

Data Submitted (UTC 11): 7/16/2020 6:00:00 AM

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Comments: Re: Objections to the Helena-Lewis and Clark National Forest 2020 Land Management Plan, Draft Record of Decision, and Final Environmental Impact Statement

Responsible Official: Bill Avey, Forest, Supervisor, Helen-Lewis and Clark National Forest

The Sierra Club submits the following objections in regard to the Helena-Lewis and Clark National Forest 2020 Land Management Plan (2020 Forest Plan), Draft Record of Decision (DROD) and Final Environmental Impact Statement (FEIS) on behalf of more than 2,600 active members in Montana and 3.7 million members and supporters nationwide.

Formed in 1892, the Sierra Club is a national environmental advocacy organization. Our mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environment and to use all lawful means to carry out these objectives. We have a long history of working to protect wildlands and wildlife in Montana generally, and in specifically protecting and connecting public lands between the Northern Continental Divide Ecosystem (NCDE) and the Greater Yellowstone Ecosystem (GYE) for grizzly bears and other wide-ranging species.

We recognize and appreciate the significant amount of work that the Forest Service has undertaken in drafting the new 2020 Forest Plan, FEIS and associated assessments and other documents over several years, and the increased attention and plan components to promote connectivity between the NCDE and GYE for grizzly bears and other wildlife. We do, however, have outstanding concerns which we hope will be addressed in the objection process.

#### Standing to File Objection

The Sierra Club has submitted timely, detailed comments at every stage of the forest plan revision process, including on the Proposed Action (PA) and Draft Plan/Draft Environmental Impact Statement (Draft Plan/DEIS) for the Helena-Lewis and Clark National Forest. The issues raised in our objections herein are based on these previously submitted comments because we believe that the Helena-Lewis and Clark National Forest has not adequately addressed the concerns we raised in previous stages of the forest plan revision process.

#### Request for Resolution Meeting

Pursuant to 36 C.F.R. Section 218.11(a), the objector requests to meet with the reviewing officer to discuss and resolve these objections.

Objection 1. The 2020 Forest Plan Does Not Comply with the 2012 Forest Planning Rule in Regard to Connectivity. The 2020 Forest plan Does Not Provide Sufficient Habitat and Other Protections for Grizzly Bears to Achieve Genetic and Demographic Connectivity Between the Northern Continental Divide Ecosystem (NCDE) and the Greater Yellowstone Ecosystem (GYE).

The protections for at-risk species established in the species-specific plan component requirements of the 2012 rule are meant to be [ldquo]more comprehensive[rdquo] than the previous rule and [ldquo]be proactive in the recovery and conservation of[rdquo] at-risk species.<sup>1</sup> These requirements reflect an approach to conservation that goes beyond merely mitigating adverse impacts to habitat in an attempt to ensure that plans [ldquo]do more than mitigate harm.[rdquo]<sup>2</sup> Indeed, the 2012 rule requires that plan components [ldquo]contribute to the recovery[rdquo] of not only threatened and endangered species, but also those that are proposed or are candidates for listing under the ESA.<sup>3</sup>

The 2020 Forest Plan does not include a comprehensive plan for connectivity and fails to adequately provide for connectivity in geographic area (GA) standards and guidelines, as outlined below.

In our comments on the PA and the Draft Plan/DEIS, the Sierra Club raised substantial concerns regarding the lack of recommended wilderness areas (RWAs) in several GAs including the Big Belts, Little Belts, Crazies and Upper Blackfoot. Each of these GAs is important for grizzly bear connectivity between the NCDE and the GYE.

The FEIS notes the importance of RWAs to achieving connectivity:

[ldquo][T]he combined effect of designated wilderness, WSAs, IRAs, and RWAs would be to maintain those acreages as largely secure habitat and increase potential long-term security in areas designated as RWAs.[rdquo] (FEIS at 3-341) (emphasis added)

As noted above, the Forest Service is required to promote recovery of threatened and endangered species such as grizzly bears. Besides designated wilderness, Recommended Wilderness--with its management direction to maintain wilderness character--is the best way to ensure secure habitat for grizzly bears and other wide-ranging species as indicated by the above statement in the FEIS.

We are concerned that the Forest Service did not include a significant number of inventoried roadless areas (IRAs) from Alternative D in the Draft Plan in GAs identified by the Forest as important for connectivity. Specifically, we object to the following IRAs<sup>4</sup> not being included as RWAs in the 2020 Forest Plan:

\* Camas Creek, Hogback, Trout Creek and Grassy Mountain (Big Belts GA)

\* Deep Creek, Tenderfoot, Big Horn Thunder, Middle Fork Judith, Big Baldy, and East Little Belts (Little Belts GA)

1 77 Fed. Reg. 21,215 (Apr. 9, 2012); see also, generally Memorandum from Leslie A. Weldon, Deputy Chief, Nat[rsquo]l Forest Sys. to Regional Foresters Re. Clarification of Implementation of the 2012 rule Directives, and Species of Conservation Concern (June 6, 2016)

2 77 Fed. Reg. 21,163 (Apr. 9, 2012).

3 36 C.F.R. [sect] 219.9(b)(1) (2012).

4 Detailed rationale for recommending these areas for wilderness was provided in our comments on the Draft Plan/DEIS submitted October 9, 2018.

\* Loco Mountain (Crazies GA)

\* Colorado Mountain (Divide GA)

\* Arrastra Creek (Upper Blackfoot GA)

We also note that the Forest Service itself indicates that Alternative F is less effective than Alternative D in regard to connectivity and RWAs:

[ldquo][T]he location of RWAs in Alternative D and to some extent in Alternative F was informed by assessing which areas might provide potential connectivity among island mountain ranges, where habitat on NFS land remains relatively intact and intervening lands either provide minimal disturbance or distances between island mountain ranges are shortest. Alternative D and to a lesser extent alternative F would therefore have slightly increased potential to maintain connections among separate GAs for some wildlife species, although that potential would continue to be greatly affected by land management and uses on intervening non-NFS lands.[rdquo] (FEIS at 3-345)

Alternative F has by far the least amount of RWAs of the action alternatives considered in the Draft Plan/DEIS.

Recommendations for wilderness designation in the Upper Blackfoot, Divide, Big Belts, Crazies and Little Belts for achieving connectivity between the NCDE and the GYE are even more critical because of the lack of plan

components for GAs in Zones 2 and 3 (as delineated by the NCDE Grizzly Bear Conservation Strategy/Amendment to Incorporate Management Direction from the Northern Continental Divide Ecosystem Grizzly Bear Conservation Strategy into the Helena, Lewis and Clark, Kootenai and Lolo NFs (Grizzly Bear Amendment) to prevent conflicts between grizzly bears, people and livestock. It appears that the only plan component in these zones is to prevent conflicts is in regard to food/attractant storage<sup>5</sup>.

Additionally, there are no provisions for seasonal closures, road density, or to restrict additional motorized access or provide adequate cover for wildlife for GAs located in Zones 2 and 3.

We appreciate that the 2020 Forest Plan includes Desired Conditions [ldquo]to provide connectivity for wide-ranging species (e.g., grizzly bear and others)[rdquo] for the Rocky Mountain Range, Upper Blackfoot, Divide, Elkhorns, Big Belts, and Crazies GAs. However, we are concerned that there is no corresponding Desired Condition for the Little Belts. We realize that the Little Belts GA is in Zone 3. The Crazies GA is in Zone 3 as well, but it does have a Desired Condition for connectivity for grizzly bears in the 2020 Forest Plan. The Crazy Mountain range provides excellent wildlife habitat, and can serve as a wildlife travel corridor between the Absaroka Range to the south and the Little Belts. The 2020 Forest Plan should include plan components to promote connectivity specifically for the Little Belts GA.

It is well documented in the FEIS and scientific literature that roads and motorized access are one of the primary causes of grizzly bear mortality and interference with their movement. A primary purpose of Zone 2 is to promote genetic connectivity for grizzly bears between the NCDE and GYE. Given this emphasis, and that [ldquo][H]uman activities such as roads and developments are the primary causes of grizzly bear habitat and fragmentation[hellip]][rdquo] (2020 Forest Plan at 3-333), Zone 1 restrictions/plan components in regard to motorized access and no net increase above the baseline should be extended to Zone 2. The Sierra Club provided extensive comments on the NCDE Grizzly Bear Conservation Strategy/Grizzly Bear Amendment (attached) including our concern over insufficient protections in the Conservation Strategy for Zone 2 to achieve

<sup>5</sup> However, the 2020 Forest Plan contains confusing statements on this point, in some places saying that there is a food storage order across the entire Forest (e.g., Appendix G at 93, FEIS at 3-347); in other places plan revision documents state that food storage orders apply to the PCA, Zone 1 and Zone 2 (FEIS at 3-335). We were not able to find a forestwide standard or guideline regarding food/attractant storage.

connectivity (allowance of temporary roads, etc). According to the FEIS, currently only 34% of Zone 2 is in potentially secure habitat. (FEIS at 3-333)

The guideline for the Upper Blackfoot (UB-WL-GDL-01) and Divide GAs (DI-WL-GDL-01) to promote connectivity should also be included for other GAs important for wildlife connectivity in Zones 2 and 3, namely the Big Belts, Little Belts and Crazyes, in regard to vegetation management, motorized access, and trails:

[""]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. [""] (2020 Forest Plan at 3-151)

The 2020 Forest Plan should include a comprehensive plan for connectivity that includes the above components, to aid the movements of grizzly bears and other wide-ranging species between the NCDE and GYE.

#### Connection to Prior Comments

As noted above, the Sierra Club raised these concerns in our comments on the PA, Draft Plan and DEIS.

#### Suggested Remedy

The Forest Service should recommend the above IRAs for wilderness designation, and extend Zone 1 protections throughout Zone 2 in regard to road density. The Forest Service should also clarify the area covered by food/attractant storage orders on the Forest. Additional guidelines regarding vegetation management, motorized access, and trails as outlined above should be incorporated for the Little Belts, Big Belts, and Crazyes GAs.

Objection 2. The 2020 Forest Plan Does Not Honor the Intent of the Badger-Two Medicine Tribal Cultural District (TCD). The Forest Service Erred in its Rationale to Allow Mountain Biking in the Badger-Two Medicine. The 2020 Forest Plan Does Not Comply with the 2012 Planning Rule Requirements and Violates the National Historic Preservation Act, the National Environmental Policy Act (NEPA) and the Administrative Procedures Act (APA).

The Sierra Club objects to continued allowance of mountain biking in the Badger-Two Medicine. We support the Blackfeet Tribe's statements that mechanized travel is a modern mode of transportation and incompatible with the Tribe's values and cultural uses in this area, and their request to close the area to this use.

We believe that the Responsible Official erred in his decision not to close the Badger-Two Medicine to mountain bikes. The most recent travel management planning process did not specifically address the use of mountain bikes, but left the area open to mechanized travel simply by default.

There is no evidence in the planning documents that the forest has done the required analysis under Sec. 106 of the National Historic Preservation Act.

The Responsible Official's rationale is inconsistent with the Forest's findings for the Badger-Two Medicine. In the planning documents, the Forest Service discusses the cultural significance of the area to the Blackfeet Tribe. Similarly, the Wilderness Evaluation determined that nearly 126,000 of the 130,000 acres in the Badger-Two Medicine exhibit high wilderness character that warrant recommendation as wilderness. The Forest Service determined mechanized recreation is not suitable in areas recommended as wilderness (2020

Forest Plan at 77). However, the Forest chose not to recommend the Badger-Two Medicine as wilderness because the Blackfeet Tribe requested it not be recommended (DROD at 7). It is therefore difficult to understand the Forest's refusal to honor the Tribe's request to ban mountain bikes. The Forest Service offered no compelling reason to keep the area open to mountain bikes, which potentially violates the 2012 Planning Rule sustainability requirements (36 CFR 219.8) and multiple-use requirements pertaining to areas of tribal importance (36 CFR 219.10(b)(iii)) in addition to NEPA and the APA.

Objection 3. The 2020 Forest Plan Will Result in More Conflicts Between Grizzly Bears and Mountain Bikers in the Badger-Two Medicine.

The Sierra Club also objects to allowing mountain biking in the Badger-Two Medicine because of our concern regarding impacts to grizzly bears. As land managers are well aware, as grizzly bear populations have made a comeback in Montana, there have been more conflicts between grizzly bears and recreationists, some unfortunately resulting in injury or death of the mountain biker, grizzly bear, or both. In a literature review of the effects of recreation on wildlife, the Craighead Institute notes that "[E]ffects on wildlife are generally more pronounced with mountain bikes than with either hiking or horseback, generally due to the 'sudden encounter' effect (Quinn and Chernoff 2010)." 6

The Craighead Institute's literature review also noted that mountain bikers and motorized users can travel much greater distances in a shorter amount of time, thus impacting a larger area, and that wildlife usually reacted more strongly to these users:

"In one well-designed study, Wisdom et al. (2004) observed increases in elk flight response and movement rates related to human recreational use in the same 3,590 acre section of the Starkey Experimental Forest and Range in Oregon. Elk flight response was greatest for ORV use, followed by mountain biking, and finally human hikers and horseback riders. "Higher probabilities of flight response occurred during ATV and mountain bike activity, in contrast to lower probabilities observed during hiking and horseback riding. Probability of a flight response declined most rapidly during hiking, with little effect when hikers were beyond 500 meters from an elk. [hellip]Higher probabilities of elk flight continued beyond 750 meters from horseback riders, and 1,500 meters from mountain bike and ATV riders." Significantly, an increase in movement rates at sunrise and sunset following daytime ORV and mountain-biking use was observed, suggesting the elk are displaced from preferred security and foraging activities following human use. Only one pair of ATV users were needed to cover

the 20-mile study area, but two pairs of mountain bikers and three pairs of hikers were needed to cover the distance in the time allotted, underscoring the different relative distances that the three groups are capable of covering.

Vieira (2000) studied the effects of both pedestrian and ATV (four wheeler) effects on movement patterns of elk in a White River, Colorado, study area. The mean distance moved by the elk in response to the ATV was more than twice the pedestrian mean. Vieira was able to measure the distance traveled by each elk in response by using radio collared elk tracked by airplane. ATV use by hunters on public lands was considered responsible for greater flight distances and greater chances of elk entering private land. A study comparing responses of elk to ATV[rsquo]s, mountain biking, hiking, and horseback riding (Naylor et al. 2009) found that elk spent less time resting and more time travelling in response to the disturbance. ATV use caused the greatest disturbance (increase in travel and reduced resting time) followed by mountain biking, hiking, and horseback riding

A literature review by Snetsinger and White (2009) found documentation of negative impacts on elk from snowmobiles, skiing, hiking, biking, horseback riding, human presence, trails, and developed

6 The Craighead Institute [ldquo]Wilderness, Wildlife and Ecological Values of the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area[rdquo] November 2015. p. 33

recreation sites. Flight responses have been recorded for elk up to 650 m from skiers (Cassirer et al. 1992); 500 m from hikers and horseback riders; and 1500 m from bikers (Wisdom et al. 2004). Elk were observed fleeing further distances from bikers than from hikers or horseback riders (Wisdom et al. 2004, 2005).[rdquo]7

The Forest Service itself has acknowledged the serious potential for conflicts between mountain bikers and bears and recently developed specific public messaging on this issue.<sup>8</sup> In recent news stories regarding mountain bike use in occupied grizzly habitat, the former USFWS grizzly bear recovery coordinated stated:

[ldquo][M]ountain bikers have the potential to compromise and diminish the value of grizzly bear habitat by displacing bears from bike trail areas.

Mountain bikers also put themselves at serious risk of surprise encounters with both black and grizzly bears because they travel quietly at high speed[hellip]This is exactly what we tell people not to do when traveling in

grizzly habitat.[rdquo]9

The board of review in the death of mountain biker Brad Treat in 2016 attributed the increased hazards associated with mountain biking in bear habitat to the tendency for the activity to be comparatively quiet and for bikers to travel at a higher speed than hikers. In addition, the board observed that mountain bikers tend to focus on the trail close to the bike [ldquo]instead of looking ahead for bears, especially on single-track trails.[rdquo]10

A February 2016 article at singletracks.com observes, [ldquo]Mountain biking is perhaps the most dangerous of the forms of recreating in bear country.[rdquo]11

Outdoors retailer REI was even more blunt in one installment of the company[rsquo]s online [ldquo]Expert Advice[rdquo] feature: [ldquo]It is not advisable to ride mountain bikes in grizzly country. Bikes cover ground quickly and quietly, meaning you could encounter a grizzly in a swift and startling manner. Such a meeting is a grave error in grizzly territory.[rdquo]12

As noted by former recovery coordinator Servheen, [ldquo]Bears must live in these areas while humans are just visitors.[rdquo] And the GYE and NCDE are two of only a tiny handful of places where they actually can live in the lower 48.

The Badger-Two Medicine is within the Grizzly Bear Primary Conservation Area[mdash]the core area to recover grizzly bears and act as a source population to other recovery zones. Mountain biking should not be allowed.

#### Connection to Prior Comments

In our comments on the Draft Plan/DEIS, the Sierra Club specifically noted the importance of the Badger Two Medicine to the Blackfeet Tribe, and called for a ban on motorized and mechanized travel:

[ldquo][T]he Badger-Two Medicine region is among the Forest[rsquo]s most important unprotected areas, containing exceptional wildlife habitat and areas of strong cultural significance to the Blackfeet Nation1[hellip] The Plan should call for land use protections equivalent to that of a RWA, including bans on motorized/mechanized travel.[rdquo]

7 Ibid p. 75-76

8 [https://www.dailyinterlake.com/local\\_news/20190526/experts\\_warn\\_bikes\\_and\\_bears\\_a\\_risky\\_combination](https://www.dailyinterlake.com/local_news/20190526/experts_warn_bikes_and_bears_a_risky_combination)

9 Ibid.

10 Ibid.

11 Ibid.

12 Ibid.

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#### Suggested Remedy

The Forest Service should close the Badger-Two Medicine to mechanized travel.

#### Conclusion

As outlined above, the Sierra Club has remaining substantive concerns with the final 2020 Forest Plan and DROD. We look forward to discussing these issues further and hope that our concerns will be resolved through an objection meeting.