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FROM: Sara Johnson
Native Ecosystems Council
PO Box 125
Willow Creek, MT
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TO:
USDA - Forest Service
Objection Reviewing Officer
Northern Region
Attn: Lacy Lemoosh
26 Fort Missoula Road
Missoula, MT
59804

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March 27, 2025

Reviewing Officer

Northern Regional Office

Attn: Lacy Lemoosh

26 Fort Missoula Road

Missoula, MT 59804

RE: Objection against the Lacy Lemoosh Project, Idaho Panhandle National Forest

1. **Name of Objectors**

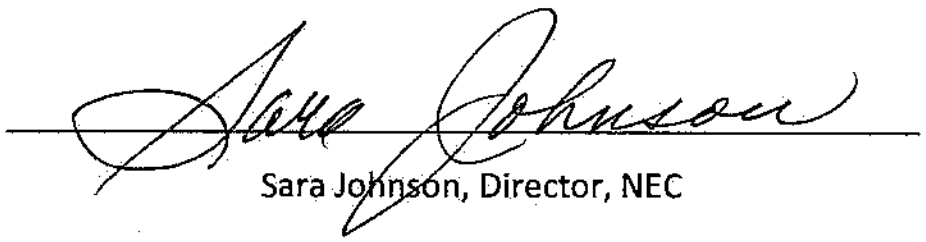
Lead Objector Sara Johnson, Director, Native Ecosystems Council, PO Box 125, Willow Creek, MT 59760; phone 406-579-3286; sjjohnsonkoa@yahoo.com.

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

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

Kristine Akland, Senior Attorney, Center for Biological Diversity, 317 East Spruce Street, Missoula, Mt 59807; phone 406-544-9863; kakland@biologicaldivesity.org.

Signed for Objectors this 27th day of March, 2025



Sara Johnson, Director, NEC

2. Name and Location of Project

Lacy Lemoosh Project, St. Joe Ranger District of the Idaho Panhandle National Forest.

3. Responsible Official

Stas Moszynski, Acting District Ranger, St. Joe Ranger District

4. Attachments

This Objection includes 2 attachments. Attachment #1 includes extensive summaries of key wildlife management issues and information that were not addressed in the National Environmental Policy Act (NEPA) documents completed for the Lacy Lemoosh project. In support of Attachment #1, Objectors have provided Attachment #2, which includes 39 hard copies of relevant portions of reports and/or publications cited in Attachment #1 and/or in the Objection. These reports and/or publications are in addition to the 43 reports and/or publications that were previously provided to the agency in Objectors 60 day comments on openings larger than 40 acres, on June 26, 2023.

5. Connection between Previous Project Comments and Issues Raised in the Objection

On May 30, 2023, Objectors submitted scoping comments for the proposed Lacy Lemoosh project. Then on June 26, 2023, Objectors submitted comments on the proposed openings over 40 acres in size. These comments fell within the 60-day comment period allowed. Then on November 8, 2024, Objectors submitted 30-day comments on the draft Environmental Assessment (EA) for the Lacy Lemoosh Project. In order to avoid repetition, we are incorporating by reference all the legal violations we cited in these reports into this Objection as a general overview along with expansion of many issues that were not adequately addressed by the agency in their response to comments. We are specifically referring to the response to comments for Commenter #17, or Native Ecosystems Council et al. regarding our 30 day input on the draft EA.

We would also like to note that the Forest Service failed to provide any response to our 60-day comments on openings over 40 acres, submitted on June 26, 2023. These comments addressed opening sizes of 690, 453, 316, 170, 117, 465, 182, 198 and 270 acres. These comments addressed issues of the conflict between maintaining adequate amounts of wildlife habitat distributed across the landscape, for things as old growth forests, forested snag habitat, habitat for various categories of wildlife, from forest mammals to forest birds, and big game. We addressed with current science why clearcuts, especially large clearcuts, eliminate and fragment habitat for all wildlife species. As a result local levels of habitat for most wildlife species may be insufficient as breeding habitat, due to small habitat patches. In addition, the ability of most wildlife species, especially small species as the Northern Flying Squirrel, Red Squirrel and the Red-backed Vole, to move across a landscape could be eliminated with such clearcuts. In spite of these extensive comments that identified our concerns, the agency did not provide any response. Nor was there any mention of these concerns in the development of additional action alternatives. A slight reduction in total clearcut acres does not address our concerns about large landscape removals and fragmentation of wildlife habitat.

6. Remedy

As we have previously commented, and will expand such comments below, based in part to the agency Response to Commments, we believe that the Lacy Lemoosh project needs to be withdrawn due to multiple legal violations that the project will trigger. These violations includes those dealing with the NEPA, the National Forest Management Act (NFMA), the Administrative Procedures Act (APA), the Migratory Bird Treaty Act (MBTA), and the Endangered Species Act (ESA). The flaws associated with this proposal require amendments to the Idaho Panhandle Forest Plan, including completed public involvement, to address ongoing failures of this plan to ensure a diversity of wildlife will be maintained as desired conditions for vegetation are achieved. The almost complete lack of any habitat standards for wildlife means that the ongoing implementation of this Forest Plan has triggered massive losses of wildlife habitat, and will continue to do so as long as this plan is not amended. This current plan also fails to include a single sideboard for the size of openings, including requirements to inventory neotropical migratory birds, such as low-density forest raptors, in any clearcut. Thus the large expansive clearcuts allowed by the Forest Plan have triggered, and will continue to trigger, massive incidental take of these neotropical migratory birds, in violation of the MBTA. None of the "beneficial practices" required to allow incidental take of migratory birds are being implemented within clearcuts or other vegetation management practices on the IPNF. IN addition, the agency has had what appears to be a long-standing practice of poisoning pocket gophers, without any sideboards or monitoring. We could not find any monitoring results for gopher poisoning programs, which are largely completed in clearcuts, in the 2022 Biennial Forest Plan monitoring report. The impact of secondary poisoning of wildlife, including forest owls as the Great Gray Owl, and forest mammals as the fisher, pine marten, and threatened wolverine remains unknown, due to any lack of analysis. As per the wolverine, the IPNF currently lacks a Biological Opinion from the USFWS regarding potential poisoning of the wolverine due to the pocket gopher poisoning program with strychnine. As such, any planned gopher poisoning activity is currently a violation of the ESA. Formal consultation on poisoning impacts to the wolverine is required prior to further poisoning activities.

7. **Legal Violations Objectors believe will be Triggered by the Proposed Project**

A. The proposed project will trigger violations of the NEPA, the NFMA, the APA, the MBTA, and the ESA.

1. The agency is violating the NEPA and the ESA by failing to evaluate poisoning impacts on wildlife, or to complete consultation with the USFWS on gopher poisoning impacts on the threatened wolverine.

IN response to comments, the agency implied that the only risk to wildlife from pocket gopher poisoning was the availability of poisoned grain on the ground. This is not the problem with gopher poisoning, as the agency well knows. Poisoned gophers do not necessarily always die under the ground. Any dead poisoned gophers that die outside of their burrows could be eaten by pine marten, fishers, wolverines, and Great Gray Owls. This concern is the reason why the Targhee National Forest Revised Forest Plan has a guideline that states: restrict the use of strychnine poison to control pocket gophers within a ½ miles buffer around all known active Great Gray Owl nest sites (USDA 1997, page III-22). IN response to public concerns about this practice, the agency responded at page 84 in response to comments that effectiveness monitoring will be completed, and evidence of non-target mortality reported to the District Wildlife Biologist, and cause of death will be determined. However, the agency has not provided any information on how past gopher monitoring has been done, such as how many acres per year, or what mortality of nontarget wildlife species has been found. Mitigation measures have to be demonstrated to be effective as per both the NEPA and the ESA. If this has been an actual program, the results need to be provided to the public. And if and when wolverine or other species are found to be poisoned by strychnine, what will be done then? Apparently no monitoring has occurred thus far, since no information has been provided on such monitoring. It does not appear that the agency has addressed this problem to date, including for the wolverine, with unknown impacts to wildlife from clearcutting.

2. The IPNF Forest Plan is a violation of the NEPA and the NFMA because there are no "sideboards" regarding the size and density of clearcuts in wildlife habitat; failure to maintain connectivity across the landscape due to large clearcuts is also a violation of the 2012 planning rule; this forest plan is also a violation of the ESA and NFMA because clearcutting triggers potential mortality of the wolverine and other wildlife; failure of the Forest Plan FEIS to evaluate impacts of gopher poisoning to wildlife is a violation of the NEPA; clearcutting on the IPNF is also a violation of the MBTA, because neotropical migratory bird nesting sites can be completely eliminated in any clearcut, without any identified adverse impacts to wildlife; the IPNF Forest Plan FEIS does not address the impacts of clearcutting on climate change, including localized impacts on wildlife, in violation of the NEPA.

The IPNF Forest plan does not evaluate the impact of clearcutting on any wildlife species. There are no limits to the acreage of clearcuts that can be created within a given landscape. Thus more than 20% of a goshawk home range can be clearcut, even though this violates recommendations for their management (Reynolds et al. 1992). More than 25% of a pine marten home range of roughly 2000 acres (USDA 1990) can be clearcut, even though this may eliminate this area as a home range (Hargis et al. 1999). Clearcuts of any width can be created even though they will create barriers for smaller wildlife, such as squirrels and voles. Clearcuts of any size can eliminate vast numbers of snowshoe hare home ranges, which average up to 25 acres; a 690 acre clearcut would eliminate a large block of about 24 snowshoe hare home ranges, to the detriment of wildlife that prey on hares, such as goshawks (Clough 2000) and pine marten (Fager 2003). There are severe tradeoffs between timber production via clearcutting and maintenance of wildlife. The IPNF Forest Plan totally ignores this conflict, and as such, the ongoing clearcutting program is a violation of the NEPA and the NFMA.

There are no requirements for wildlife surveys in clearcuts on the IPNF. All of the clearcuts proposed for Lacy Lemoosh, (almost 4,000 acres) can be completed without any wildlife surveys. This means that the 8 forest raptors that are neotropical migratory birds can be completely eliminated within a clearcut,

without any protections of nest sites. This severe impact, including violation of the MBTA, is never addressed in the IPNF Forest Plan FEIS, or as well, for the Lacy Lemoosh project. The direct and cumulative loss of neotropical migratory forest raptors from the forestwide clearcutting program has never been evaluated, even though this program continues, as in the Lacy Lemoosh project.

The agency is implementing a timber harvest program that requires no mitigation for migratory birds or any wildlife, except possibly a few snags. This snag program has never been evaluated as to how it maintains 31 forest bird species associated with snags, and as such, does not qualify as an effective mitigation measure for clearcuts.

The MBTA requires the Forest Service to implement "beneficial practices" for migratory birds in order to address incidental take. Without any beneficial practices implemented, incidental take is a violation of the MBTA (USFWS 2020, USFWS 2021, USFWS Migratory Bird Program 2024). The IPNF Forest Plan is a violation of the MBTA in regards to the clearcutting program because in spite of the total removal of habitat for almost all forest birds, no beneficial practices are required. The ongoing failure of the IPNF to implement beneficial practices for neotropical migratory birds in the clearcutting program has clearly had massive impacts on populations of these birds, impacts which have never been evaluated in violation of the NEPA, the NFMA and the MBTA.

The IPNF Forest Plan clearcutting program is also a violation of the NFMA 2012 planning rule, as this rule requires that forest plan ensure landscape habitat connectivity. Without any sideboards for density and size of clearcuts, the agency cannot ensure habitat connectivity is being maintained. And as well, the IPNF Forest Plan does not evaluate the connection between clearcutting and gopher poisoning. The more clearcuts that are created within a given area of a landscape, the greater the potential is for secondary poisoning of wildlife, such as pine marten, fisher, wolverine and Great Gray Owls. There is no analysis in that FEIS about this clearcutting impact. There has been no consultation on this clearcutting program for wolverine to date.

3. The Lacy Lemoosh proposal is a violation of the NEPA because there was no action alternative developed that addressed NEC et al. issue regarding large clearcuts and expansive clearcutting impacts on wildlife.

NEC et al. submitted expansive 60 day comments on the impacts of the proposed clearcutting for the Lacy Lemoosh project. We did not receive any response to these comments. There was no action alternative developed that addressed our concerns. This is a NEPA violation, as action alternatives are required to address public issues.

4. The IPNF Forest Plan is a violation of the NEPA and the NFMA because the vegetation desired conditions have never been shown to ensure a diversity of wildlife will be maintained across the forest; this deficiency needs to be addressed via a forest plan revision.

The Forest Service makes a standard claim that most wildlife species can be maintained via a "coarse filter approach." This is based on the assumption that the desired conditions developed for vegetation in Forest Plans ensures that wildlife will be maintained. The premise behind this claim is that DCs will provide a "mosaic" of habitat that ensures that there will be enough habitat for all wildlife species, what ever their habitat requirements are. Unfortunately, claiming that a habitat mosaic ensures that 77 species of western forest birds has never been demonstrated. The use of the vegetation DCs to sustain wildlife populations on the IPNF to date has unknown, but likely severe adverse impacts on wildlife, with no disclosure to the public of this impact. The IPNF Forest Plan needs to be revised so that actual habitat standards demonstrated to ensure wildlife population viability will be developed as required by the NFMA.

5. The Lacy Lemoosh project did not demonstrate that the Forest Plan desired conditions for snags, as outlined in Table 1 of the Revised Forest Plan, is being or will continue to be met in the project area; this masks the

potential of a forest plan violation; this potential violation also triggers a NEPA violation, since revised action alternatives may need to be developed to address this snag shortfall.

There is no evidence provided that the Lacy Lemoosh project area, of which 10,000 acres of roughly the 16,000 acre project area, have been logged, meets the Forest Plan desired conditions for snags. There has been no snag inventory for proposed units or the project area. It is unknown if this DC for snags is currently being met in this landscape. If it is not, the agency would need to address this failure, including how yet more timber harvest will impact Forest Plan compliance. Given that the agency claims that a purpose of the project is to achieve DCs for the Forest Plan, this absence of any information on meeting DC for snags indicates this DC is likely not being met. The agency clearly needs to provide a valid project-level inventory of snags and snag sizes; if the DC for the Forest Plan is not being met, then other action alternatives need to be developed to address this failure.

6. The IPNF Forest Plan fails to ensure that 31 forest species associated with snags are being maintained across the forest, as is required by the NFMA and the MBTA.

There is no monitoring information in the 2022 Biennial Monitoring report for the IPNF that demonstrates the DCs for snag are being met across the Forest. And to date, the agency has never demonstrated that a certain number of snags, even if provided, provide a valid proxy for 31 species of wildlife associated with snags. As a result, to date the IPNF has no actual information as to how the timber program has impacted these 31 species. The timber program needs to be halted until this analysis information is provided, as is required by both the NEPA and the NFMA. Use of an invalid proxy as a measure for wildlife viability means that these snag associated species (31) may actually be largely eliminated across the forest due to invalid habitat criteria. A Forest Plan revision is required in order to valid conservation measures be developed for snag-associated wildlife.

There is some monitoring information that demonstrates that the IPNF's proxy for snag-associated wildlife is failing to maintain viable populations. The 2022 Biennial Monitoring report shows that the Hairy Woodpecker, a species that depends upon snags for nesting and foraging, and one of the species identified as focal species for monitoring as the landbird assemblage, has declined drastically from 2010 to 2017 (page 122, Figure 36). This limited monitoring program indicting problems with snag habitat was not addressed in the Lacy Lemoosh NEPA documents. This project has no plans to alter existing Forest Plan snag direction in spite of a huge drop in Hairy Woodpecker populations. This is an NFMA violation, as monitoring data is supposed to be used to ensure management objectives, which include maintaining populations of Hairy Woodpeckers, are working. The indications are that this snag program is not working, and changes should be made before additional impacts to snags are created. Additional analysis is also obviously warranted because there is no current science that indicates 31 species of birds associated with snags require nothing more than snags.

The agency also has failed to demonstrate that the snag management program is maintaining the DC for snags over time. As just one example, this required effectiveness of mitigation measures as per the NEPA need to be demonstrated for the Lacy Lemoosh project. In the 10,000 acres already logged, the agency needs to provide a snag inventory. This is essential in order for the agency to adhere not just to the NEPA, but to the NFMA to demonstrate the snag program DCs are actually being met over the time period of the a forest plan, not just for several years when the snags blow over.

7. The agency failed to demonstrate that Lacy Lemoosh project will maintain wildlife associated with old growth forests.

Although no old growth is purported to be logged in the Lacy Lemoosh project, the cumulative impacts of past logging on old growth, and effects to associated species, needs to be evaluated. It appears that old growth is well below the

recommended 20-25% level for wildlife. Yet the agency has not identified any restoration effort to bring current levels of old growth up to this amount, by developing and protecting recruitment old growth. Most of the forest stands slated for clearcutting could provide recruitment old growth, and thus address the MBTA as well as the NFMA for wildlife.

8. The Lacy Lemoosh project is a violation of the NEPA, the NFMA, the MBTA, and the APA because there is essentially no management planned for wildlife, including western forest birds, as well as no actual analysis as to how past and planned logging will impact these wildlife species; the agency has arbitrarily determined that almost all forest birds do not require any habitat management, contrary to existing science, and thus do not require any analysis as per vegetation management impacts, direct, indirect or cumulative.

In Attachment #1, we identified a potential 77 forest birds that could occur in the Lacy Lemoosh project area. A considerable number of these birds have a variety of conservation concerns. These include 6 neotropical migratory birds identified by the USFWS for this project that are to have beneficial practices applied to them. Yet there is essentially no analysis of any of theses 77 species in the Lacy Lemoosh NEPA documents. The agency even barely provided any mention of the 5 landbird focal bird species required for Forest Plan monitoring. This failure to address a host of birds with conservation concerns is also dismissive of the IPNF Forest Plan, which identifies many bird species with various conservation concerns. At the same time, the agency did not define why almost all bird species that may occur in the project area do not need to be evaluated for project impacts. Suggestions that the vegetation DCs will maintain a habitat mosaic that ensures viability of all 77 bird species is nothing more than a meaningless platitude, which does not qualify as an analysis of project impacts on wildlife. Without any actual documentation as to why the Lacy Lemoosh project will not have adverse impacts on 77 species of western forest birds, the agency's NEPA analysis has no basis for claiming no significant impacts will occur to these 77 bird species.

The agency is violating the NEPA by failing to evaluate the impact of the roads required for the project on elk. The agency also ignores the contradiction between claims of improved elk habitat and elk displacement from roads which occurs with only several vehicle trips per 12 hours. Also, given the severe lack of security in the project area, the agency did not provide the actual analysis data, or recommendations from the Idaho Fish and Game Department, as to how determinations were made the forage, and not the lack of security, are the most serious habitat effects on elk. Also, even if clearcuts have more forage than forests, these clearcuts will have vegetation desiccate much earlier in the season, including due to the increased temperatures and wind speeds in clearcuts. So actual effects on elk forage, even if the roads are subsequently closed to allow for elk use, are not clear.

The IPNF Forest Plan FEIS has never evaluated the impact of achieving vegetation DCs on elk habitat effectiveness or security. The amount of roads required to achieve massive intervention of forests to move towards DCs is never evaluated in the Forest Plan. The Lacy Lemoosh project is a good example of the high open road density that is required for vegetation DCs to be achieved. The IPNF Forest Plan also never addresses the contradiction between DCs that are supposedly historic conditions, and the huge maze of roads required to achieve these DCs. These roads did not exist historically, and clearly are not moving towards HRV. So the agency is arbitrarily selecting one aspect of HRV that promotes timber harvest, while ignoring the required high road densities that did not exist historically.

10. The agency did not evaluate the impacts of the Lacy Lemoosh project on carbon pollution or the likely potential that this project will tip the ecological threshold for wildlife in a heavily-clearcut landscape.

As we discussed in Attachment #1, clearcuts may have temperatures greater that 18 degrees Fahrenheit greater than surrounding forests, and that due to vegetation breeze, the adjacent cooler, moister air in adjacent forests is then

drawn out into clearcuts, equalizing the local landscape temperatures. It is possible, and as well, likely that given current global warming, along with exacerbations triggered by clearcutting, that ecological thresholds for many wildlife species, from small birds as the Rufous Hummingbird, to the Western Bumblebee, to the wolverine and moose could easily be exceeded, making this overall landscape unavailable to these species. The actual impact of removing the project area as suitable wildlife habitat for an unknown period of the year is unknown, as it was never addressed by the agency. Given the vast clearcutting program being proposed has also never been evaluated in the IPNF Forest Plan, the effects of this massive clearcutting program on the ecological tolerance of wildlife and insects remains unknown. Until this Forest Plan deficiency is addressed, this clearcutting program needs to be halted.

11. The agency did not define what, if any wildlife surveys, were done in order to prepare the Lacy Lemoosh project design, including location and acreage to be clearcut.

Although the design criteria for wildlife surveys "suggests" that some wildlife surveys will be done, the species for which these will be done is never identified. It appears that the IPNF Forest Plan requires surveys for the goshawk, although no such results are provided in the Lacy Lemoosh NEPA documents. This is in spite of the ongoing forest-wide monitoring program, where 81 goshawk territories are reported. Why aren't there any territories in the Lacy Lemoosh project area? Or are they present but were simply not mapped. This includes nesting and postfledging areas. Are these present in this project area, and if so, where are they? Where are the buffers that have been established for nesting areas?

The Forest Plan has a "loophole" for wildlife surveys that if a nest site is known, it will be protected. What if it isn't known? Apparently it will not be protected. The cumulative impacts of this failure to protect forest raptors needs to be provided to the public in any NEPA analysis, as these are "baseline conditions? Required by NEPA. These baseline conditions also provide monitoring data for forest raptors

from past logging activities. We would like to know what portions of the 16,000 acre project area contain neotropical migratory forest raptors, and how these occupied areas were addressed in the clearcutting program. It seems likely that these clearcuts were laid out without any actual survey information for neotropical migratory forest raptors. The agency needs to demonstrate to the public specifically how these clearcuts were designed for these birds, as is required by the MBTA and the NEPA.

Unless the agency can provide actual survey results for neotropical forest raptors before a decision is made, the public is being denied this important information as to how the agency is managing these species in logging proposals. Claims that surveys will be done at some future date denies the public of this key management information, in violation of the NEPA. In addition, the agency cannot base NEPA conclusions (no significant impacts on neotropical forest raptors) on hypothetical surveys. If the agency is unable to complete valid wildlife surveys during project planning, and prior to release of a draft decision to the public, this clearly demonstrates that the project proposal is too large to meet the requirements of the NEPA. Creating large project areas that prevent valid wildlife surveys is essentially a direct attempt to escape the NEPA.

12. The agency did not demonstrate how the Lacy Lemoosh project will achieve IPNF Forest Plan Desired Conditions (DCs).

Even though the objective of the Lacy Lemoose project is stated to be to achieve the DCs for vegetation outlined in the Forest Plan, how this project will actually move towards the DCs for the various potential vegetation groups is never defined to the public. It is not clear that this project is actually implemented Forest Plan DCs, which would be a Forest Plan violation. Actual implementation of these Forest Plan DCs for vegetation must be clearly demonstrated to the public, to demonstrate Forest Plan compliance.

Attachment #1 for the Objection filed against the Lacy Lemoosh Project on the Idaho Panhandle National Forest by NEC et al. March 27, 2025

Attachment #1 includes supporting documentation regarding wildlife that many of the legal claims cited in the Objection are based on. This information is being used to define wildlife impacts that will be triggered by the Lacy Lemoosh Project, along with previously-supplied information on wildlife impacts provided by NEC et al. on openings over 40 acres in size on June 6, 2023, including 43 hard copies of reports and/or publications, along with additional information provided by NEC et al. for scoping on May 30, 2023 and draft EA comments on November 8, 2024.

Birds

We estimate that there may be up to 77 forest-associated bird species in the Lacy Lemoosh Project Area. These would include birds also associated with deciduous forest inclusions, such as aspen. This is based on birds listed in Table 85 of the Flathead National Forest Plan Wildlife Species and Habitats Monitoring Guide and Evaluation of Results. Of the 121 birds listed in this table, we estimate that approximately 77 of them would occur in the Lacy Lemoosh project area as western forest birds. Bird composition on the Flathead and Idaho Panhandle Forests is likely quite similar. In addition, there are at least an estimated 67 species of western forest birds identified by Rosenberg et al. (2019). The Lacy LeMoosh project claimed to evaluate the impact of this project on the 5 bird species identified as "focal species," in a landbird assemblage, including the Hairy Woodpecker, Dusky Flycatcher, Chipping Sparrow, Hammond's Flycatcher, and Olive-sided Flycatcher. Actually, this project did not include any evaluation of these 5 species. These 5 birds were addressed in the 2022 Biennial Monitoring Report for the IPNF. This report, measuring bird population trends from 20190-2017, showed that the Chipping Sparrow population trend was slightly upward on the forest. The population trend for the Dusky Flycatcher was slightly down. The

population trend for the Hairy Woodpecker was sharply down. The population trend for the Hammond's Flycatcher was way down. And the population trend for the Olive-sided Flycatcher was way up. What these trends mean for the 77 forest bird species potentially present on the IPNF was never discussed in the Lacy Lemoosh NEPA documents. We note that the Hairy Woodpecker is associated with snags and old growth forests, while the Hammond's Flycatcher is associated with old growth forests (USDA 2018).

The agency did not define why analysis of birds identified in the Idaho Panhandle National Forest (IPNF) Forest Plan Final Environmental Impact Statement (FEIS) Table 85 at page 378 were not evaluated for the Lacy Lemoosh Project. This Table identifies priority bird species present in woodland, shrubland and forest habitat on this forest, including forest birds as the Black-chinned Hummingbird, Calliope Hummingbird, Rufous Hummingbird, Dusky Flycatcher, Sharp-shinned Hawk, Northern Goshawk, Lewis's Woodpecker, Williamson's Sapsucker, Black-backed Woodpecker, Brown Creeper, Varied Thrush, Townsend's Solitaire, Western Tanager, Olive-sided Flycatcher, Hammond's Flycatcher, Ruffed Grouse, Flammulated Owl, White-headed Woodpecker, Golden Eagle, Vaux's Swift, and Plumbeous Vireo. We note that 6 of these species require snags for nesting, and 10 of them are associated with old growth forests (USDA 1990; USDA 2018).

The agency also did not define why bird species of continental importance identified in the IPNF Forest Plan FEIS in the Intermountain West Avifauna Biome were not evaluated in the Lacy Lemoosh NEPA documents. These birds include the Lewis's Woodpecker, Cassin's Finch, Rufous Hummingbird, Olive-sided Flycatcher, Calliope Hummingbird, Red-naped Sapsucker, Williamson's Sapsucker, Clark's Nutcracker, Dusky Flycatcher, Mountain Bluebird, Flammulated Owl, and White-headed Woodpecker. We note that 6 of these species require snags for nesting, while 5 are associated with old growth forests.

The agency did not define why Birds of Conservation Concern that occur in Bird Conservation Region (BCR) identified by the U.S. Fish and Wildlife Service were

not evaluated in the Lacy Lemoosh Project. These include the Calliope Hummingbird, Rufous Hummingbird, Broad-tailed Hummingbird, Flammulated Owl, Long-eared Owl, Lewis's Woodpecker, Williamson's Sapsucker, Olive-sided Flycatcher, Pinyon Jay, Evening Grosbeak, and Cassin's Finch. Three of these require snags for nesting as well as associated with old growth forests (USDA 1990; USDA 2018).

The agency did not explain why the 7 birds specifically identified by the USFWS for the Lacy Lemoosh project were not evaluated in their 01/22/25 correspondence for this project. These Birds of Conservation Concern (BCC) were noted to likely be present within the Lacy Lemoosh project area, including the Calliope Hummingbird, Rufous Hummingbirds, Olive-sided Flycatcher, Lewis's Woodpecker, Golden Eagle (vulnerable but not a BCC) Evening Grosbeak, and Cassin's Finch.

The agency did not define what measures would be employed for the Lacy Lemoosh project to reduce or eliminate harm to these BCCs. In order to avoid or minimize harm, the USFWS identified the nesting seasons for these species, including May 1-August 15 for the Calliope Hummingbird, May 15-July 15 for the Cassin's Finch, May 15-August 10 for the Evening Grosbeak, January 1 to September 30 for the Golden Eagle, April 20 to September 30 for the Lewis's Woodpecker, May 20-August 31 for the Olive-sided Flycatcher, and April 15-July 15 for the Rufous Hummingbird. The USFWS has identified Nationwide Avoidance and Minimization Measures, Version 2, Updated 2024, for information on how to minimize or avoid harm to nesting neotropical migratory birds. This information is also provided in "Project recommendations for Migratory Bird Conservation , U.S. Fish and Wildlife Service, Utah Field Office (May 2020). These recommendations identify a maximum migratory bird nesting season from approximately December to August, with a minimum nesting period from April 1 to July 15. If these nesting seasons cannot be avoided, the agency recommends that surveys be conducted to determine if migratory birds are present and nesting; surveys should emphasize detecting presence of USFWS BCC, take place during the nesting season the year before the season the project is planned, and should document

the presence of nesting birds throughout the entire minimum migratory bird nesting season (April 1-July 15); nest surveys should be conducted by qualified biologists using accepted survey protocols.

The USFWS has cited nesting seasons and recommended protection buffers provided by Romin and Muck (2002) for neotropical migratory birds that are raptors. These include the following:

Golden Eagle; 0.5 mile buffer, 1/1-8/31

Northern Goshawk: 0.5 mile buffer, 3/1-j8/15

Cooper's Hawk: 0.5 mile buffer, 3/15-8/31

Red-tailed Hawk: 0.5 mile buffer, 3/15-8/15

Sharp-shinned Hawk: 0.5 mile buffer, 3/15-8/31

Peregrine Falcon: 1 mile buffer, 2/1-8/31

Flammulated Owl: 0.25 mile buffer, 4/1-9/30

Long-eared Owl: 0.25 mile buffer, 2/1-8/15

American Kestrel: no buffers, nesting 4/1-8/15

The USFWS as per Romin and Much (2002) has also identified nesting seasons and recommended protection buffer for forest owls that are nonmigratory. These include the following:

Boreal Owl: 0.25 mile buffer, nesting 2/1-7/31

Great Horned Owl: 0.25 mile buffer, 12/1-9/31

Northern Saw-whet Owl: 0.25 mile buffer, nesting 31-8/31

Northern Pygmy Owl: 0.25 mile buffer, nesting 4/1-8/1

Western Screech Owl: 0.25 mile buffer, nesting 3/1-8/15

The agency in the Lacy Lemoosh NEPA documents do not define what, if any surveys, will be done for these neotropical and nonmigratory forest hawks and owls. If surveys are not done, the agency must "estimate" the current density of these species, along with the Great Gray Owl, that occur in this landscape, along with the number of nests likely to be destroyed or reproduction activities disrupted, and what this impact will be on these birds.

The agency did not define what birds likely present in the Lacy Lemoosh project area have been identified as species of greatest conservation need in 2015 by the state of Idaho, including the Great Gray Owl, Golden Eagle, Lewis's Woodpecker, White-headed Woodpecker, Olive-sided Flycatcher, Clark's Nutcracker, and Red Crossbill, but also for mammals, the wolverine and fisher. In 2023, this list of birds species of greatest conservation need was updated to include the following additional species: Boreal Owl, Canada Jay, Evening Grosbeak, Cassin's Finch, Cassia Crossbill, Spruce Grouse, and Wilson's Warbler. Four of the bird species require snags for nesting, and also are associated with old growth forests.

The agency in the Lacy Lemoosh project did not define why priority birds identified by the 2000 Idaho Partners in Flight program identified for high priority management were not evaluated, including the Calliope Hummingbird, Rufous Hummingbird, Sharp-shinned Hawk, Northern Goshawk, Lewis's Woodpecker, Williamson's Sapsucker, Black-backed Woodpecker, Varied Thrush, Townsend's Warbler, Western Tanager, Olive-sided Flycatcher, Hammond's Flycatcher, Flammulated Owl, White-headed Woodpecker, Vaux's Swift, and Golden Eagle. Six of these species need snags for nesting; ten of these species are associated with old growth.

In 2016, the Partners in Fight Landbird Conservation Plan identified the following forest bird species that have lost more than 50% of their populations since the mid-1970s: Pine Siskin, Varied Thrush, Wilson's Warbler, Least Flycatcher, and American Tree Sparrow. The Varied Thrush is associated with old growth forests.

The North American State of the Birds Initiative (2022) reported that about half of western forest bird populations (out of 46 species) were in decline, which is somewhat lower than the 64% decline in 67 species of western forest birds evaluated by Rosenberg et al. (2019). This report also noted that the Williamson's Sapsucker has experienced recent declines. Tipping point species (lost half of population since the mid-1970s) included the Olive-sided Flycatcher, Rufous Hummingbird and Evening Grosbeak, with continued large declines predicted for this flycatcher and hummingbird.

The Lacy Lemoosh project NEPA documents does not acknowledge the declining status of many birds in BCR 10, as reported in the Flathead National Forest Plan monitoring guide (Table 86), including the Three-toed Woodpecker, Black-capped Chickadee, Clark's Nutcracker, Least Flycatcher, Mountain Bluebird, Northern Flicker, Varied Thrush, White-winged Crossbill, and Winter Wren. Five of these require snags for nesting, while three of them are associated with old growth habitats.

The Lacy Lemoosh project does not evaluate how current or planned levels of old growth forests in the project area are impacting 28 species of western forest birds associated with old growth forests (USDA 1990, USDA 2018, Bull et al. 1988), including the Black-backed Woodpecker, Boreal Owl, Brown Creeper, Chestnut-backed Chickadee, Flammulated Owl, Golden-crowned Kinglet, Hairy Woodpecker, Hammond's Flycatcher, Hermit Thrush, Lewis's Woodpecker, Northern Goshawk, Pileated Woodpecker, Pine Grosbeak, Pygmy Nuthatch, Red-breasted Nuthatch, Swainson's Thrush, Three-toed Woodpecker, Townsend's Warbler, Varied Thrush, Vaux's Swift, White-breasted Nuthatch, Winter Wren, Williamson's Sapsucker, Northern Pygmy Owl, Northern Saw-whet Owl, Barred Owl, White-headed Woodpecker, and Great Gray Owl.

The Lacy Lemoosh project documents do not evaluate project impacts on 31 bird

species associated with snags (USDA 2018, Bull et al. 1988), including the American Kestrel, Barred Owl, Black-backed Woodpecker, Black-capped Chickadee, Boreal Chickadee, BoreaL Owl, Brown Creeper, Chestnut-backed Chickadee, Downy Woodpecker, Flammulated Owl, Hairy Woodpecker, House Finch, House Wren, Lewis's Woodpecker, Mountain Bluebird, Mountain Chickadee, Northern Flicker, Northern Hawk Owl, Pileated Woodpecker, Pygmy Nuthatch, Northern Pygmy Owl, Red-breasted Nuthatch, Red-naped Sapsucker, Northern Saw-whet Owl, Three-toed Woodpecker, Tree Swallow, Violet-green Swallow, Western Bluebird, Western Screech Owl, White-breasted Nuthatch, and Williamson's Sapsucker.

The Lacy Lemoosh project did not include any inventory of snags, either within proposed harvest units, or in past harvest units. It is unknown if past harvest units are meeting the IPNF Forest Plan desired conditions for snags, which are identified in Table 1 of the Forest Plan at page 13. This table identifies the desired range of snags greater than 10 inches dbh, greater than 15 inches dbh, and greater than 20 inches dbh. If past harvest units are not meeting the desired conditions for snags, the agency cannot ensure the public that the proposed clearcuts will meet these desired conditions. The current and planned status of snags in the Lacy Lemoosh project area as per Forest Plan direction cannot be defined to the public.

The IPNF Forest Plan biennial monitoring report for 2022 has no data on snag densities across the forest. It is unknown if the snag desired conditions are being met anywhere on the IPNF, and if so, on how many acres of the forest. Even if the desired number of snags is being met, or will be met on the IPNF or within the Lacy Lemoosh project area, this is not a proxy for the viability of 31 bird species associated with snags. The IPNF Forest Plan and associated FEIS have never defined how desired snag numbers will maintain these 31 wildlife species. Snag numbers are an invalid proxy for populations of 31 associated species. As has been noted for 3 snag-associated species, the Black-backed and Three-toed Woodpeckers (Goggans et al. 1987) and the Pileated Woodpecker (Bull et al. 2007), as well as most other snag-associated forest birds (Bull et al. 1997), these

species require much more for habitat than a snag for nesting. Due to this invalid proxy, the IPNF has no basis for claiming that clearcuts, including those to be created in the Lacy Lemoosh project, are sustaining a diversity of wildlife associated with snags. As a result, the IPNF has thus far failed to complete any valid assessments of clearcutting on 31 forest species that require snags, in violation of the NEPA and the NFMA.

Although the 2022 Biennial monitoring report for the IPNF does not evaluate current snag densities anywhere on the forest, it is clear that clearcutting will essentially remove all snags within a decade, given that snag life is limited, especially in clearcuts where wind speeds may be very high. Within the Lacy Lemoosh project area, it is highly likely that the desired conditions directed by the IPNF Forest Plan are not being met, given that almost 10,000 acres of the roughly 16,000 acre project area have already been logged. And as noted in the Wildlife Report, it will take at least 60 years or longer for tree sizes to grow to a size usable for snag-associated species, which is approximately 10 inches dbh (Bull et al. 1997). Although we could find no measures of snag densities on the IPNF, we were able to compare snag sizes/densities summarized for Eastside Forests in Region 1 by Bollenbacher et al. (2008). In unroaded, unmanaged landscapes, there were 2.8 times more snags at least 10 inches dbh, 2.6 times more snags at least 15 inches dbh, and at least 3.5 times more snags over 20 inches dbh than averaged with roaded, managed landscapes. The impact of clearcutting on snag densities over time will be severe, and this impact needs to be defined for the Lacy Lemoosh project and the 31 species of wildlife associated with snags.

The Lacy Lemoosh project does not acknowledge that at least 30 species of western forest birds that depend upon conifer seeds for forage and thus viability (Smith and Balda 1979, Smith and Aldous 1947, Dobkin 1992), including the Hairy Woodpecker, Pinyon Jay, Clark's Nutcracker, Stellar's Jay, Black-billed Magpie, Mountain Chickadee, Red-breasted Nuthatch, White-breasted Nuthatch, Pygmy Nuthatch, Crossbills, Pine Siskin, Lewis's Woodpecker, Northern Flicker, Canada Jay, Winter Wren, American Robin, English Sparrow, Evening Grosbeak, American Goldfinch, Oregon Junco, Slate-colored Junco, Chipping Sparrow, Song Sparrow,

American Crow, Broad-tailed Pigeon, Blue Grouse, Purple Finch, Pine Grosbeak, and Cassin's Finch. The Hairy Woodpecker is one of 5 birds the IPNF is monitoring for population viability. The impact of the proposed clearcutting on these 30 species of western forest birds was not evaluated for the Lacy Lemoosh project.

Idaho has roughly 50 forest bird species that are neotropical migratory birds (Idaho's migratory landbirds, 1993). These include 8 forest raptors, including the Sharp-shinned Hawk, Cooper's Hawk, Northern Goshawk, Red-tailed Hawk, American Kestrel, Peregrine Falcon, Flammulated Owl, and Long-eared Owl. Other neotropical migratory birds include the Vaux's Swift, Calliope Hummingbird, Broad-tailed hummingbird, Rufous Humming, Lewis's Woodpecker, Red-naped Sapsucker, Williamson's Sapsucker, Olive-sided Flycatcher, Western Wood-pewee, Hammond's Flycatcher, Dusky Flycatcher, Cordilleran Flycatcher, Tree Swallow, Violet-green Swallow, Brown Creeper, House Wren, Western Bluebird, Mountain Bluebird, Veery, Swainson's Thrush, Townsend's Solitaire, Hermit Thrush, American Robin, Cedar Waxwing, Orange-crowned Warbler, Yellow-rumped Warbler, Townsend's Warbler, Wilson's Warbler, Western Tanager, Black-headed Grosbeak, Blue Grosbeak, Chipping Sparrow, Dark-eyed Junco, Brewer's Blackbird, Common Grackle, Brown-headed Cowbird, Scott's Oriole, Cassin's Finch, and Pine Siskin.

The Migratory Bird Treaty Act (MBTA) requires the Forest Service to avoid or minimize killing of migratory birds. AS per Director's Order NO: 225 (2021), incidental take means the taking or killing of migratory birds that results from but is not the purpose of an activity; beneficial practices means a action implemented in an effort to avoid and minimize the incidental take of migratory birds. The policy of enforcement of incidental take of migratory birds relates to where the proponent fails to implement known beneficial practices to avoid or minimize take. Id. Activities that may result in incidental take include vegetation clearing and management, and controlled burns. Id. If an activity will foreseeably result in incidental take of migratory birds, Service personnel must develop and implement beneficial practices to avoid or minimize impacts to migratory birds. Id.

As we noted previously regarding the USFWS's response to the Lacy Lemoosh project for migratory birds, beneficial practices include avoidance of activities during the maximum migratory bird nesting season (December to August), or if not possible in this period, to avoid the minimum nesting season of April 1 to July 15; if such work cannot be implemented outside the migratory bird nesting season, the Service recommends surveying impacted portions of the project to determine if migratory birds are present and nesting; surveys should emphasize detecting BCC. These recommendations are detailed in the Nationwide Avoidance Measures for Birds (2024). These recommendations include that if active nests or breeding behavior is detected, buffer zones should be established where all activities are prohibited until nestlings have fledged and left the nest area. Another recommendation includes preparing a vegetation maintenance plan that outlines vegetation maintenance activities and schedules so that direct bird impacts do not occur. *Id.* Prescribed fire should also be scheduled outside the peak bird breeding season to the maximum extent possible. *Id.*

The Lacy Lemoosh project NEPA documents do not demonstrate that surveys for neotropical raptors (8 species) have been, or will be conducted within the proposed clearcuts. As such, there will be no beneficial practices implemented for this project in order to reduce incidental take. This is a violation of the MBTA.

The Lacy Lemoosh project NEPA documents do not demonstrate that vegetation management activities (logging, burning) will not occur until the minimum bird nesting season for forest songbirds is over, which is July 15. In addition, the nesting season for BCC 10 5CC extend from July 15 up to September 31. Thus all 6 of the SCC forest songbirds will have nesting activities impacted. This is a violation of the MIBTA.

The Lacy Lemoosh project NEPA documents do not demonstrate that surveys for BCR 10 SCC species (6 species) will have surveys completed in proposed clearcuts prior to logging. No buffer recommendations are identified for any of these 6 SCC if nests are incidentally discovered. This is a violation of the MBTA.

No surveys have been done, nor apparently will be done, within proposed clearcut areas for Idaho Species of Greatest Conservation Need (2015, 2023). These include low density species that are not neotropical migrants, such as the Golden Eagle, Great Gray Owl, and Boreal Owl. Any existing nests for these species will apparently be destroyed during implementation of the clearcutting program for Lacy Lemoosh.

Clearcuts

The IPNF Forest Plan and associated FEIS have no sideboards for clearcuts, including size or density on the landscape. This means that there are no limits to the loss of wildlife habitat that clearcutting can create on a given landscape, as clearcuts remove essentially almost all habitat for over 70 species of western forest birds, as well as pine marten and fisher. There is no analysis in this FEIS as to how clearcutting sizes and densities will impact wildlife. This is a NEPA violation, since the agency intended to continue a clearcutting program in the new planning period. IN our June 26, 2023 60 day comments on clearcutting for the Lacy Lemoosh project, which we included 43 reports and/or publications as references, we noted expansive examples of how clearcutting impacts wildlife. Some key examples include the neotropical migratory bird, the Northern Gosahawk, where openings are to be no larger than 4 acres (Reynolds et al. 1992). For this species, there would be no openings over 4 acres in size. Also, for this species, only 20% of the 5,000 acre territory should be seedling/sapling sizes (openings) which would mean that no more than 1,000 acres within a 5,000 acre territory would be clearcut. Yet there are no restrictions for clearcut size of density on the IPNF for the goshawk, even though there are at least 81 goshawk territories identified for the forest.

The Pileated Woodpecker, a former MIS for the IPNF, has habitat recommendations for "no clearcuts' within their territories, with an average territory size of up to 1,000 acres (Bull et al. 2007). Thus for this species, the agency needs to provide 1,000 acre blocks of older forest habitat, with an average

territory size of 1,000 acres.Yet there are no requirements on the IPNF to coordinate clearcutting with habitat for the Pileated Woodpecker.

For the pine marten, with an average territory size of up to 2000 acres (USDA 1990), the recommended limit of no more than 25% of their territory being clearcuts (Hargis et al. 1999) would mean that within this 2,000 acres territory (about 3 miles square) there would be no more than 500 acres of clearcut at any given time. Yet there are no requirements on the IPNF to coordinate clearcutting with pine marten habitat, a species recently identified in Idaho as one species in greatest need for conservation in 2023.

For the snowshoe hare, an average size territory would be up to 25 acres (Griffin 2004). The larger the clearcut, the greater the number of snowshoe hare territories that will be removed in one large area. Yet there are no restrictions for clearcut size for snowshoe hares on the IPNF. The proposed clearcuts for this project included 690, 453, 316, 170, 117, 465, 182, 198, and 270 acres. This would remove 114 home ranges for snowshoe hares, with the largest clearcut of 690 acres itself removing 28 snowshoe hare home ranges in one large piece. There was no analysis for the Lacy Lemoosh project as to how this expansive loss and fragmentation of snowshoe hare habitat would affect these populations.

There are no requirements on the IPNF for any surveys for any forest raptors, except the goshawk, in areas to be clearcut. Thus clearcut areas of any size are automatically expected to eliminate nesting habitat for all these species, including 9 neotropical migratory species, and 5 other species of forest raptors. This expectation that a clearcut is going to eliminate nesting habitat for 14 forest raptors is never evaluated in the IPNF FEIS, which means that current clearcutting practices are a violation of both the NEPA and the NMFA.

These examples demonstate that the agency cannot simply implement a clearcutting program without sideboards for wildlife habitat. There are no such

sideboards in the IPNF. The damage to wildlife due to clearcutting remains unknown, as this was never evaluated in the Forest Plan FEIS. Nor was this impact evaluated for the Lacy Lemoosh project. This project has no FEIS to tier to, so this project requires its own site-specific analysis of clearcutting impacts on wildlife.

There is no monitoring of the impact of clearcutting on wildlife on the IPNF. The 2022 Biennial monitoring report does not evaluate the impact of clearcuts on wildlife. Instead, the only monitoring element is the size of clearcuts created per year, ranging from 2015-2020, in Figures 41-43. There is also a summary of the number of projects between 1998-2021 where clearcutting was done (Table 170); this table demonstrates the vast, unevaluated impact that clearcutting has had on IPNF wildlife; the average opening size has been 135 acres, the average maximum size of openings is 463, and the average number of openings per project has been 13. The effect on wildlife habitat density and fragmentation remains unknown due to a lack of Forest Plan or site-specific analysis. Thus the agency claim that the large openings planned for the Lacy Lemoosh project will not create significant adverse impacts on wildlife is unsupported with any actual data or analysis, in violation of the NEPA.

Mammals

In 2023, Idaho expanded their list of species with the greatest need for conservation to include the pine marten and moose. Habitat for both species will be completely eliminated with the proposed clearcuts in the Lacy Lemoosh project. The moose depends heavily upon older, more dense forests with a conifer understory as winter habitat (Tyers 2003). All clearcuts will completely remove moose winter habitat. These clearcuts will also render much of this impacted landscape unusable by moose in both summer and winter, as this ungulate becomes stressed when temperatures exceed 23 degrees Fahrenheit in the winter, and 59 degrees in the summer (Dickman 2012). Clearcutting will also eliminate key prey species for the pine marten, including red squirrels (Holloway and Malcolm 2006) and snowshoe hares (Holbrook et al. 2017). And as previously

noted in our 60 day comments on clearcuts, clearcuts will completely eliminate pine marten winter habitat (Sherburne and Bisonette 1994), as well as eliminate habitat connectivity (Moriarty et al. (2016). Yet the direct and cumulative adverse impacts on these 2 species were not evaluated for the Lacy Lemoosh project.

There was also no analysis of clearcutting impacts on the red squirrel and snowshoe hare, both important prey species for lynx (Holbrook et al 2017), goshawks (Clough 2000), and pine marten (Fager 2003). Red squirrels are heavily dependent upon pine cones as forage (Reynolds et al. 1991; Holloway and Malcolm 2006), so clearcutting completely eliminates their food source. And the snowshoe hare is heavily dependent upon dense overstory/understory cover (Holbrook et al. 2017), so habitat is completely eliminated for many years. Remaining habitat patches size for snowshoe hares may small and heavily fragmented, making remaining mature forest habitat less productive (Walker 2005).

There was no valid analysis of project impacts on the threatened wolverine. Impacts were claimed, without analysis, to be nonsignificant, which meant the agency failed to complete consultation with the USFWS to address adverse impacts of the Lacy Lemoosh project on wolverine, in violation of the ESA. It is well established that roads are detrimental to the wolverine (e.g., Fisher 2013; Scafford et al. 2018; Stewart et al. 2016). Sensitivity of wolverine to roads was recognized by the agency years ago, as the Interim Direction for the Management of TES Species (1992) by Region 1 of the Forest Service recommended road densities not exceed 1 mile per section in wolverine habitat. Reductions of moose winter range in the Lacy Lemoosh project will also adversely impact wolverine, who depend upon large prey events, such as death of moose, for winter survival (Scrafford and Boyce 2018). Wolverine also depend upon dense conifer forests for caching sites (Wright and Ernst 2004). But also an extremely detrimental effect of the massive clearcutting proposal for the Lacy Lemoosh project is that the average summer temperatures in this general lands, not just the clearcuts themselves, will likely make many times of the summer unusable for the

wolverine, who is highly sensitive to heat stress (Copeland et al. 2010; Parks 2009).

Climate Change

There was no valid assessment of how the Lacy Lemoosh project will affect not just carbon pollution, but the direct changes in the local climatic conditions this project and the vast expanses of clearcutting to be implemented will have. It is established that climate change is increasing the maximum and average temperatures in our public forests, including in Idaho. A 2023 Montana Outdoors article (March-April 2023) noted that the state's temperature has increased 0.42 degrees per decade, which is an average increase of 2.7 degrees in the past 65 years; by mid-century, models predict a 4-degree temperature increase in central and western Montana; by mid-century, western Montana will see 10 to 15 additional days of 90-degree plus temperatures.

The creation of large and vast stretches of clearcuts will directly increase local temperatures, with clearcuts having an average temperature increase of 18 degrees Fahrenheit (Knoss 2016). And these high temperatures in clearcuts will draw out the cooler, more moist air in adjacent forests, reducing their temperatures as well, in a process called "vegetation breeze" (Lawrence et al. 2022). Forest cover has been shown to stall the effects of global heating in the eastern U.S. (Milman 2024). This article noted that the recovery of eastern deciduous forests has blunted global heating mainly through trees transpiration, in which water is drawn up through the roots to the leaves and then released into the air as vapor, slightly cooling the surrounding areas. Most of this cooling is occurring within 400 meters of the trees; it is estimated that these replenished forests cool the eastern U.S. by 1.8-3.6F each year; the cooling effect is strongest on the hottest days in summer when trees lower temperatures by 3.6F to 9F; this study concluded that trees have a really beneficial impact upon surface temperatures through transpiration, which is similar to human sweating, and they have really cooled things off a lot.

The impacts of clearcutting in increasing local temperatures for wildlife were not addressed for the Lacy Lemoosh project, or as well, in the FEIS for the IPNF Forest Plan. It is known that wildlife will have limited physiological tolerance to high temperatures, with potential extinction when temperatures exceed the physiological tolerance of a species (Cahill et al. 2012); these proximate factors include negative effects of heat-avoidance behavior, the climate-related loss of hosts and pollinator species, and positive effects of climate change on pathogens and competitors; these proximate impacts also include decreases in food availability, when increased air temperatures decrease activity time and increase energy maintenance costs, leading organisms to die from starvation rather than overheating; climate change may cause local extinction of a given species by causing a decline in a species upon which it depends; these may include predators, hosts for parasites and specialized herbivores, species that create necessary microhabitats, and species that are essential for reproduction, such as pollinators; warming temperatures can also benefit introduced species, exacerbating their negative effects on native flora and fauna. AS per pollinators, the Western Bumblebee, a threatened species and a species of greatest conservation need in Idaho, crosses miles of terrain from their nests to forage early spring through fall (Trent 2024). This makes this pollinator especially vulnerable to the increased adverse weather conditions in clearcuts, such as both heat and stronger winds. High temperatures also seem to drastically reduce this insects sense of smell, which might threaten survival of colonies; for bumblebees, the ability to smell if a matter of life or death; exposure to simulated heat waves in this study reduced the bee's ability to smell by up to 80%, which spells trouble for getting food to colonies; the negative effect of heat waves on worker bumblebees' sense of smell could have a cascading effect on the survival of a whole colony (Tomma 2024).

The Idaho State Wildlife Action Plan (2023) defined the term "ecological threshold" in their glossary. This was defined as the point at which there is an abrupt change in the structure, quality, or function of an ecosystem or where external changes produce a large and persistent response. This term clearly defines the likely direct and cumulative impact of the clearcutting program on the IPNF, including within the Lacy Lemoosh project area. These large, high density

clearcuts most certainly are exacerbating the impacts of climate change, and most likely are pushing habitat conditions for many wildlife species beyond an ecological threshold for population persistence. This exceeding ecological thresholds for wildlife persistence remains unevaluated in the IPNF Forest Plan and associated FEIS, which is a NEPA and NFMA violation.

Pocket Gopher Poisoning with Strychnine

Pocket gophers can be killed in large numbers with poisoned bait; strychnine is quite effective; two baiting methods are effective; baits can be dropped by hand into underground runways, or placed in artificial burrows by a tractor-drawn machine called a "burrow-builder;" strychnine-treated grain baits consist of mixtures of whole oats and cracked corn mixtures or grain sorghum; ;materials used for poisoning gophers are dangerous to man and other animals, so extreme caution should be used when handling, soring or applying these toxic substances (Bidwell 2017).

NEC and others asked the agency about gopher poisoning impacts on wildlife (page 83-84 of response to comments), including impacts to the wolverine, fisher, pine marten, and owls, such as the Great Gray Owl. The agency stated that if nontarget mortality of wildlife occurred, the carcass (if somehow is discovered) would be analyzed to determine the cause of death, including strychnine. It is stated also that "effective monitoring" will be completed, but there have never been any details about what this entails. For example, the public is not provided any information as to how many acres will have poisoning activities, over how many years, and what specific procedures will monitoring for nontarget carcasses entail? The agency tries to imply that nontarget poisoning would occur from wildlife consuming oat baits, when in fact, the nontarget poisoning will be wildlife consuming dead or dying gophers that have been poisoned with strychnine. We could find no information in the IPNF Forest Plan or FEIS discussing the procedures and impacts of gopher poisoning in clearcuts. There is no information

provided on this practice in the 2022 Biennial Monitoring Report. This report does note the increasing trend to create large clearcuts.

It is clear that this practice of poisoning pocket gophers with strychnine is not being evaluated or monitored on the IPNF, including impacts on sensitive (fisher) and threatened wildlife species (wolverine), and Idaho species in the greatest need for conservation, including the pine marten and Great Gray Owl. We have included a portion from the Revised Forest Plan for the Targhee National Forest (USDA 1997) that has a guideline for Great Gray Owls, a species that feeds heavily on pocket gophers, to restrict the use of strychnine poison to control pocket gophers within a ½ mile-buffer around all known active Great Gray Owl nest sites. Currently, this poisoning practice is a violation of the NEPA and the NFMA, and likely the ESA, due to a complete failure of the Forest to have any measures or limitations in place to prevent nontarget poisoning of wildlife.

Attachment #2 for the Objection filed against the Lacy Lemoosh Project on the Idaho Panhandle National Forest by NEC et al. on March 27, 2025.

Attachment #2 contains relevant portions of literature and/or reports cited in the Objection, including:

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