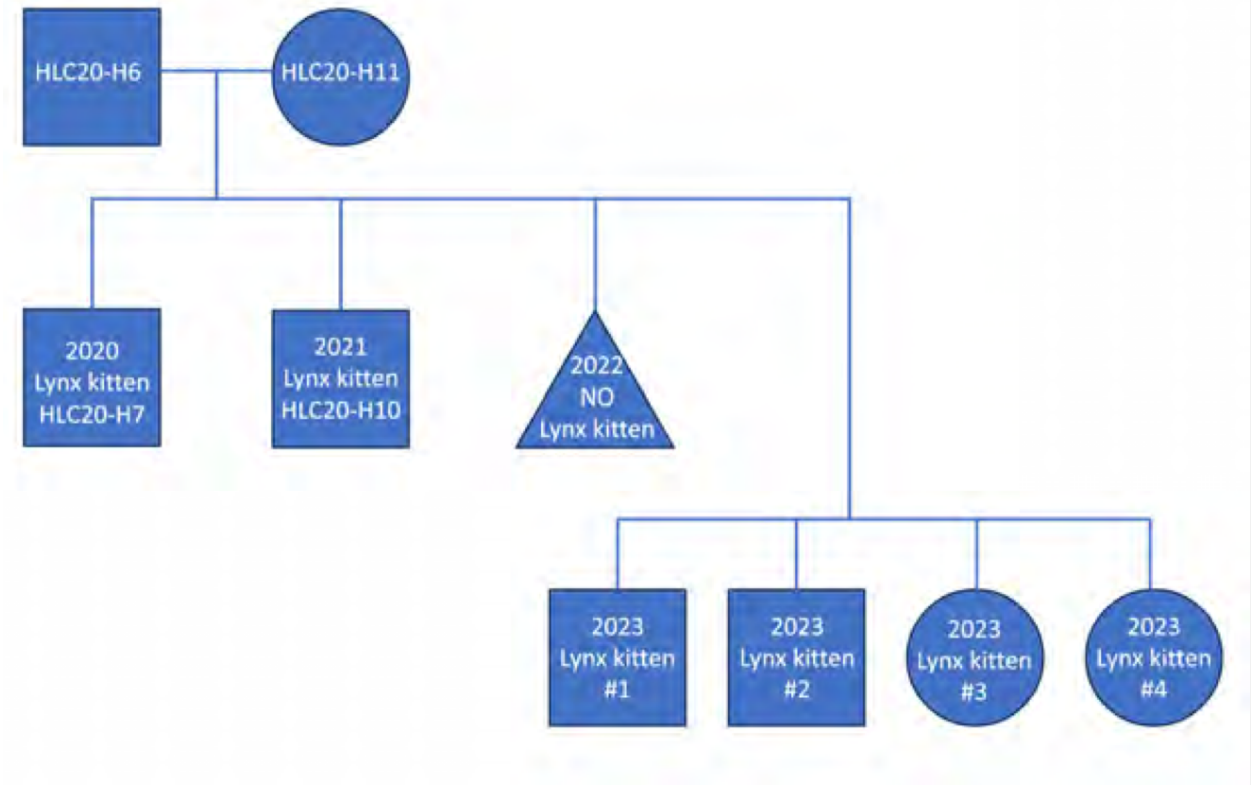
Adult male wolverine BDF10-M6 and adult female wolverine HLC20-H3 were documented at monitoring stations within close (<12 hours) proximity to each other on numerous occasions in 2020 and 2021 in HLC-NF. Results of genetic analysis of samples recovered from the newly detected wolverine Turk in 2021 were consistent with Turk being the offspring of HLC20-H3. Turk was also detected at two monitoring stations traveling with HLC20-H3. HLC20-H3 was observed lactating only in 2020.

A single lactating wolverine (see below Figure) was detected in 2023 in B-NF (BNF23-F1, "Pal") indicating that reproductive wolverines continue to be present in the Sapphire Range.

Lynx

Adult female lynx HLC20-H11 and adult male lynx HLC20-H6 were documented traveling together in all years of the study and with kitten(s) in all years except 2022. These kittens, HLC20-H7 and HLC21-H10, were found to be genetically consistent of being offspring of HLC20-H6 and HLC20-H11. The below figure illustrates the adult pair's family tree. Female individuals are drawn as circles, males as squares, and entries without as triangles.


2023-03-21 19:12:03
32°F
M 8/10
WOLVERINE-14
RECONYX


HLC20-H6
HLC20-H11
2020
Lynx kitten
HLC20-H7
2021
Lynx kitten
HLC20-H10
2022
NO
Lynx kitten
2023
Lynx kitten
#1
2023
Lynx kitten
#2
2023
Lynx kitten
#3
2023
Lynx kitten
#4

The entire lynx family in 2023. Pictured left to right is 4 kittens, female HLC20-H11, and male HLC20-H6.

Conclusions & Acknowledgements

2022 and 2023 were the 3rd and 4th consecutive monitoring seasons conducted by Wild Ideas. Focal species wolverine and Canada lynx were detected every season of the study (2020-2023). New individuals added to the study in 2022 included 1 male wolverine. In 2023, 4 new wolverine (3 M, 1 F) and 4 new lynx (2 M, 2 F) individuals were added to the study, bringing the total number of individuals to 10 wolverine (8 M, 2 F) and 8 lynx (5 M, 3 F); an increase of 80%. Individuals were identified independently by photographic and genetic analyses. In all cases, results of genetic analysis were consistent with photographic analysis. Individual and sex identification was obtained from 85% of focal species genetic samples analyzed by RMRS from the 2022 season (3rd year running of a hit rate > 85%). Results for 2023 are still pending.

The expansion of the study area into the Bitterroot National Forest in 2023 was successful and increased the wolverine sample size from 6 to 10 individuals (67% increase). Other meso-carnivore species, including bobcat, red fox, and American marten were also documented interfacing with the stations and are of interest for future study. The presence of a pair of Canada lynx traveling with 4 kittens in the HLC-NF was a stand-out observation in 2023. A single reproducing female wolverine was observed in the B-NF. Female wolverine in the HLC-

NF showed no clear evidence of reproduction for a third consecutive season. In conclusion, we plan on a 5th year of monitoring in western Montana to continue testing the novel methods and expand our sample size of focal species individuals.

We would like to thank and acknowledge MPG Ranch, especially general manager Philip Ramsay, for their generous funding and support. In addition, we would like to thank the United States Forest Service for their support, especially for in-kind contributions including genetic analyses delivered by Kristi Pilgrim at the Rocky Mountain Research Station.

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The Northern Rockies Lynx Management Direction is inadequate to ensure conservation and recovery of lynx. The amend-

ments fail to use the best available science on necessary lynx habitat elements, including but not limited to, failing to include standards that protect key winter habitat.

The Endangered Species Act requires the FS to insure that the GRLA project is not likely to result in the destruction or adverse modification of critical habitat. 16 U.S.C. §1536(a) (2). Activities that may destroy or adversely modify critical habitat are those that alter the physical and biological features to an extent that appreciably reduces the conservation value of critical habitat for lynx. 74 Fed. Reg. 8644. The Northern Rockies Lynx Management Direction (NRLMD) as applied in the project violates the ESA by failing to use the best available science to insure no adverse

modification of critical habitat. The NRLMD carves out exemptions from Veg Standards

S1, S2, S5, and S6. In particular, fuel treatment projects may occur in the WUI even though they will not meet standards Veg S1, S2, S5, or S6, provided they do not occur on more than 6% of lynx habitat on each Nation- al Forest. Allowing the agency to destroy or adversely modify any lynx critical habitat has the potential to appreciably reduce the conservation value of such habitat. The agency cannot simply set a cap at 6% forest-wide without looking at the individual characteristics of each LAU to determine whether the project has the potential to appreciably reduce the conservation value. The ESA requires the use of the best available science at the site-specific level. It does not allow the agencies to make a gross determination that al- lowing lynx critical habitat to be destroyed

fo- rest-wide while not appreciably reduce the conservation value.

The FS violated NEPA by applying the above-mentioned exception without analyzing the impacts to lynx in the individual

LAUs. Did the IPNF remove any LAUs without taking public comment?

The Project violates the NFMA by failing to insure the viability of lynx. Ac- cording to the 1982 NFMA regulations, fish and wildlife must be managed to maintain vi- able populations of Canada lynx in the planning area. 36 C.F.R. 219.19. The FS has not shown that lynx will be well distributed in the planning area. The FS has not addressed how the project's adverse modifica- tion of denning and foraging habitat will impact distribution. This is important because the agency readily admits that the LAUs already contain a "relatively large percentage of unsuit- able habitat."

The national forests subject to this new direction will provide habitat to maintain a viable

population of lynx in the northern Rockies by maintaining the current distribution of occupied lynx habitat, and maintaining or enhancing the quality of that habitat.

The FS cannot insure species viability here without addressing the impacts to the already low amount of suitable habitat. By cutting in denning and foraging habitat, the agency will not be "maintaining or enhancing the quality of the habitat."

This project is in Canada lynx habitat. In order to meet the requirements of the FS/USFWS Conservation Agreement, the FS agreed to insure that all project activities are consistent with the Lynx Conservation Assessment and Strategy (LCAS) and the requirements of protecting lynx critical habitat. The FS did not do so with its project analysis. This project will adversely affect lynx critical habitat in violation of the Endangered Species Act. The BA/BE needs to be rewritten to reflect

this information to determine if this project will adversely modify proposed critical habitat for lynx and if so conference with USFWS.

The Idaho Panhandle National Forest (IPNF) is home to the Canada lynx, listed as a Threatened species under the Endangered Species Act (ESA). In December 1999, the Forest Service and Bureau of Land Management completed their "Biological Assessment Of The Effects Of National Forest Land And Resource Management Plans And Bureau Of Land Management Land Use Plans On Canada Lynx" (Programmatic Lynx BA). The Programmatic Lynx BA concluded that the cur- rent programmatic land management plans "may affect, and are likely to adversely affect, the subject population of Canada lynx."

The Lynx BA team recommended amending or revising Forest Plans to incorporate conservation measures that would reduce or eliminate the identified adverse effects on lynx. The Programmatic Lynx BA's determination means that Forest Plan imple-

mentation is a “taking” of lynx, and makes Section 7 formal consultation on the IPNF Forest Plan mandatory, before actions such as the proposed project are approved.

Continued implementation of the Forest Plan constitutes a “taking” of the lynx. Such taking can only be authorized with an incidental take statement, issued as part of a Biological Opinion (B.O.) during of Section 7 consultation. The IPNF must incorporate terms and conditions from a programmatic B.O. into a Forest Plan amendment or revision before projects affecting lynx habitat, such as this one, can be authorized.

The Programmatic Lynx BA’s “likely to adversely affect” conclusion was based upon the following rationale. Plans within the Northern Rockies:

• Generally direct an aggressive fire suppression strategy within developmental land allocations. ...this strategy may be contribut-

ing to a risk of adversely affecting the lynx by limiting the availability of foraging habitat within these areas.

• Allow levels of human access via forest roads that may present a risk of incidental trapping or shooting of lynx or access by other competing carnivores. The risk of road-related adverse effects is primarily a winter season issue.

• Are weak in providing guidance for new or existing recreation developments. There- fore, these activities may contribute to a risk of ad- verse effects to lynx.

• Allow both mechanized and non-mechanized recreation that may contribute to a risk of adverse effects to lynx. The potential effects occur by allowing compacted snow trails and plowed roads which may facilitate the movements of lynx competitors and predators.

• Provide weak direction for maintaining habitat connectivity within naturally or artificially fragmented landscapes. Plans

within all geographic areas lack direction for coordinating construction of highways and other movement barriers with other responsible agencies. These factors may be contributing to a risk of adverse effects to lynx.

• Are weak in providing direction for coordinating management activities with adjacent landowners and other agencies to assure consistent management of lynx habitat across the landscape. This may contribute to a risk of adverse effects to lynx.

• Fail to provide direction for monitoring of lynx, snowshoe hares, and their habitats. While failure to monitor does not directly result in adverse effects, it makes the detection and assessment of adverse effects from other management activities difficult or impossible to attain.

• Forest management has resulted in a reduction of the area in which natural ecological processes were historically allowed to operate, thereby increasing the area potentially affected by

known risk factors to lynx. The Plans have continued this trend. The Plans have also continued the process of fragmenting habi- tat and

reducing its quality and quantity. Consequently, plans may risk adversely affect- ing lynx by potentially contributing to a reduc- tion in the geographic range of the species.

• The BA team recommends amending or revising the Plans to incorporate conservation measures that would reduce or elimi- nate the identified adverse effects to lynx. The programmatic conservation measures listed in the Canada Lynx Con- servation Assessment and Strategy (LCAS) should be considered in this regard, once finalized. (Programmatic Lynx BA, at 4.)

The Programmatic Lynx BA notes that the LCAS identifies the following risk fac-tors to lynx in this geographic area:

- Timber harvest and pre-commercial thinning that reduce denning or foraging habitat or converts habitat to less de-

sirable tree species

- Fire exclusion that changes the vegetation mosaic maintained by natural disturbance processes

- Grazing by domestic livestock that reduces forage for lynx prey

The DDN and EA do not adequately explain how burning 10,000 acres a year for up to 10 years provides for habitat that contributes to long-term persistence of lynx in violation of NEPA, NFMA, the APA, the ESA and the revised Forest Plan.

The DDN and EA did not adequately consider the cumulative impacts of the this project and other projects on native species including lynx, grizzly bears and old growth dependent species. None of these species benefit from more logging roads and more logging and clearcuts.

Recent scientific findings undermine the Forest Plan/NRLMD direction for management of lynx habitat. This creates a scientific controversy the FS fails to resolve, and in fact it essentially ignores it.

For one, Kosterman, 2014 (attached) found that 50% of lynx habitat must be mature undisturbed forest for it to be optimal lynx habitat where lynx can have reproductive success and no more than 15% of lynx habitat should be young clearcuts, i.e. trees under 4 inched dbh. Young regenerating forest should occur only on 10-15% of a female lynx home range, i.e. 10-15% of an LAU. This renders inadequate the agency's assumption in the Forest Plan/NRLMD that 30% of lynx habitat can be open, and that no specific amount of mature forest needs to be conserved. Kosterman, 2014 demonstrates that Forest Plan/NRLMD standards are not adequate for lynx viability and recovery.

Also, the Forest Plan essentially assumes that persistent effects of vegetation manipulations other than regeneration logging and some intermediate treatments are essentially nil. However, Holbrook, et al., 2018 "used univariate analyses and hurdle regression models to evaluate the spatio-temporal factors influencing lynx use of treatments." Their analyses "indicated ...there was a consistent cost in that lynx use was low up to ~10 years after all silvicultural actions." (Emphasis added.) From their conclusions:

First, we demonstrated that lynx clearly use silviculture treatments, but there is a ~10 year cost of implementing any treatment (thinning, selection cut, or regeneration cut) in terms of resource use by Canada lynx. This temporal cost is associated with lynx preferring advanced regenerating and mature structural stages (Squires et al., 2010; Holbrook et al., 2017a) and

is consistent with previous work demonstrating a negative effect of precommercial thinning on snowshoe hare densities for ~10 years (Homyack et al., 2007). Second, if a treatment is implemented, Canada lynx used thinnings at a faster rate post-treatment (e.g.,~20 years posttreatment to reach 50% lynx use) than either selection or regeneration cuts (e.g., ~34–40 years post-treatment to reach 50% lynx use). Lynx appear to use regeneration and selection cuts similarly over time suggesting the difference in vegetation impact between these treatments made little difference concerning the potential impacts to lynx (Fig. 4c). Third, Canada lynx tend to avoid silvicultural treatments when a preferred structural stage (e.g., mature, multi-storied forest or advanced regeneration) is abundant in the surrounding landscape, which highlights the importance of considering landscape-level composition as well as recovery time. For instance, in an area with low amounts of mature forest in the neighborhood, lynx use of recovering silvicultural treatments would be higher versus treatments surrounded by an abundance of mature forest (e.g., Fig. 3b). This scenario captures the importance of post-treatment recovery for Canada lynx when the landscape context is generally composed of lower quality habitat. Overall, these three items emphasize that both the spatial arrangement and composition as well as recovery time are central to balancing silvicultural actions and Canada lynx conservation.

So Holbrook et al., 2018 fully contradict Forest Plan assumptions that clearcuts/regeneration can be considered useful lynx habitat as early as 20 years post-logging.

Results of a study by Vanbianchi et al., 2017 also conflict with Forest Plan/NRLMD assumptions: "Lynx used burned areas as early as 1 year postfire, which is much earlier than the 2–4 decades postfire previously thought for this predator." The NRLMD erroneously assumes clearcutting/regeneration logging have basically the same temporal effects as stand-replacing fire as far as lynx re-occupancy.

Kosterman, 2014, Vanbianchi et al., 2017 and Holbrook, et al., 2018, Holbrook 2019 demonstrate that the Forest Plan direction is not adequate for lynx viability and recovery, as the FS assumes. Holbrook 2019 such all lynx habitat must be surveyed. You have not done demonstrated that this was done. The Forest Service did minimal lynx surveys but they did not need the requirements in Holbrook.

Please find Holbrook 2019 attached.

The EA claims that lynx are only transitory so they are not required to follow the ESA. This is in correct. The project area is in lynx habitat and their duty under the ESA to recover species and protect their habitat not keep them in a threatened state.

Page 23 of the final EA/Draft Decision Notice states:

- ***Habitat for a transient lynx would remain in the analysis area across 3 LAUs as demonstrated above.***

Did the Forest Service eliminate or reduce any lynx analysis units (LAUs) without taking public comment? The EA does not mention if the Forest Service did this or not. If the Forest Service eleminated or reduced the size of LAUs without taking public comment then the Coyote Divide Project in in violation of NEPA.

The Forest Service is violating NEPA by failing to prepare a stand-alone NEPA analysis, either an EA or an EIS, for remapping of lynx habitat and LAUs on the IPNF.

NEPA requires federal agencies to prepare a detailed EIS for any "major
Federal actions significantly affecting the quality of the human
environment." 42 U.S.C. § 4332(2)(c).

1. Major Federal actions "include new and continuing activities, including
   projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by Federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals." 40 C.F.R. § 1508.18(a) (2020).

2. Major Federal actions typically fall into one of four categories:

   - (i) Adoption of official policy, such as rules, regulations, and
     interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreements; formal documents establishing an agency's policies which

will result in or substantially alter agency programs.

- (ii) Adoption of formal plans, such as official documents prepared or approved by Federal agencies, which prescribe alternative uses of Federal resources, upon which future agency actions will be based.

- (iii) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive. (d. iv) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as Federal and federally assisted activities. Id. § 1508.18(b).

- An EIS must provide a "full and fair discussion of significant environmental impacts," and inform "decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." Id. § 1502.1.

1. Remapping of lynx habitat on the Forest removes mapped lynx habitat and thereby stripping the legal protections of the NRLMD from those acres.

2. If the Forest Service did this it was an official agency action that was reviewed and approved by the Forest Service Region One office.

3. Remapping of lynx habitat and removal of LAUs is a major federal action that requires NEPA analysis.

Remedy

Withdraw the draft decision and write an EIS that fully complies with the law or choose the N0 Action Alternative.

Sincerely yours,

/s/

Mike Garrity

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Alliance for the Wild Rockies

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