

Certified Mail # 9589 0710 5270 0699 7387 00

August 18, 2025

To: Custer-Gallatin National Forest

Objection Reviewing Officer, Forest Supervisor Matthew Jedra

PO Box 130

10 East Babcock Street

Bozeman, MT 59715

RE: OBJECTION AGAINST THE COOKE CITY FUELS AND FOREST HEALTH PROJECT

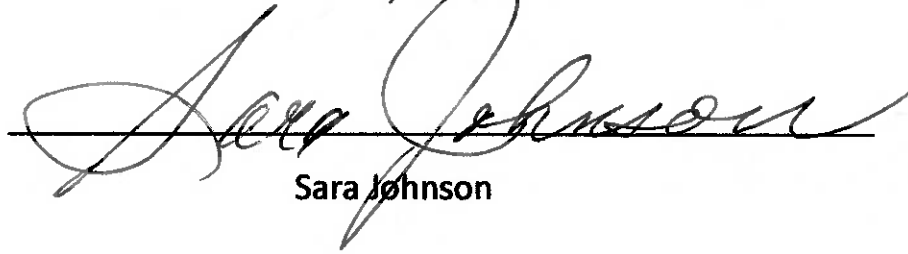
1. Name of Objectors

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

Mike Garrity, Director, Alliance for the Wild Rockies, PO Box 505, Helena, MT
59624; phone 406-410-3373;

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

Signed for Objectors this 18th day of August, 2025


Sara Johnson

2. Name and location the proposed project

Cooke City Fuels and Forest Health Project on the Gardiner Ranger District of the Custer-Gallatin National Forest.

3. Responsible Official

Kathy Minor, Deputy Forest Supervisor, Custer-Gallatin National Forest.

4. Attachments

This Objection includes 3 attachments. Attachment #1 is an enlargement of the USFWS 2005 map showing the location of a Canada lynx linkage area in the Cooke City Project Fuels and Forest Health Project Area. Attachment #2 includes copies of various Forest Service e-mails and reports concerning management of the proposed project. Attachment #3 includes many hard copies of reports and/or publications supporting claims made in the Objection.

5. Connection between previous public involvement and this Objection

On August 9, 2024, Objectors submitted written scoping comments on the proposed Cooke City Fuels and Forest Health Project (hereafter “Cooke City Project”). On April 21, 2025, Objectors submitted 30-day comments on the proposed project. Rather than repeat the multiple issues and concerns raised in these joint comments, we are simply incorporating them into this Objection. We are expanding on those issues that we believe are the most significant as per whitebark pine and wildlife, including western forest birds, and new information. In trying to access Forest Plan biennial monitoring reports to determine monitoring designs and accomplishments on western forest birds, we discovered that the CGNF RFP does not actually identify any focal species for these 67 species of western forest birds, in violation of the NMFA and the 2012 Planning Rule. We have thus expanded on this issue in this objection. We also became aware of the failure of the CGNF to continue with a monitoring program on treatment effects on whitebark pine, a study that was established in the Cooke City Project Area. So we have also expanded upon this issue in this Objection. Other issues/concerns are briefly summarized below.

In our August 2024 comments, we were concerned about a failure to notify NEC and AWR about public involvement opportunities, as well as the use of a Preliminary Assessment (PA) in place of an Environmental Assessment. We identified extensive amounts of information that was not provided in the PA, but needed to be provided as per the NEPA. A major concern we identified dealt with violation of the Roadless Area Rule (2000), since vegetation treatments are not allowed unless they replicate natural processes and maintain natural scenery. We identified the multiple adverse impacts treatments in IRAs will have on western forest birds, in violation of the Roadless Rule. We raised a concern about completion of valid surveys for forest raptors, including within IRAs. We were concerned about delineation of the Wildland Urban Interface (WUI) as per exemptions and exceptions for management of the threatened lynx. And we raised the concern about how vegetation treatments exacerbate ongoing effects of climate change, to the detriment of almost all wildlife.

In our April 2025 30-day comments, we emphasized concerns about the management of the threatened whitebark pine; we challenged that the proposed treatments would “enhance” this tree species; science indicates these treatments will be highly adverse to this tree species, as well as to the Clark’s Nutcracker, a Montana Species of Concern, and the threatened grizzly bear. We noted the agency has not demonstrated any actual monitoring activity to support enhancement claims. In our Objection we have supported these claims with publications and/or reports. We noted that these adverse impacts to these bird, mammal and tree species within IRAs will be a violation of the Roadless Area Rule. We also raised many concerns about project impacts on the threatened Canada lynx, as the project area is within lynx critical habitat as well as within a designated linkage area as per the USFWS 2005 lynx map. In addition to a failure of the agency’s management strategy for lynx, the agency also failed to demonstrate how a Forest Plan standard to maintain lynx habitat connectivity within occupied lynx habitat will be met. The WUI to allow habitat exemptions and exceptions for lynx is also invalid, which again triggers Forest Plan violations. We noted that there was no old growth information for the project area, even though old growth is a key, critical habitat for many species of western forest birds. WE also noted that the CGNF RFP has an invalid conservation strategy for birds dependent upon snags. Another concern was the apparent contradiction of the CGNF RFP as per the guideline for raptor surveys. Only known nests are to be protected, but there are no actual requirements for surveys in order that such nests can actually be located. WE noted there was no analysis of project impacts on elk, including security and habitat effectiveness, even though the CGNF was instrumental in developing elk management recommendations as per USDA/MFWP (2013). We raised a concern about the lack of “beneficial practices” being required for migratory birds, as per the Migratory Bird Treaty Act (MBTA). As such, the allowed “incidental take” of migratory birds was never addressed, so this take will not be legal. We noted as well that the Cooke City Project NEPA analyses never did evaluate impacts on any species of western forest bird, including Montana SOC or USFWS BCC, and that the CGNF appears to have no actual conservation requirements for these species. Finally, we noted that the impacts of the Cooke City project on local climatic conditions for wildlife were never evaluated, even though this project will increase climatic warming in this landscape, and exacerbate severe weather effects due to forest thinning.

6. Legal violations that will be triggered by the Cooke City Project

A. The agency will violate the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Administrative Procedures Act (APA), the Endangered Species Act (ESA), and the Migratory Bird Treaty Act (MBTA) if the Cooke City Fuels and Forest Health Project is implemented.

1. Canada Lynx Management violates the NEPA, the NFMA, and the ESA; proposed impacts will have significant adverse impacts on the lynx, impacts that require completion of an EIS.

- a. The agency failed to evaluate the direct impacts of the proposed Cook City Project on lynx.

The Beartooth Plateau Lynx Analysis Unit (LAU) is 80,259 acres as per the project wildlife report, or 85,112 as per the USDA (2013). The project area is only 19,331 Forest Service acres. So the LAU is over 4 times the size of the project area. Evaluation of lynx habitat impacts as per the LAU is an analysis of cumulative impacts, not direct impacts. The agency is required to evaluate impacts to lynx within the project area. This is consistent with the average size of a lynx home range:

Olson et al. (2023): median home range size of 16,960 acres.

Holbrook et al. (2019): median home range size of 8,855 acres.

Holbrook et al. (2017a): median home range size of 13,500 acres.

- b. Agency claims that the project will not significantly impact lynx habitat is false.

The Wildlife Report notes that stand initiation habitat, or habitat for lynx, will be reduced from 1,408 to 970 acres, by removing 438 acres. For just mapped lynx habitat, this changes stand initiation winter habitat for lynx from 11% to 7.4% (total mapped lynx habitat of 13,033 acres). The current best science recommends approximately 20% stand initiation habitat in high quality lynx breeding habitat (Holbrook et al. 2019; Kosterman et al. 2018). The project area mapped lynx habitat does not currently meet this habitat level for breeding lynx habitat and this habitat lack will be exacerbated with the proposed Cooke City Project.

The Wildlife Report also notes that multi-story mapped lynx habitat will be reduced from 4,274 acres to 3,592 acres, or reduced by 682 acres. This is a 16% reduction. As per the Lynx Amendment, there is to be no loss of multi-story lynx habitat except for exceptions and/or exemptions. This 16% is a significant habitat loss.

The combined loss of lynx winter habitat, from multi-story and stand initiation habitat, will be 682 + 438 acres, or 1,120 acres. Current mapped winter habitat is 5,682 acres. Removal of 1,120 acres would reduce lynx winter habitat from 43.6% of mapped lynx habitat to 35% of mapped lynx habitat. The current best science reports that quality lynx breeding habitat has 70% winter habitat, consisting of at least 50% mature forest and 20% regenerating forest. So the availability of mapped lynx winter habitat is already low for the LAU, and will be further reduced with the Cooke City Project.

- c. The agency has failed to use the current best science to evaluate impacts to lynx in the project area.

The current best science measures lynx habitat across a total landscape, instead of only using “pieces” of habitat within the landscape (Holbrook et al. 2019; Kosterman et al. 2018). The total impacts of the Cooke City Project on lynx habitat is concealed by the agency’s failure to measure impacts across the entire project area. For example, the project will impact 3,218 acres. Yet only 1,462 acres of treatment are claimed to affect lynx because these treatments will occur in areas not mapped as lynx habitat. Due to the agency’s analysis, the impact of 55% of the proposed treatment areas is not counted against effects on lynx habitat.

- d. The agency is falsely claiming exemptions for removing multi-story and stand initiation habitat for lynx in the project area by invalid boundaries for the Wildland Urban Interface (WUI).

The agency is claiming WUI exemptions for 438 acres of treatment of stand initiation lynx habitat, and 682 acres of lynx multi-story habitat. The WUI map (Figure 5) does not address the required definitions for WUIs, which require analysis of the interface and intermix zones. There is no such map or analysis of where these interface and intermix zones are, in order to meet the requirements of the WUI as per the HFRA. Thus the claiming exemptions are invalid, and a violation of the Forest Plan direction as per the Lynx Amendment.

- e. The agency is violating the NEPA by failing to evaluate project impacts on lynx habitat connectivity.

There will be 3,218 acres of treatments in the Cooke City project area. There has also been at least 198 acres of past treatments in the Fisher Creek area as per the

Cooke City Whitebark Pine monitoring project. Thus 3,518 acres of this project area will have movement barriers for lynx, given that almost all vegetation and fuels treatments will deter lynx movement for decades (Holbrook et al. 2018). As demonstrated in the current best science, optimal habitat connectivity for suitable breeding habitat is 70%, including 50% mature forest and 20% regenerating forest (Holbrook et al 2019; Kosterman et al. 2018). The level of connectivity for lynx in the Cooke City project area is unknown. However, it will be reduced by 3,518 acres, or 18%. How this will affect “maintaining” suitable connectivity for lynx is unknown, due to a lack of agency analysis. Figure 8 in the Project Wildlife Report maps cover as per proposed treatments. It is clear that almost all existing cover will be removed in the northern portion of the project area. Thus lynx habitat connectivity will be completely eliminated in this portion of the project area, in an area identified as a linkage area for lynx (USFWS 2005).

Connectivity will also be severed in the southern portion of the project area, with treatment units extending continuously for up to 1 and 2 miles, depending upon the location. As well, in the Beartooth IRA, there will be a huge cluster of treatment units that will likely create another huge movement barrier for lynx.

- f. The agency is violating the Forest Plan by failing to demonstrate habitat connectivity will be maintained.

The Lynx Amendment standard ALL S1 requires the agency to manage habitat connectivity at high enough levels to ensure conservation of the lynx. There was no such demonstration in the Cooke City NEPA analysis as to how this project ensures compliance with this standard. AS noted in “e” above, the proposed project will reduce connectivity across the project area by at least 18%, as well as almost completely eliminate it in the northern portion of the project area, where almost all of the existing forested cover will be impacted. Even without any actual analysis of project impacts on this ALL S1 standard, it is clear that connectivity “will not be maintained,” as is required by the Forest Plan.

Overall, the project area has limited hiding cover (Wildlife Report Figure 8) which is noted to be only 41% at current levels (Wildlife Report at 29). This cover will

have "effective" cover values reduced on 3,218 acres, which will reduce high quality cover down to only 24%. As per the current best science, a level of only 24% connectivity for lynx would not ensure conservation values of this habitat are being maintained, as is required by standard ALL S1.

The agency is also violating 3 guidelines for habitat connectivity as per the Forest Plan. Guideline FW-GDL-WL 01 requires the agency to avoid creating movement barriers for large carnivores within identified connectivity areas, which includes the Cooke City project area (USFWS 2005). As noted above, connectivity will be reduced, and movement barriers will clearly be created on both the north and south portions of the project area. These barriers were not identified in the agency NEPA documents.

Guideline 02 requires the agency to identify design features that will address connectivity. No such design features were identified for this project. Instead, the agency falsely claimed in the section of Forest Plan compliance that the project area does not include any linkage areas for wildlife. This is clearly false, as demonstrated by the 2005 lynx habitat map developed by the USFWS. We have included an enlarged copy of this 2005 in Attachment #1 for this Objection. This map clearly shows that a lynx linkage area (gray arrow) goes right through the Cooke City project area. This is consistent with the project wildlife report (e.g., page 5, 8) notes frequently that this project area occurs in an identified linkage area for wildlife.

FW-GDL-WL 04 is also being violated. This guideline requires that disturbances in important linkage areas for wildlife be limited to 6 out of 10 years. The Cooke City project is estimated to last 15 years (Forest Vegetation Report at page 2). Guideline 04 requires the agency to break up this project into separate projects, in order to comply with this guideline. There were no project design features identified to address the requirements of Guideline 04.

- g. The agency is violating the NEPA by failing to include public involvement in the remapping of lynx habitat completed in 2013.**

The document “Updating lynx habitat mapping using best science, corporate standardized data and state-of-the-art GIS technology”, October 2013, for the Gallatin and Custer National Forests is provided in Attachment #2 of this Objection. Page 10 of this document indicates that lynx habitat remapping for the Beartooth Plateau LAU resulted in the reduction of mapped lynx habitat from 17,646 acres on Forest Service lands down to 8,754 acres on Forest Service lands, which was a reduction of 50%. There was no public involvement included in this in-house remapping, in violation of the NEPA. The agency is required to undergo NEPA for this remapping before it is implemented as management direction.

It is not actually clear what the end results of remapping lynx habitat on the Custer Gallatin National Forest is. For example, the Cooke City project states that the Beartooth Plateau LAU has 13,033 acres of mapped lynx habitat. This differs from either the 2005 17,646 acres of mapped lynx habitat, or the 2013 8,754 acres of mapped lynx habitat for this LAU. If the 13,033 acres of mapped lynx habitat is the actual current acreage defined for this LAU, this would be a reduction of 4,613 acres of mapped lynx habitat from 2005, or 26%. The Cooke City project does not address remapping activities since 2005. The description of the acres of lynx habitat removed as per the final remapping project needs to be provided to the public as a part of this objection process, so the public can understand and evaluate whether this process was consistent with the current best science.

- h. The impact of the proposed Cooke City project on snowshoe hares, a key prey species for lynx, was never evaluated.**

The home range size of hare extends up to about 4 acres (Olsen et al. 2023). There will be 3,218 acres of snowshoe hare habitat removed and/or degraded

with the Cooke City project. This would be a conservative estimate of the loss of about 800 hare home ranges. Lynx prey opportunities in these areas will thus be significantly reduced. The open nature of this landscape is already limiting snowshoe hare habitat, with only 41% forested (Wildlife Report at 29). Further reduction of snowshoe hare habitat by another 3,2128 acres will reduce suitable hare habitat to only 24% of the project area. In addition, the fragmentation impacts of treatments will also reduce matrix habitat for hares, habitat that is essential for habitat connectivity and providing additional forage opportunities (Lewis et al. 2011). Given that the Cooke City project is located in critical lynx habitat, and that lynx prey will be reduced by up to 20 or more years across over 17% of the project area, the agency needs to define the criteria by which this reduction of lynx prey does not rise to the level of significance. How many of the existing hare home ranges need to be removed across the landscape before significant adverse impacts are expected to lynx, especially in the winter when starvation effects are highest (Squires et al. 2010). It is clear that the proposed project will exacerbate an existing paucity of lynx prey as per snowshoe hares, which triggers significant adverse impacts.

- i. The agency provided false conclusions regarding project impacts on lynx and lynx critical habitat.

The agency falsely claimed that the Cooke City project will not adversely impact the threatened lynx or its critical habitat. As is demonstrated above, the cumulative adverse impacts of the Cooke City Project on lynx, including multiple violations of the Forest Plan direction for lynx and linkage areas, will clearly trigger adverse impacts on lynx.

- j. Degrading critical lynx habitat by reducing lodgepole pine does not promote conservation of the lynx, as is required by the ESA.

As per Holbrook et al. (2017a), lodgepole pine seedlings and saplings provide the most nutritious forage for snowshoe hares of all conifers. This is why their study noted a significant correlation between the presence of snowshoe hares and lodgepole pine (e.g., abstract, “the abundance of lodgepole pine (*Pinus contorta*) was associated with snowshoe hare use within a mixed conifer context,”. This study noted that a mixture of lodgepole pine, spruce and subalpine fir provided optimal habitat for snowshoe hares, as both high quality forage (lodgepole pine) and good hiding cover (spruce and fir) were mixed together. This is exactly the type of key snowshoe hare habitat that is being targeted with the Cooke City project. Thus, the agency’s deliberate efforts to eliminate all three of these key species for snowshoe hares (lodgepole pine, spruce and fir), within vast acres of the Cooke City project area is a clear violation of the conservation requirements for lynx as per the ESA.

2. The proposed management of the threatened whitebark pine will trigger violations of the NEPA, the NFMA, and the ESA.

- a. The agency recognizes some of the multiple issues associated with proposed treatments in whitebark pine habitats, but ignores expected impacts on stand persistence.

The agency discussions of potential impacts to whitebark pine from the proposed treatments were in many respects consistent with the current best science. For example, thinning of mature whitebark pine trees could increase their vulnerability to future attacks by mountain pine beetles, as has been noted by Six et al. (2021). This effect has also been noted for lodgepole pines (Cooper et al. 2018). The agency also noted that thinning may result in “blowdown” of remaining mature whitebark pine trees, and that all mechanical and non-mechanical treatments will likely destroy an unknown number of whitebark pine

seedlings and saplings. It was also noted that the effect of thinning of whitebark pine stands as per vulnerability to White Pine Blister Rust was unknown. It was noted that the shrub Ribes, a host for White Pine Blister Rust, will potentially increase in thinned stands due to more sunlight. The agency did not reconcile this impact information with what is the expected outcomes of these impacts: is this going to improve whitebark pine stands? IN general, the agency seems to note that there will be many adverse impacts to whitebark pine even though this is claimed to be a whitebark enhancement project. This failure to reconcile these contradictions creates a NEPA/APA violation.

One factor that the agency ignored in their analysis of project impacts on whitebark pine was to estimate the number of seedlings and saplings that will be killed by this project, and how this will impact stand persistence. Clearly, regeneration is essential for stand persistence, so this failure to measure specifically how the project losses of regeneration will “improve” persistence of these stands is a clear NEPA violation. Just saying some seedlings and saplings will be killed on 3,218 acres is not a NEPA analysis as to how this mortality will impact persistence of whitebark pine stands that will be treated. An example of the required NEPA analysis for expected whitebark pine mortality was completed for the Green Union project on the Shoshone National Forest (USDA 2024). This analysis estimated that their treatments would likely kill 1,310,082 whitebark pine seedlings, 351,892 saplings, and 12,433 mature trees. The availability of regeneration (seedlings and saplings) on treated acres has to be provided for the Cooke City Project. If this regeneration potential will be significantly reduced, this must be identified to the public and addressed as per project impacts on whitebark pine persistence. This is especially critical as the project is being proposed as enhancement of whitebark pine. Effects of the project on regeneration is an essential impact to address.

Several other impacts of the proposed enhancement of whitebark pine stands that were ignored included the severe loss of genetic diversity that this project will create on over 3,000 acres of whitebark pine in the project area. As was noted in the USFWS 2023 standing analysis on whitebark pine, seedling whitebark

pine are generally 3-4 inches dbh, up to 4.5 feet tall, and up to 29 years in age. Sapling whitebark pine are over 4.5 feet tall, and up to 40 years in age. Thus the existing regeneration of whitebark pine in the treated stands will include the last 40 years of recruitment. This 40 years of genetic diversity will be severely reduced due to mortality created by the project, which we note includes 2 entries in many cases. Seedlings and saplings that survived the initial entry could easily be killed during the second entry. The agency did not define how this potentially severe loss of genetic diversity from the last 40 years will impact stand persistence. As was noted by Keane et al. (2022), retaining genetic diversity in whitebark pine stands is an important action to enhance resilience to allow forests to respond to new disturbances.

The agency also did not address the information provided in the USFWS 2023 standing analysis for whitebark pine that this tree is actually much more shade tolerant than initially believed; it was noted that these younger trees can release to increased growth even after 150 years of being repressed by shade. In effect, the whitebark pine recruitment pool does not have to be treated to allow a release of growth, as this will happen naturally when conditions are right, such as stand opening from mountain pine beetles or blister rust. So non-treatment of these whitebark pine stands will ensure that a recruitment pool remains over time, to ensure stand persistence.

The agency acknowledges that the effectiveness of whitebark pine treatments in triggering regeneration is not proven. This is consistent with Keane and Parsons (2010) who found that treated whitebark pine stands lacked any recruitment after 40 years. This study also noted that recruitment in whitebark pine stands is problematic due to a number of factors; severe site conditions can kill emerging seedlings; steep, high-mountain areas experience deep snowpack (up to 50 feet of snow), and creep of snowpack downslope can pull seedlings out of the ground; most soils are highly erosive with spring snowmelt scouring the topsoil, including washing away seedlings established in these soils, especially in burned sites; soils in disturbed sites may require up to 40 years to stabilize enough to allow whitebark pine seedlings to become established.

It is unclear as to what extent prescribed burning will be applied to these whitebark pine “enhancement” treatments. But again, as was noted by the USFWS 2023 standing analysis, whitebark pine is highly sensitive to fire due to thin bark. In addition, as was noted by Keane et al. (2022), fire will kill whitebark pine seedlings and saplings. This paper at page 10, in discussing prescribed fire management in whitebark pine stands, notes: mechanical treatments may be enhanced by prescribed burning because, “hopefully,” fire will kill most of the small and large shade-tolerant tree competitors, and leave the more fire-tolerant whitebark pine individuals. Hoping that fire isn’t going to kill whitebark pine seedlings and saplings during “enhancement activities” is hardly a valid management strategy.

- b. The agency did not address how treatments on 3,218 acres will affect site and climatic conditions for whitebark pine.

The At-risk Plants Effects Analysis for the Cooke City Project addresses some of the ongoing and expected impacts of climate change. For example, page 12 notes that as temperatures increase, snowpack in the region is expected to decline, which will occur earlier and quicker; this will create reductions in riparian habitat, reductions in soil moisture; changes in temperatures and water resources can influence plant phenology, plant recruitment, and plant succession patterns. Page 13 of this report notes that over the historical period of record (1905-2012), the annual mean monthly minimum temperature increased by about 2.9 degrees Fahrenheit, while the annual mean maximum temperatures increased by about 1.2 degrees Fahrenheit; within the Greater Yellowstone Ecosystem subregion, temperature is projected to increase 5-10 degrees Fahrenheit for the annual mean minimum temperature, and by 7-12 degrees for the mean monthly maximum by 2100. Page 14 notes that if current projections are realized, changes to long-term weather patterns will likely continue to exacerbate the existing primary threats to whitebark pine; this includes potential increases in forest diseases and pest damage; growing season lengths, and drought stress.

Forest thinning, as is proposed for all the whitebark pine forest stands in the Cooke City Project Area, will increase growing season temperatures above what is occurring naturally due to reduced tree density and reduced shade, and increase the loss of spring snowpack. Trees are noted to be an important factor in affecting forest temperatures (Millman 2024; Knoss 2016). Forest thinning will thus reduce soil moisture availability for whitebark pine, including seedlings and saplings. This adverse impact on mature and immature whitebark pine for the proposed Cooke City project is never evaluated. Increasing drought stress for this tree clearly does not qualify as “habitat enhancement,” the claimed purpose of many treatments, in violation of the NEPA and the ESA.

- c. The agency fails to identify the scientific recommendations for sustaining whitebark pine forests, or to include any action alternative that would employ this strategy.

The fate of whitebark pine depends heavily upon populations of the Clark’s Nutcracker (Wells 2011). This nutcracker is essential for dispersal of whitebark pine seeds (Id.). At the same time, populations of this nutcracker depend upon landscape availability of conifer seeds, especially ponderosa pine and Douglas fir (Wells 2011; USFWS 2023; Schaming 2016). Thus a land management strategy to support whitebark pine requires the provision of vast tracts of older conifer stands that will ensure adequate conifer seed availability for this nutcracker. Conifer seed production increases along with tree age and stand density (Benkman 1996). The Cooke City Project includes no such conservation strategy for the Clark’s Nutcracker, or as such, for the whitebark pine, and is a violation of the NEPA as well as the ESA for failure to use the current best science for managing at-risk species, including the threatened whitebark pine.

The CGNF Revised Forest Plan has no conservation strategy for the Clark’s Nutcracker, even though this is noted to be a Montana Species of Concern (noted in project wildlife report). It is also identified as a Priority Level III species by the Montana Partners in Flight (2000). These are species of local concern, species that

may be poorly monitored by BBS, but have a need for monitoring and possibly designed conservation actions.

Claims made that clearcutting or creating openings in forest stands will increase regeneration of whitebark pine due to caching by the nutcracker are clearly false. As was noted by both Wells (2011) and the USFWS (2023), the majority of whitebark pine seeds (up to 85%) cached by nutcrackers are placed in trees. Why would a bird bury seeds for winter use in areas that will be under up to 50 feet of snow? Areas where seeds are cached on the ground include exposed ridges where snow doesn't accumulate, or at lower elevations, such as in ponderosa pine stands (Id.). Forest thinning will actually reduce caching activity of whitebark pine seeds by nutcrackers, as trees available for cache sites will be reduced.

- d. The agency is providing a false rationale for the proposed Cooke City Project by claiming it is a whitebark enhancement project.

The Cooke City project is supposedly being implemented to “enhance” whitebark pine. The Vegetation Effects Analysis for the project states that issue 2 is to “improve the health and conditions of the forest ecosystems to include whitebark pine through vegetation management.” This report at 12 states that non-commercial treatments will be completed to improve the composition, structure, condition, health, and growth of whitebark pine on 2,013 acres. These enhancement treatments include non-mechanical treatments to remove all trees 8 inches dbh or smaller from 5-30 feet outside the whitebark pine crown; mechanical enhancement treatments include cutting all trees within 5-30 feet of the whitebark pine crown. These mechanical treatments will require 2 entries, one to cut down trees, and a second to pile fuels (At-risk Plants Effects Analysis page 10). However, the entire project area treatment units include whitebark pine; the Wildlife Report at 8 states that whitebark pine is present on all 3,218 treatment acres. As we noted previously, the At-risk Species report for this project identified numerous uncertainties about the impacts of the proposed mechanical and non-mechanical thinning of whitebark pine. What is more notable

is that the agency has dropped a monitoring project to determine how thinning of whitebark pine would affect cone production, regeneration, and use by Clark's Nutcrackers (USDA 2011; USDA 2014). A monitoring study was initiated in 2011, with study and control plots established in 2 areas along Fish Creek, on the north side called the Sheep Mountain units, and on the south side called the Henderson Mountain units. Both study areas included control and treatment plots, intermingled along the landscape (see maps in USDA 2011; USDA 2014). The Henderson Mountain study area included 2 treatment units and 2 control units, while the Sheep Mountain units included 3 treatment units and 3 control units (USDA 2011 Table 1). The total acreage in the study plots for Henderson Mountain is 145.6 acres, and 273.5 acres for the Sheep Mountain study plots. All of these study plot acres are included in the proposed Cooke Mountain Project. The Henderson Mountain study plots are located in the Cooke City Project units 28, 29, 30, 85, 87 and 88, which will treat a combined 221 acres. The Sheep Mountain study plots are included in the Cooke City Project units 79A, 79B, 82, 83m 105A and 105B, which will treat a combined acreage of 298.3 acres. All study plots in both Sheep Mountain and Henderson Mountain will have whitebark pine "enhancement" treatments. Thus these study plots will no longer provide any monitoring potential as per treatment effects on cone production, regeneration, or use by Clark's Nutcrackers.

This Cooke City whitebark pine restoration project was completed in 2013, and monitored for one year, in 2014 (USDA 2014). It was noted that this time period was too short to be conclusive. There has been no subsequent monitoring of these study plots since 2014, or for the last 11 years. Yet the Custer-Gallatin National Forest has monitored 37 other projects, which are listed on their web page (USDA 2025, Inventory & Monitoring: implementation & effectiveness monitoring on the website of the Custer-Gallatin National Forest). In spite of the agency's failure to actually monitor the effect of whitebark pine "restoration activities" initiated in 2011, the agency now claims that these types of treatments will "enhance" the health of whitebark pine stands. This is a violation of the NEPA, the NFMA and the ESA, as the agency is providing unsubstantiated claims for treating the threatened whitebark pine in the Cooke City project area, when they

have failed to complete monitoring on potential effects to this threatened species as per the Cooke City whitebark pine monitoring program.

- e. The agency failed to identify that the proposed whitebark pine enhancement project will have severe adverse impacts on the threatened grizzly bear, in violation of the NEPA and the ESA.

The project Wildlife Report claims repeatedly that these forest thinning projects will improve habitat for the grizzly bear by increasing forage. What type of forage, and why it is currently limited for bears, was never identified. However, one of the key forages known for grizzly bears are whitebark pine seeds. And the Cooke City Project will significantly reduce this key forage for grizzly bears over the long term by killing mature, cone-producing whitebark pine trees directly during project activities, damaging these trees from soil compaction and mortality due to pile burning, increasing their vulnerability to bark beetle attacks due to increased growth that will result from thinning, and potentially, increase their risk to white pine blister rust due to possible increases of a host species, the Ribes shrub within thinned areas of the forest. Indirectly, the grizzly bear will be adversely affected by this project as whitebark pine recruitment for the last 40 years or more will be significantly destroyed; this destruction will be worst within mechanical treatment units where there will be 2 entries for disturbance. Whitebark pine population persistence will also be adversely impacted as the diversity provided by 40 years of whitebark pine recruitment will also be lost, including young trees that may have adaptations against the white pine blister rust.

Many of the above effects are long-term consequences of these forest thinning projects. However, there will be a direct, immediate impact to grizzly bears with these forest thinning projects by reducing populations of red squirrels. As was noted by Reinhart and Mattson (1990), red squirrel populations are essential to make whitebark pine cones available to bears by storing these cones in squirrel middens. This study noted that forest stand density of at least 90 square feet per acre is needed to maintain red squirrels. Stand density, along with a mixed tree

species composition, together ensures populations of red squirrels will have an adequate supply and diversity of conifer cones for persistence, since pure stands of whitebark pine lack the diverse composition of conifer trees required to provide a consistent cone resource to squirrels (Id.) Removing other conifers from a stand that contains whitebark pine essentially eliminates these areas as red squirrel habitat because cone production will be severely reduced, with only one conifer species producing such, making persistence for red squirrels unlikely. Research has shown that there is a direct correlation between red squirrel populations and population densities (Herbers and Klenner 2007; Holloway and Malcolm 2006). The Cooke City project will clearly have direct, adverse impacts on grizzly bear access to a key food source, whitebark pine cones, and as such, this project will not improve grizzly bear forage, as is falsely claimed by the agency. The proposed actions will not promote conservation of this threatened species.

3. The management intervention into Inventoried Roadless Lands (IRAs) is a violation of the Roadless Rule (2000); the Forest Plan needs to be amended so that adverse impacts in IRAs are fully evaluated and disclosed to the public; in addition, the reduction of natural reserves for western forest birds requires completion of an EIS.

- a. The adverse impacts on 4 threatened species conflicts with agency claims of ecosystem benefits of IRA management.

As defined above, three threatened species, the grizzly bear, the lynx, and whitebark pine, will experience adverse effects of the proposed vegetation treatments in IRAs. In addition, the threatened wolverine will also experience adverse effects of these IRA treatments. This species is known to be heat sensitive (Copeland et al. 2010; Parks 2009). As discussed previously, forest thinning will result in local temperature increases over existing conditions. There is also the likelihood that the spring snowpack will be eliminated sooner in these treatment

areas, even though the Project Wildlife Report notes that snowpack is an important habitat variable for wolverine.

- b. An undetermined number of forest raptor nests may potentially be disturbed and/or destroyed with IRAs, which would not be an ecosystem benefit; the CGNF RFP recommends that these nesting and post-fledging areas be protected from disturbance.

The agency contracted with the Montana Natural Heritage Program to complete goshawk surveys for the Cooke City project area (Objection attachment #2). These surveys were conducted during the summer of 2024 in late June. No goshawk nesting activity was detected. The report claims that these June goshawk surveys would also be suitable for other detections of other raptor nesting activity, of which no detections occurred. This claim is clearly false, as surveys for the Great Gray Owl are to occur in February, March and April (Bull et al. 1988). Surveys for other forest owls, including the Boreal Owl, Northern Saw-whet Owl, and Northern Pygmy Owl are to occur in February and March (Carlson 1991). The surveys conducted for the Cooke City project would not have detected nesting locales of these 4 owl species

Given that no nests for these 4 forest owls have been located for the Cooke City project, any existing nest and post-fledging areas will not be protected from treatment activities. The time period of these project proposals may overlap with recommended protection periods for these owls. Romin and Muck (2002) recommend that the nesting/post-fledging areas for the Northern Saw-whet Owl be buffered from disturbance up to August 31. This paper recommends that nesting/post-fledging areas for the Northern Pygmy Owl be protected from disturbance until August 8. This report recommends that nesting and post-fledging areas for the Boreal Owl be protected from disturbance until July 31. Franklin (1988) reported for the Great Gray Owl do not develop the ability to fly until 72 days after eggs are laid in early May, which means that nesting and post-fledging areas need to be protected from disturbance up until mid-July.

If owl nests are not located, they cannot be protected from disturbance caused by vegetation treatments. The Revised Forest Plan for the Targhee National Forest (USDA 1997) recommends that Great Gray Owl nesting areas be protected from any vegetation management within a 20-acre buffer. This document recommends that a 30-acre no-disturbance buffer be maintained for the Boreal Owl. Romin and Muck (2002) recommend a spatial buffer of 0.25 miles for both the Northern Saw-whet and Northern Pygmy Owl. Since the agency has not completed valid surveys for forest owls in the Cooke City project area, any nesting areas, as well as post-fledging areas, that occur in this landscape may be impacted by vegetation treatment projects. The potential for such disturbances is quite high, given that only little more than 40% of this landscape is forested. Given that the agency has not conducted valid owl surveys for the proposed treatment areas within IRAs, no vegetation treatments should occur to be consistent with the Roadless Rule.

- c. **The IRAs are a refuge for western forest birds** from the many adverse impacts of vegetation and fire management, including direct mortality due to a lack of bird surveys for almost all birds; the natural, favorable conditions maintained in IRAs areas likely playing a key role in songbird and raptor persistence across the CGNF by providing critical, limited habitat reserves, and thus are helping buffer the ongoing declines of these birds; management within IRAs will directly exacerbate ongoing bird declines, in violation of the purpose of IRAs.

As previously noted, the CGNF does not conduct adequate surveys for forest owls, including within IRAs. This means that an untold number of owl nesting efforts will be impacted, and as well, an untold number of recently-fledged owls killed by treatment activities, including trampling by machinery. As will be discussed below in this Objection, vegetation and fuels management within the Cooke City landscape will have multiple adverse impacts on western forest birds, in addition to direct mortality. These include a loss of nesting sites, a reduction in hiding cover from predators, a reduction in thermal cover for protection against

adverse weather conditions, a reduction in thermal cover allowing forest thinning effects on local climatic conditions to be exacerbated, and a reduction of forage resources, from conifer seeds to insects associated with both standing green trees, standing snags, and downed logs. These adverse direct, indirect and cumulative impacts on birds do not qualify as beneficial ecosystem processes as required in IRAs. At a minimum, the direct mortality that vegetation treatments in IRAs is likely to have has to be identified and estimated as per the NEPA and the MBTA. **The “ecosystem benefits” for killing birds needs to be addressed by the agency.**

- d. The CGNF RFP needs to be amended to evaluate the cumulative effects on wildlife, including 67 species of western forest birds, when adverse management activities are expanded into IRAs.

As will be noted below, management activities within IRAs will reduce key habitat components for wildlife, including old growth, forested snag habitat, conifer seed resources, forage associated with standing and downed dead trees, and key natural processes as fire and insects and disease. Management will also expand the areas of the Forest where local temperature increases are triggered, and where severe weather effects on wildlife are exacerbated. These effects were never evaluated in the CGNF RFP and associated FEIS, even though the agency is moving forward with management intervention of IRAs. An analysis of effects of management versus non-management of IRAs is a requirement of the NEPA, including development of Forest Plans. The CGNF RFP needs to be amended to evaluate alternative options for IRAs, including an evaluation of how management intervention will cumulatively affect wildlife habitat on the forest. Management intervention will reduce the areas where natural ecosystem processes are allowed for wildlife, and thus must be thoroughly evaluated as per effects. To date, the CGNF has simply decided to implement management activities in IRAs without any supporting analysis or public involvement, in violation of the NEPA and the NFMA.

- e. The Cooke City project will exacerbate the existing lack of elk security in the project area; intervention into IRAs to reduce elk security is not a beneficial ecosystem process, as is required by the Roadless Area Rule.

As is noted below, there is no analysis of elk security in the Cooke City project area. This analysis needs to include the correct definition of elk security as defined by Hillis et al. (1991), that requires "contiguous blocks of forest cover," instead of the CGNF RFP definition of elk security that does not require hiding cover. All vegetation treatments proposed within IRAs of the Cooke City project will reduce effective hiding cover. Hiding cover may be completely eliminated by increasing sight distances in forest stands for elk to greater than 200 feet. Although there was no analysis of elk security for this project, it is clearly severely deficient at present, with only 41% hiding cover in this project area. The recommended level of security is 30%, which requires blocks of hiding cover at least 250 acres in size. What is currently elk security within IRAs will be eliminated with forest understory thinning. Given the current lack of elk security in this project area, further reductions do not qualify as ecosystem benefits, as is required for IRAs.

4. The Custer-Gallatin National Forest is violating the 2012 Forest Planning Rule, and as well, directives of the NFMA to maintain a diversity of wildlife across the planning area, by failing to identify focal species for the landbird assemblage of forested habitats, or to complete the required biennial monitoring reports for the RFP where trends of focal species are reported to identify impacts of vegetation management actions on these birds.

As per correspondence with personnel of the CGNF (Attachment #2) regarding management of western forest birds in the Cooke City project area, NEC was trying to determine what the focal species were for the landbird assemblage of

birds associated with forested habitats. The end result of this correspondence is that the CGNF Revised Forest Plan does not identify any focal species for this landbird assemblage for forested ecosystems, in violation of the 2012 Planning Rule and the NFMA (CFR 219.9). As is noted in the CGNF RFP, the 2012 Planning Rule includes 8 monitoring items, of which #3 states: "The status of focal species to assess the ecological conditions required under 36 CFR 219.9." The response provided to NEC on focal species includes the following:

Focal species to be monitored are determined by the area being studied. "The presence, habitat affiliation and population trend (status of) avian species associated with forested vegetation at a forest wide scale " (Forest Plan p.191). Since this term is utilized in the monitoring plan for the whole Custer-Gallatin National Forest, the closest comparison for the Cooke City Project would be the species identified in the Wildlife Report. In the case of land bird species and assemblages in the Cooke City Project area, the species and their preferred habitat are identified in Table 37 of the Cooke City Fuels and Forest Health: Wildlife Effects Analysis on page 33-34, along with an analysis of the project's possible effects on these species. This report can be found on the Cooke City Fuels and Forest Health Project webpage under the Project Documents tab in the Objection_Specialist Report folder.

In effect, agency personnel are stating that the CGNF RFP does not identify focal species for monitoring landbird assemblages in forested ecosystems because these will be identified for each project area landscape. This is never specifically noted in the RFP to explain why focal species for a landbird assemblage were never identified, as is required by the 2012 Planning Rule. As there is currently no biennial monitoring report completed for the 2022 RFP, it is not possible to see how focal species were addressed in the required monitoring. The failure to provide this biennial monitoring report is also a violation of the NFMA.

The Cooke City Project Wildlife Report identifies 14 bird species as Montana Species of Concern (SOC) or USFWS Birds of Conservation Concern (BCC). There

was no information provided to indicate these are considered “focal species,” or that they are being monitored as per the RFP. However, these species are not identified as focal species in the RFP for landbirds associated with forested habitats. In effect, the CGNF is clearly violating the requirements to identify and monitor wildlife via focal species in order to maintain their diversity over the landscape. At this time, out of 67 species of western forest birds, 64% of them are in decline (Rosenberg et al. 2019). Management of western forest birds is essential to prevent further declines, and to actually reverse these declines by increasing their habitats.

Until the CGNF amends the RFP to identify focal species for birds associated with forested ecosystems, and establishes how these focal species will be monitored in order to know how forest management activities are affecting their habitats and populations, the agency cannot legally proceed with any types of vegetation projects that will impact forest birds.

5. The CGNF is violating the NFMA by failing to ensure key habitats essential for landbirds associated with forest habitat will persist across all areas of the forest, including areas where timber production is emphasized; it is clear that severe adverse impacts will be triggered to western forest birds, impacts that require completion of an EIS.

- a. The CGNF RFP has no protections for landbirds associated with old growth forests; a Forest Plan amendment is required to address this failure before any additional vegetation and/or fuels projects are implemented.

The CGNF RFP does not require any level of actual old growth. Any old growth can be logged for timber production and fuels reduction, as long as the minimum number of trees identified in Green et al. (1991) remain. This number of trees can be provided in clearcuts with leave trees. So the desired condition for old growth

in the RFP, to maintain or increase old growth, is not being met. All current old growth is available for timber production. The RFP FEIS does not define why timber production and fuels treatments in old growth stands are compatible for wildlife, including the following 23 bird species that likely occur on the CGNF (USDA 2018; USDA 1990)(bird distribution is based on Skaar's Montana Bird Distribution, 5th Edition, 1996):

Black-backed Woodpecker, Brown Creeper, Boreal Owl, Brown Creeper, Golden-crowned Kinglet, Hairy Woodpecker, Hammond's Flycatcher, Hermit Thrush, Lewis's Woodpecker, Northern Goshawk, Pine Grosbeak, Pygmy Nuthatch, Red-breasted Nuthatch, Swainson's Thrush, Three-toed Woodpecker, Townsend's Warbler, Varied Thrush, White-breasted Nuthatch, Winter Wren, Great Gray Owl, Northern Saw-whet Owl, Northern Pygmy Owl, and Williamson's Sapsucker.

Table 37 in the Project wildlife report identifies the following 6 old-growth associated species as Montana Species of Concern (MSOC) and/or USFWS Birds of Conservation Concern (BCC): Black-backed Woodpecker, Brown Creeper, American Goshawk, Great Gray Owl, Varied Thrush, and Williamson's Sapsucker. This table did not include the Lewis's Woodpecker, a USFWS BCC. This would bring the total species with a conservation need associated with old growth to 7. There are no conservation measures included for any of these vulnerable species in the CGNF RFP, or in the Cooke City Project NEPA documents, including the wildlife report. Nor is there any old growth management planned for the Cooke City Project. The agency claims the project area does not contain any old growth. This seems highly unlikely given the composition and dbh of forests in this project area. The project vegetation report includes the following information on forest composition:

Lodgepole pine stands over 10 inches dbh: 1,256 acres

Spruce/fir stands over 10 inches dbh: 964 acres

Whitebark pine stands over 10 inches dbh: 561 acres

Shade-tolerant mix over 10 inches dbh: 294 acres

Shade-intolerant mix over 10 inches dbh: 167 acres

The minimum dbh for lodgepole pine old growth is 10 inches; it is 13 inches dbh for spruce/fir old growth; it is 13 inches dbh for whitebark pine old growth; and it is 17-19 inches dbh for Douglas fir as per Green et al. (1991). Thus there is a clear potential for at least 1,256 acres of lodgepole pine old growth in the project area, which would comprise 6.5% old growth (1,256 acres divided by the 19,331 acres of the project area). As for the other species, there is a potential for many of the combined 1,986 acres to have spruce/fir and whitebark pine old growth, with trees over 13 inches dbh. These forests could conceivably comprise up to 10% old growth (1,986 acres divided by 19,331 acres of the project area). Overall, it is possible that the Cooke City project area may contain 16.5% old growth forests. The old growth levels for the CGNF were identified as about 10% from 1995-1998 FIA data. Given the Cooke City landscape contains vast amounts of IRAs, it is possible that this landscape surpasses Forest-wide old growth levels.

The “potential” level of old growth in the Cooke City project area, or up to 16.5%, is still below the minimum recommended level of old growth for forest birds, which ranges from 20-25% (Montana Partners in Flight 2000). It is also below the 20% old growth recommended for the Northern Goshawk (Reynolds et al. 1992). The CGNF had the Montana Natural Heritage Program survey for goshawks in the project area (Objection Attachment #2), so the agency assumes this species could be present.

Without any analysis of current or expected levels of old growth in the Cooke City project, the agency has failed to meet the requirements of the NFMA to ensure populations of associated species are maintained across the CGNF, including species of a recognized concern, or in the Cooke City project area. This also triggers a NEPA violation, including a failure to evaluate project impacts on old

growth-associated birds. Until the agency develops conservation strategies for bird species associated with old growth forests, which are a key habitat for western forest birds, the agency cannot legally implement any activities that could reduce current or developing old growth. Recruitment old growth likely needs to be managed so that it can recruit into old growth, especially if current levels of old growth are below levels recommended for wildlife of 20-25%.

- b. The CGNF RFP fails to ensure viable populations of forest birds associated with forested snag habitat; a Forest Plan amendment is required in order for the agency to develop valid conservation strategies for this large suite of forest birds, before any additional vegetation and/or fuels management projects are implemented.

As per USDA (2018), there are at least 25 western species of forest birds that depend upon snags as nesting habitat. These include the following:

American Kestrel, Black-backed Woodpecker, Black-capped Chickadee, Boreal Owl, Brown Creeper, Downy Woodpecker, Hairy Woodpecker, House Finch, House Sparrow, House Wren, Lewis's Woodpecker, Mountain Bluebird, Mountain Chickadee, Northern Flicker, 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, White-breasted Nuthatch, and Williamson's Sapsucker.

As was noted in Table 37 of the project wildlife report, 4 of these species are either Montana Species of Concern, and/or USFWS Birds of Conservation Concern. These 4 species use cavities/snags for nesting, including the Great Gray Owl, Williamson's Sapsucker, Brown Creeper, and Black-backed Woodpecker. This table did not include the Lewis's Woodpecker, a USFWS BCC, who is a cavity nesting bird. This bring the total to 5 birds of various conservation concerns dependent upon snags for nesting.

The CGNF RFP has no conservation strategy for these 25 bird species, including 5 of various conservation concern. The RFP requires that 4 snags per acre “should” be left across treatment units, if they exist and if no safety hazards will be created by these snags. If these snags do not exist, then green trees can be substituted for them. So this RFP direction does not actually require that any given number of snags be present in treatment units; this is not actually a requirement, but only a “target.” And even if this “target” is met, it does not provide any basis for assessing populations of snag-associated birds. There is currently no science or analysis cited in the CGNF RFP FEIS that demonstrates 4 or less snags per acre will maintain any snag-associated bird, let alone 25 species.

Even if there are 4 snags per acre maintained in vegetation treatment units, it is extremely unlikely that most of these would provide nesting sites for 25 species of cavity-nesting birds. Vizcarra (2017) reported that as few as only 4% of snags will provide suitable cavity trees. In addition, Forest Service science has noted that most forest birds that use snags also require a forest to be present (Bull et al. 1997). These forests are necessary for hiding cover, thermal cover, and foraging sites (Id.). The CGNF RFP guideline to retain “some snags in some areas of the landscape” is a meaningless guideline, as there is no association ever made as to how this will maintain viable populations of the 25 bird species associated with snags. As such, the CGNF RFP is a violation of the NFMA for a lack of conservation direction to 25 bird species associated with snags, and is in violation of the NEPA as well for a failure to demonstrate why the snag guideline will mitigate logging impacts to these 25 bird species. The NEPA requires that mitigation measures be demonstrated to be effective. Until the CGNF amends their Forest Plan to actually include conservation measures for snag-associated birds, measures that have been demonstrated to address habitat requirements for population persistence, the CGNF cannot legally implement any further vegetation/fuels management activities, since these will reduce current and future snag habitat.

Issues associated with snag management include maintaining natural, undisturbed populations of forest insects that create snags, and natural fires

which also create snags for wildlife. There is no recognition in the RFP as to the essential function of these natural processes to forest birds, and that adequate areas of the landscape must provide for these natural ecosystem processes in order to meet the diversity requirements of the NFMA. Just as an example, undisturbed areas from 500-1,000 acres are recommended for pairs of Black-backed and Three-toed Woodpeckers (Goggans et al. 1987). As was noted by Horowitz (2023) there are over 60 species of wildlife in Montana that depend upon standing and dead trees for foraging, denning, cover, and drumming sites. The CGNF RFP never defined how “potentially” maintaining a few snags in some areas will meet these habitat needs for wildlife.

- c. The CGNF RFP has no conservation strategies for forest birds dependent upon conifer seeds; a Forest Plan amendment is required to address this violation before any additional vegetation/fuels projects are implemented that will reduce current and/or future conifer seed production.

There are roughly 23 western forest birds that depend upon conifer seeds as forage. These include the following (Smith and Aldous 1947; Smith and Balda 1979; Dobkin 1992):

Hairy Woodpecker, Pinyon Jay, Clark’s Nutcracker, Stellar’s Jay, Mountain Chickadee, Red-breasted Nuthatch, White-breasted Nuthatch, Red Crossbill, Pine Siskin, Lewis’s Woodpecker, Northern Flicker, Gray Jay, Winter Wren, American Robin, English Sparrow, Evening Grosbeak, Slate-colored Junco, Oregon Junco, Chipping Sparrow, Blue Grosbeak, Pine Grosbeak, Purple Finch, and Cassin’s Finch.

Of the above species, 4 species, the Clark’s Nutcracker, Lewis’s Woodpecker, Evening Grosbeak, and Cassin’s Finch are bird species of some type of conservation concern (MSOC/USFWS BCC). As was noted by Benkman (1996), conifer seed production in forest stands increases with stand density and stand

age. Thus timber production and fuels reduction activities will reduce conifer seed sources for birds, both in the short- and long-term, with the most extreme reduction occurring in clearcuts. As noted by Benkman (1996), conservation of this large suite of bird species requires that an adequate amount of older, dense undisturbed forests be maintained across the landscape, so that abundant sources of conifer seeds are not only available to local nesting bird species, but as well, to birds such as crossbills that move across broad landscapes seeking out areas of high conifer seed production.

The CGNF RFP has no conservation direction for these 23 species of western forest birds that depend upon conifer seeds. Given that timber production and fuels reduction activities are occurring across the forest, and that these activities reduce current and future availability of conifer seeds for these bird species, measures are essential in order to ensure that adequate amounts of forest blocks with high conifer seed production occur continuously across the forest. Until this conservation requirement is developed via a Forest Plan amendment, the CGNF cannot comply with the NMFA requirement to maintain a diversity of wildlife species.

- d. The CGNF RFP lacks any conservation strategies for western forest birds that benefit from wildfire and insects and diseases; a Forest Plan amendment is required to correct this deficiency in order for the agency to meet the requirements of maintaining a diversity of wildlife.

As was noted by Hutto and Patterson (2016) forest fires create an essential diversity of habitats for forest birds. These benefits notably include snags for nesting, downed logs for foraging, open habitat for flycatching birds, and a mixture of burned/unburned forests for birds that require edges of these areas, such as the Olive-sided Flycatcher and Williamson's Sapsucker. Both of these species are birds of conservation concern (MSOC and/or USFWS BCC). The downed logs created by fire can contain significant amounts of insects and invertebrates fed upon by birds, including centipedes, millipedes, sow bugs, slugs, snails, earthworms, and a wide range of insects such as earwigs, ground beetles,

and springtails, or critters that are detritivores that consume dead wood (Horowitz 2023). Also, forest insects, including population spikes due to forest fires, provide a vast variety of food for birds, either directly for consumption, or by killing trees and creating habitat for other insects. These various diseases that kill tree species in the Cooke City project area, and thus create insect forage for birds, include red ring rot, pouch fungus, white pine blister rust, western gall rust, armillaria root disease, heterobasidion root disease, Schweinitzii root and butt rot, and yellow root rot; insects that create or occupy these dead/dying trees affected by diseases include Douglas-fir beetles, western pine beetles, wood bores of the families Cerambycidae and Buprestidae, Douglas-fir needle midge, pine needle scale, and pine aphids. Spruce budworm larvae are also an important forage resource for birds (McMartin et al. 2002), as are spruce beetles for woodpeckers (Shook and Baldwin 1970).

Natural processes that create essential habitat, including forage, for western forest birds are targeted in the CGNF RFP in order to reduce fuels and promote timber production. There are no “side boards” that limit these management efforts to ensure adequate habitat is provided for wildlife. Until a Forest Plan amendment is completed to meet this NFMA requirement, no further vegetation treatments projects are legal, including the Cooke City project.

- e. The CGNF RFP has no requirements for the agency to maintain adequate supplies of forage in addition to conifer seeds for western forest birds, in violation of the NFMA; this flaw needs to be corrected via a Forest Plan amendment before additional vegetation projects are implemented, since essentially all such project reduce some type of forage for western forest birds.

As noted above, there are many natural processes, along with conifer seed production, that sustain populations of western forest birds. Yet the CGNF RFP has no requirements for the agency to maintain any level of forage of any type for western forest birds. Starvation has been identified as one of the causes of deaths

of thousands, if not millions, of migratory birds in New Mexico in 2020. This indicates that for those birds at that time, forage was not adequate to sustain individual birds, especially in the face of severe weather. Given the ongoing decline of 64% of 67 species of western forest birds (Rosenberg et al. 2019), the CGNF RFP needs to be amended to address this critical factor in conservation of western forest birds, as is required by the NFMA.

6. The CGNF is violating the NEPA by failing to define how the Cooke City Project will affect 67 species of western forest birds; the agency failed to demonstrate this project does not require an EIS due to adverse impacts on western forest birds.

There was no analysis of project impacts on old growth habitat and associated bird species. There was no old growth inventory for the Cooke City project area. There was no analysis of project impacts on snag-associated bird species. There was no snag inventory for the Cooke City Project Area. There was no analysis of project impacts on forest birds that depend upon conifer seeds. There was no analysis of how management efforts to control wildfire and insects and diseases will impact habitat for western forest birds, including forage. These various failures have already been summarized in this Objection.

The impact of the project on local climatic conditions for wildlife was never evaluated, including for western forest birds. As was noted in 2-b above in this Objection, the agency recognizes the ongoing effects of climate change, including increasing temperatures and a reduction of water availability across the landscape. And as we noted, forest thinning will further increase local temperatures and snowpack reduction. The impact of these changes on western forest birds was never addressed in the Cooke City project NEPA documents, however. Some agency documents have summarized ongoing climate impacts on birds. USDA (2013) reported that there are currently a multiple species declines across a variety of habitat, and that climate change is one of the contributing factors to these declines, and is likely to continue impacted birds into the future;

as the climate warms, breeding seasons and migrations are being altered; these activities may become out of sync with prey abundance, and climate change may also impact where and when those food items are available. In addition to increasing temperatures, which will be exacerbated by forest thinning (Milman 2024), forest thinning will increase vulnerability of birds, including nestlings and newly-fledged young, to extreme precipitation events due to the reduced canopy cover. In early July, the U.S. experienced at least four 1-in-1,000-year downpours in less than a week (The Week 2025). Severe weather has been identified as a contributing factor to the death of hundreds, if not thousands, if not millions of migratory bird deaths in New Mexico in 2020 (Ammassa 2020; USGS 2020).

As currently developed, the Cooke City NEPA analysis does not meet the minimum requirements of the NEPA as per evaluation of direct, indirect and cumulative impact on declining western forest birds. The agency has no basis for claiming that this project will not significantly impact these birds, an effect that would require completion of an EIS.

7. The CGNF RFP is violating the Migratory Bird Treaty Act (MBTA), as would the proposed management of the Cooke City Project Area; the CGNF RFP needs to be amended to identify specific requirements to comply with the MBTA, including incidental take.

The MOU for the MBTA requires that the Forest Service evaluate impacts of management projects on migratory birds. This was not done for FEIS for the CGNF RFP, or for the Cooke City Project. In addition, neither the RFP or the NEPA documents for the Cooke City project identify what “beneficial practices” are to be implemented for vegetation management projects in order to prevent or reduce death of migratory birds (USFWS 2020; USFWS 2021). Because no such beneficial practices are identified in the RFP or the Cooke City NEPA documents, the expected mortality of migratory birds is not allowed. Beneficial practices include avoidance of activities during at least the minimum nesting season (April

1 to July 15), or otherwise, to complete surveys for nesting birds so that nests can be avoided.

- 8. The CGNF RFP guideline to protect “known raptor nests” is a violation of both the NEPA and the NFMA because the actual intent of the guideline is unclear; this guideline does not actually require any action by the agency, which contradicts the intent of a Forest Plan guideline.**

The guideline requiring the protection of “known raptor nests” implies, but does not actually require, that surveys be conducted to identify “known” raptor nests. As such, this guideline is misleading to the public, as it suggests that raptor surveys will be conducted for projects, even though these surveys are not actually required. So protecting known raptor nests is only “implied” but not “required” mitigation, in violation of the NFMA and the NEPA. The Cooke City project is a clear demonstration of the misleading content of this guideline. Although goshawk surveys were conducted by the Montana Natural Heritage Program personnel, these summer surveys were not appropriate for surveying forest owls. As such, this clearly demonstrates that the RFP guideline does not require surveys for forest owls. The RFP needs to be amended in order to clarify not only the actual requirements of this guideline, but to include a revised assessment of project impacts on forest owl as nests and fledging can be destroyed in vegetation management activities. This loss of forest owl nests/fledglings needs to be clearly disclosed to the public, as is required by the NEPA.

- 9. The CGNF is violating the NEPA by failing to evaluate Cooke City project impacts on big game species; impacts are not disclosed to the public; existing impacts to big game are already significant, and additional adverse impacts require completion of an EIS.**

As we noted previously, the Cooke City NEPA documents did not evaluate project impacts on elk security. There was no analysis of elk habitat effectiveness as defined by Christensen et al. (1993). The USDA/MFWP (2013) notes that both types of management are important to retain elk on public lands. The only aspect of the elk analysis provided false information. The agency claims that the project will improve elk habitat by increasing forage. However, the forest opening activities will increase the drying out of vegetation earlier in the summer (USDA/MFWS 2013). This was also noted by the At-risk analysis for plants for the Cooke City project. So the overall amount of forage, including quality, will likely be neutral at best. In addition, this landscape only contains 41% forested habitat. AS such, it is unlikely that elk summer forage is limited. In addition, there was no analysis of elk habitat effectiveness, which determines the amount of habitat elk can access in the summer. Increases of early summer forage within half a mile of roads will not generally be available to elk due to displacement. In summary, the Cooke City analysis needs to include a valid analysis of project impacts on elk, and demonstrate that the recommendations of the USDA/MFWP (2013) as developed in part by the CGNF, are being implemented.

PRESS FIRMLY TO SEAL



UNITED STATES
POSTAL SERVICE

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL®



9589 0710 5270 0699 7387

- Expected delivery date specified for domestic use.
- Domestic shipments include \$100 of Insurance (restrictions apply).*
- USPS Tracking® service included for domestic and many international destinations.
- Limited international insurance.**
- When used internationally, a customs declaration form is required.

*Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at <http://pe.usps.com>.

** See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

MAILING ENVELOPE

FOR DOMESTIC AND INTERNATIONAL USE

To schedule free Package Pickup,
scan the QR code.



USPS.COM/PICKUP

Received 8/20/25

Jamie Fisker

TRACKED ■ INSURED



PS00000133100

EP14 July 2022
OD: 15 x 11.625

PRIORITY®
MAIL

Retail



RDC 03



59715

U.S. POSTAGE PAID
PM
THREE FORKS, MT 59752
AUG 18, 2025

\$17.90

R2304W120426-06

PRIORITY MAIL
POSTAGE REQUIRED



FROM: SARA JOHNSON, NEC

PO Box 125

Willow Creek, MT
59760

TO:

USDA Forest Service
Custer-Gallatin National Forest
PO Box 130
10 East Babcock Street
Bozeman, MT

59715

VISIT US AT USPS.COM®
ORDER FREE SUPPLIES ONLINE

DuPont™ Tyvek®
Protect What's Inside.™

This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail® and Priority Mail International® shipments. Misuses may be a violation of federal law. This package is not for resale. EP14 © U.S. Postal Service, July 2022. All rights reserved.

PS.COM®
SUPPLIES ONLINE