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Comments: To: Objection Reviewing Officer July15, 2020

Re: Objections to the Helena-Lewis & Clark National Forest Revised Forest Plan, Final EIS, Record of Decision (ROD) - Project 44589

From: AI Christophersen

Representing: Elkhorn Restoration Committee

Upon reviewing the Final EIS, Forest Plan and Record of Decision, we are pleased to find that a number of our comments prepared for the Draft EIS have been included. However, we do find it necessary to object to some elements of the decision. Please find the attached objections on the suggested template format. We look forward to participating further in the objection process.

Statement of issues and/or parts of the plan revision to which the objection applies:

Upon reviewing the Revised Forest Plan, Final EIS and Record of Decision (ROD), we feel compelled to file objections to several items concerning these documents. These issues were addressed in our comments to the Proposed Action and Draft EIS. While we do appreciate that a number of our comments are being implemented in the final, the following specific issues were not adequately addressed:

1. We object to the decision for the Primitive ROS to be suitable for mechanized use in the Elkhorn Geographic Area (GA).
2. We object to the decision to allow mechanized use in the Core of the (GA) along with the Core boundary change between the Draft EIS and Final EIS.
3. We object to a lack of information on the existing decision and status of oil and gas leasing in the Elkhorn GA.
4. We object to the lack of a "Standard" to better achieve the Desired Conditions identified for the Wildlife Management Unit (WMU) in the Elkhorn GA.
5. We object to the Suitability statement for timber harvest in the WMU that lacks clear criteria and allows for timber harvest activities that are not compatible with the wildlife values in the Elkhorn GA.
6. We object that the Elkhorn GA plan components are lacking wildlife specific components that are essential to meeting the Desired Conditions and purposes of the WMU.
7. We object that the Revised Forest Plan for the Elkhorn GA is missing components to minimize impacts to wildlife from potential locatable and salable mineral mining and exploration activities which could threaten the WMU's Desired Conditions, stated purpose and management focus.

1. Concise statement explaining the objection and suggesting how the proposed plan should be improved:

The reasons for this objection are:

This objection concerns the Recreation Opportunity Spectrum (ROS) suitability. While we understand the Forest is utilizing a national protocol for mapping ROS, that system has a serious flaw in the Primitive setting suitability and the forest has the discretion to remedy that issue. The national system provides for mechanized use to be suitable in all six categories of the ROS. There is no recognition, nor provision, for the traditional foot and horse means of access to have a [ldquo]primitive[rdquo] ROS setting and that type of recreational opportunity and experience. The relatively new means of access, mechanized travel, has been deemed suitable in the Primitive setting. The new fast-paced mechanized mode travel and a primitive experience are incompatible. The national system recognizes that there are significant experience differences between various modes of travel in similar physical settings since it describes two categories of access as appropriate in Semi-Primitive settings. Semi-Primitive Non-Motorized (SPNM) has mechanized, foot and horse for access methods while Semi-Primitive Motorized includes motorized use. We submit a difference in experience exists between mechanized and foot/horse means of access that is just as important. Foot and horse users are by far the vast majority of recreationists currently accessing Primitive settings, even where they exist outside of designated wilderness areas. Their desired experience should not be negatively impacted by a new, modern, mode of access. To be perfectly clear, mechanized use definitely has very real and significant negative impacts to the desired primitive experience of other users. The 1986 Forest Plan failed to foresee new modes of transportation (ATV[rsquo]s at the time), more recently mountain bikes and the impacts these [ldquo]new[rdquo] vehicles have on traditional users. We ask the Forest to consider that future developments may include similar vehicles and conveyances that would or could have major impacts on traditional uses in these very limited primitive ROS areas outside of RWAs. Restricting mechanical use in these areas would protect them from unforeseen impacts.

Proposed Solution:

The Forest Supervisor has the discretion to identify special areas within the Primitive setting where mechanized use should be considered not suitable. This discretion to deem mechanized transportation use not suitable was applied to Recommended Wilderness Areas, a Primitive ROS setting. Our suggested remedy is to apply that same discretion to the Primitive ROS setting in the Elkhorn GA, so that mechanized use is considered not suitable.

Statement demonstrating the link between objection and prior formal comments:

In our comment letter for the DEIS and Plan we clearly described our opposition to the Primitive ROS definition that describes mechanized means of access a suitable activity.

2. Concise statement explaining the objection and suggesting how the proposed plan should be improved:

The reasons for this objection are:

Our second objection deals with the decision to consider mechanized use in the Core of the Elkhorn Mountains as a suitable activity. As the only Wildlife Management Unit (WMU) in the entire National Forest System, wildlife habitat and management in the Elkhorn GA should be given priority consideration. We strongly supported Alternative C which would have deemed mechanized use in the Core of the Elkhorn GA not suitable. By not selecting this element of Alt. C, the decision certainly has not given wildlife and their habitat needs any special consideration. In fact, in the Forest Plan discussion in the Wildlife section of the Elkhorn GA, it is stated that

there is no need for any specific direction more than what is contained in the Forest-wide wildlife section. We find this unacceptable given the fact that the Elkhorn WMU is the only such entity in the entire National Forest system and one whose primary purpose is dedicated to wildlife. Adjacent geographic areas do have specific direction to protect or enhance wildlife values. Yet, the Elkhorn GA is relegated to the generic, forest-wide standards.

It appears that the Forest's own wildlife biologist's analysis of studies on mechanized use impacts on wildlife was ignored or discounted, as was her recommendation for a decision to call mechanized use not suitable in the Core. We recognize that there are other studies on the subject that are not as conclusive as the ones cited by the wildlife biologist. However, the decision in this situation should have been made in favor of wildlife, rather than a relatively new recreational activity the effects of which upon wildlife and other resources are not, at this point, thoroughly understood. Guideline 01 in the Wildlife section for the Elkhorn GA, states in part "[Maintenance, enhancement, and restoration of wildlife habitats should be the priority for resource management in the Elkhorn Wildlife Management Unit.]" This guideline also seems to have been ignored or discounted when deciding to call mechanized use suitable in the Core.

It should be noted that there is currently no established pattern of any substantial mechanized use in the vast majority of the Core area. There is some use on the extreme north end of the Core area as mapped in Alt. C of the Draft EIS. We do not think it makes any sense to encourage the development of a new recreational activity in the heart of the WMU. From both overall management and public perception points of view, it is far easier to prevent a problem from developing rather than trying to fix it later when problems are identified. The FEIS has reduced the size of Alt. C from what was mapped in the DEIS. We cannot find any substantive rationale for this change in the Core area and therefore, object to the change. The boundary on the north end was moved south therefore removing some trails that would have been deemed not suitable for mechanized use in Alt. C. We believe the Core was best represented as mapped in the DEIS and that should be the entire area not suitable for mechanized use. There is currently extensive trail use by all non-motorized recreational activities just north of the Alt. C boundary so it is critical to maintain this transition zone between the heavily used area and the Core.

Proposed Solution:

Implement the Alt. C component that determines mechanized use to be not suitable, as mapped in the DEIS, for the Core area of the Elkhorn GA.

Statement demonstrating the link between objection and prior formal comments:

In our comment letter for the DEIS and Plan, we expressed strong support for the component of Alt. C that presented mechanized use as being not suitable in the Core of the Elkhorn GA.

3. Concise statement explaining the objection and suggesting how the proposed plan should be improved:

The reasons for this objection are:

This objection addresses how oil and gas leasing is being addressed in the ROD for the Elkhorn GA. We do understand that oil and gas leasing is outside the scope of the Revised Forest Plan and no decision is being made for it. However, since no mention is made of what the current management options are for oil and gas leasing, the public does not know what may happen in the Elkhorn GA. We believe there needs to be an explicit statement, either in the forest-wide section for minerals or in the Elkhorn GA specifically, that clearly identifies the

current and future potential for oil and gas leasing. As currently written it appears oil and gas leasing is possible within the GA.

Proposed Solution:

In the Forest response to comments CR175 and CR197, Appendix G, Final EIS pages 147 and 148, the current decision on oil and gas leasing in the Elkhorn GA (WMU) is made clear. We recommend to simply bring that language forward to the ROD discussion on minerals for the Elkhorn GA. Specifically, we recommend this statement: [ldquo]An Oil and Gas Environmental Impact Statement and Record of Decision was released in 1998 for the Helena National Forest and for the Elkhorn Mountains Portion of the Deerlodge National Forest. In 1998 the Helena National Forest Supervisor made the Elkhorn Wildlife Management Unit unavailable for oil and gas leasing. This decision is still in place and the Elkhorn Wildlife Management Unit is still discretionary unavailable for federal oil and gas leasing but may be changed by subsequent new laws and legislation.[rdquo]

Statement demonstrating the link between objection and prior formal comments:

In our comment letter to the DEIS and Plan, we specifically stated that we recommended that the Elkhorn GA remain unsuitable for oil and gas leasing and referenced the 1998 decision

4. Concise statement explaining the objection and suggesting how the proposed plan should be improved:

The reasons for this objection are:

The Elkhorn GA and associated designated Wildlife Management Unit (WMU) has a unique purpose and management direction. In addition to a number of key Desired Conditions (EH-WL-DC-1,2,3), the Plan states that the WMU[rsquo]s habitat is to be managed in order to [ldquo]maintain populations of species associated with the existing ecosystems, with emphasis on those for which seclusion is an important requirement[rdquo](pg.153). However, the plan is missing a Standard to ensure that these Desired Conditions and this purpose and management direction is met. It is essential to provide a Standard to ensure that management activities and objectives are at least compatible with this purpose. Instead there is an inefficient Guideline (EH-WL-GDL -01 pg. 159) that is ambiguous and lacks clear sideboards to ensure management will advance the stated Desired Conditions, purpose and management direction of the WMU.

Existing EH-WL-GDL -01 (Pg. 159):

[ldquo]Maintenance, enhancement, and restoration of wildlife habitats should be the priority for resource management in the Elkhorn Wildlife Management Unit. Management activities and permitted uses should be compatible with wildlife values and habitats, and/or should be designed to avoid negative impacts to wildlife and wildlife habitats.[rdquo]

Background and additional context:

The Plan's proposed language is weaker than the language in the 1986 Forest Plan (III/78,) establishing the WMU which states [Idquo]Land management activities for other resource values will be considered when they are compatible with management direction for wildlife.[rdquo] It is an essential component of maintaining the intent, purpose and integrity of the WMU.

Proposed Solution:

We recommend that the current Guideline for the Elkhorn GA, EH-WL-GDL-01 (PG. 159), be changed to a Standard and be adjusted to remove ambiguous language as follows:

[Idquo]Maintenance, enhancement, and restoration of wildlife habitats should be the priority for resource management in the Elkhorn GA. Management activities and permitted uses will be compatible with wildlife values and habitats.[rdquo]

Statement demonstrating the link between objection and prior formal comments:

In our comments to the DEIS and Plan, we have addressed wildlife secure habitat at both the Forest-wide and Elkhorn GA management levels. As a WMU, this concern is even more of an issue in the Elkhorn GA.

5. Concise statement explaining the objection and suggesting how the proposed plan should be improved:

The reasons for this objection are:

The current Suitability language for timber harvest EH-TIM-SUIT -01 (Pg. 160.) in the Elkhorn GA lacks clear criteria and allows for timber harvest activities that are not compatible with the wildlife purpose of the WMU. As currently written it states, [Idquo]Elkhorn Wildlife Management Unit is not suitable for timber production. However, timber harvest may occur to provide for other multiple use values.[rdquo] However, elsewhere in the Plan there is clear compatibility language around suitability for timber harvest. For instance, DI-SHRA-SUIT-01 states, [Idquo]The South Hills Recreation Area is unsuitable for timber production, although harvest may be conducted to provide for other multiple use values compatible with the recreation values of the area, such as those described in DI-SHRA-GDL-01.[rdquo] This same sort of compatibility requirement should apply to the Elkhorn WMU.

Background information: Language from the Draft Plan EH-WMU-SUIT-02 (pg. 145) was much stronger than what is currently in Plan.

Proposed Solution:

Adjust the current Suitability as follows:

[Idquo]Timber harvest may occur outside of roadless areas to provide for other multiple use values compatible

with wildlife values and habitats.”]

Statement demonstrating the link between objection and prior formal comments:

The change in the suitability statement between the Draft and Final Plan should give us standing for this objection in addition to our comments on wildlife secure habitats.

6. Concise statement explaining the objection and suggesting how the proposed plan should be improved:

The reasons for this objection are:

The Elkhorn Wildlife Management Unit was established following substantial local, state and national efforts by many groups, agencies and individuals and was the result of a compromise to ensure the unique and important resources of the Elkhorns would be recognized and protected. Over the course of more than 35 years, extensive time, resources and money have been invested by the Forest Service, its Cooperative Management partners as well as the public in making it the inimitable success that it is. Yet, the Elkhorn GA plan components are lacking wildlife specific considerations that are essential to meet the Desired Conditions and purposes of the WMU. However, corollaries for these components are found in other proposed GAs. For example, DI-WL-GDL-01 (pg. 151) for the Divide GA. That Guideline states:

“In order to maintain or improve wildlife security and connectivity, resource management activities in the central portion of the GA, adjacent to Highway 12, and where private ownerships are intermingled with NFS lands, should maintain or enhance high quality wildlife habitat, wildlife movement areas, and connectivity. In order to improve wildlife security and connectivity in these areas:

- Vegetation management activities should provide for wildlife hiding cover needs.

- Motorized access should not be increased.

- New trails should be constructed only where minimal impacts will occur to wildlife habitats and movement corridors.”]

The new forest plan ought to engage at least as strong wildlife management criteria as offered by the its 1986 plan predecessor, which established the Elkhorn Wildlife Management Unit. It does not. The new language of intended wildlife protection is not even as strong as that which has been proposed for the Divide GA. We think that the new plan ought to prepare planning that only allows management activities consistent with the goals of wildlife protection provided by a sound WMU framework that is applied throughout the WMU/GA. Thus, placing wildlife sustainability, enhancement and protection as the primary function, as it has been since its adoption in 1986. A particularly good example is the allowance of mechanized transportation within the Primitive ROS portions of the area without a firm understanding of the impacts of such use on wildlife.

Proposed Solution:

We recommend a new Guideline for the Elkhorn GA that states:

[ldquo]In order to maintain or improve wildlife security and connectivity, resource management activities in the Elkhorn GA should maintain or enhance high quality wildlife habitat, wildlife movement areas, and connectivity. In order to improve wildlife security and connectivity in these areas:

[bull] Vegetation management activities should provide for wildlife hiding cover needs.

[bull] New motorized and mechanized trails should be constructed only where compatible with wildlife habitats and movement corridors. User created trails will be rehabilitated in a timely manner.[rdquo]

Statement demonstrating the link between objection and prior formal comments:

In our comments to the DEIS and Plan, we have addressed wildlife secure habitat at both the Forest-wide and Elkhorn GA management levels. As a WMU, this concern is even more important in the Elkhorn GA. We also commented on limiting both motorized and mechanized means of access.

7. Concise statement explaining the objection and suggesting how the proposed plan should be improved:

The reasons for this objection are:

The Revised Forest Plan for the Elkhorn GA is missing components to minimize impacts to wildlife from potential Locatable and Salable minerals mining and exploration activities which could threaten the WMU[rsquo]s Desired Conditions and stated purpose and management focus. A Standard is required here to meet the purposes of the GA.

Proposed Solution:

Recommend including the Draft Plan EH-EMIN-GDL-02 language (pg. 148), but change it to a Standard and reword to apply to Locatable and Salable minerals. The new Standard should state:

[ldquo]Where possible within law and regulation, activities associated with exploration and mining activities of Locatable and Salable minerals will include location and timing restrictions in order to avoid disturbance and displacement of wildlife.[rdquo]

Statement demonstrating the link between objection and prior formal comments:

This objection again relates to secure wildlife habitat which we addressed in several comments to the DEIS and Plan.