Data Submitted (UTC 11): 7/20/2020 6:00:00 AM
First name: Peter
Last name: Nelson
Organization: Defenders Of Wildlife
Title: Director, Federal Lands
Comments: Please find attached, as a PDF file, Defenders of Wildlife's objection to the decision to approve the revised Helena-Lewis and Clark land management plan and the Regional Forester's identification of species of conservation concern.

USDA Forest Service

Objection Reviewing Officer

Northern Region

26 For Missoula Road

Missoula, MT 59804

Objection to the decision to approve the revised Helena-Lewis and Clark land management

plan and the Regional Forester[rsquo]s identification of species of conservation concern

Submitted July 20 to the Objection Reviewing Officer via the CARA objection webform:

https://cara.ecosystem-management.org;Public/CommentInput?project=44589

Responsible Officials:

? Helena-Lewis and Clark Forest Plan: William Avey, Forest Supervisor, Helena-Lewis and

Clark National Forest

? Identification of Species of Conservation Concern: Leanne Marten, Regional Forester,

Northern Region

Consistent with the objection process identified in 36 CFR part 219 subpart B (219.50 to 219.62),

Defenders of Wildlife files this objection to the decision to approve the revised Helena-Lewis and

Clark land management plan and the Regional Forester[rsquo]s identification of species of conservation

concern.

The Notice of opportunity to object to the revised land management plan for the Helena-Lewis and

Clark National Forest was issued on May 21,2020 and thus the 60-day objection period ends on July

20, 2020; therefore, this objection is timely.

Defenders submitted scoping comments on the Helena-Lewis and Clark land management plan Proposed Action in March 2017 and commented on the draft revised forest plan and DEIS in October 2018. We also commented extensively on the Northern Continental Divide Ecosystem Grizzly Bear Conservation Strategy forest plan amendments, including scoping comments in May 2015 and on the draft amendment and DEIS in October 2016. In February of 2018 we formally objected to the NCDE Grizzly Bear forest plan amendments, including on decisions related to the management of the Helena-Lewis and Clark. The content of this objection is based on those previously submitted formal comments, and the agency[rsquo]s response to those comments, and we incorporate the entirety of those comments by reference.

This objection is focused primarily on the revised plan[rsquo]s compliance with 36 CFR [sect] 219.9. In our previous comments we expressed concern with the draft plan and DEIS[rsquo] approach to meeting and demonstrating compliance with 2012 Planning Rule requirements for the identification and provision of plan components for at-risk species including species of conservation concern. We raised specific issues about the draft plan[rsquo]s treatment of species of conservation concern, terrestrial wildlife, grizzly bears and aquatic resources. In our comments on the DEIS we included our comments and objection to the NCDE grizzly bear amendment, including the fact that the amendment failed to demonstrate a contribution to the recovery of the grizzly bear, as directed under the Planning Rule and consistent with the Endangered Species Act (ESA). We continue to express concerns over those issues in this objection.

There are cases where the plan fails to meet the requirements of the Planning Rule[rsquo]s [sect]219.9 because plan components are not specific enough nor sufficiently mandatory or regulatory to provide the certainty needed to meet legal requirements. We reference instances where the revised plan defers decisions about at-risk species to discretionary project-level decision-making.

In some instances, the EIS fails to provide an adequate analysis of the effects of the alternatives. It is therefore not possible to determine whether plan components provide ecological conditions

necessary to contribute to recovery or maintain viability of at-risk species.

Throughout the objection we make concise statements explaining our objection point and, if relevant, suggest how the proposed plan decision may be improved to meet the requirements of NFMA and the Planning Rule. In certain cases we believe that the plan revision is inconsistent with law, regulation or policy, and in those cases, we provide an explanation.

The objection consists of four parts:

1. Species of Conservation Concern

2. Grizzly bears

3. Specific objection points based on the response to our comments on the DEIS

4. Aquatic resources

Lead Objector:

Peter Nelson

Director, Federal Lands

Defenders of Wildlife

215 South Wallace Ave.

Bozeman, MT 59715

pnelson@defenders.org / 406-556-2816

Part 1: The regional forester failed to identify some species as species of conservation concern where the best available scientific information indicates that there is a substantial concern for persistence in the plan area (36 CFR 219.9(c)).

We provided earlier comments on the designation of species of conservation concern (SCC). We continue to disagree with the Regional Forester[rsquo]s justification for not identifying several species as SCC, and provide our justifications, and proposed solutions, below.

The only change in SCC designation that appears to have occurred between the draft and final

revised plan is the addition of westslope cutthroat trout, which we strongly agree with. (Here we note for the record that the website link to the Regional Forester[rsquo]s final designation letter did not work: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd743334.pdf)

We reiterate the arguments that we have documented in prior comments here.

For this first group of species, there is an absence of rationale regarding threats [ldquo]relevant to[rdquo] (i.e. stemming from outside) the plan area, as opposed to threats [ldquo]in[rdquo] the plan area. This is despite the header on the spreadsheet that suggests the decisions factored in threats [ldquo]relevant to[rdquo] the plan area.

Harlequin duck: The rationale concludes that the species [ldquo]appears secure in the plan area.[rdquo] In our comments on the DEIS we noted that the rationale fails to address concerns beyond the plan area inherent in the species S2B status that may affect persistence in the plan area.

In addition, no new information is provided relative to the Assessment to justify the change from the potential SCC status. The agency should consider whether this species warrants an SCC determination coupled with a finding that viability within the plan area may not be achievable due to factors [ldquo]beyond the authority[rdquo] of the agency.

Northern bog lemming: The rationale is [ldquo]insufficient information[rdquo] despite there being sufficient information for classification as an RFSS and S2. Species may be excluded if there is not sufficient information to determine whether or not there is substantial concern for persistence. This criterion would not be met when there is sufficient information to determine that the species is at-risk at a broader scale that includes the plan area. Excluding it due to [ldquo]insufficient information[rdquo] would be arbitrary.

The rationale also references the presence of existing management direction. It is not appropriate to rely on plan components that may be subject to change through plan revision to find that these threats are not relevant in the plan area. This argument misunderstands that the purpose of identifying SCCs is to determine what management is necessary, not the reverse. Consideration of an irrelevant factor makes it arbitrary to exclude these species.

And, no new information is provided relative to the Assessment to justify the change from the initial potential SCC determination. In fact, the spreadsheet cites the Assessment as BASI, where there was sufficient information to make it a potential SCC.

Townsend[rsquo]s big-eared bat: The rationale includes the statement that there are [ldquo]No substantial threats relevant to the plan area,[rdquo] but only addresses monitoring in the plan area and does not explain why there is no concern for those threats leading to the RFSS designation and listing as a potential SCC in the assessment.

Western toad: The rationale only addresses [ldquo]the plan area[rdquo] despite documented broader scale concern inherent in the toad[rsquo]s S2 ranking, and no new information is provided relative to the Assessment to justify the change from an initial finding as a potential SCC.

Our original comments1 are still valid for these species and we carry forward those comments as part of this objection:

? Black rosy-finch

? Clark[rsquo]s nutcracker

? Common loon

? Gray-crowned rosy finch

? Chestnut-collared longspur

? Dwarf shrew (there is really no rationale at all)

1 From our comments on the DEIS:

? Black rosy-finch: [ldquo]Threats to the species[rdquo] were recognized by its S2 rank. Distribution of habitat in the plan area does not necessarily address the status of species in the plan area.

? Clark[rsquo]s nutcracker: The reason it was considered is because it is a SCC on the Flathead. The rationale provided is that [ldquo]habitat is very common.[rdquo] The rationale needs to distinguish the situation in this plan area from the Flathead. Also, occurrence of habitat is not necessarily indicative of the status of the species.

? Common loon: The rationale for being [ldquo]transient[rdquo] is incomplete because it does not provide information

about occurrences in the plan area or any explanation of why it would not be expected to occur in the plan

area.

? Gray-crowned rosy finch: The rationale does not address [ldquo]threats[rdquo] associated with the S2B rank. It also

provides local information only about habitat, with [ldquo]unknown population trends.[rdquo]

? Chestnut-collared longspur: The eastern portions of the plan area are within the range identified in the

Montana Field Guide. In this situation [ldquo]thought to be a transient individual[rdquo] is not a sufficient justification for

excluding the species as not [ldquo]known to occur.[rdquo]

? Dwarf shrew: The rationale does not address the broader scale concern associated with its S2S3 rank and how

that affects the plan area. Presence of habitat does not necessarily indicate the species is secure.

? Alpine mountainsnail and carinate mountainsnail: Both are ranked S1. The rationale is that there are no

threats in the plan area, in part due to all known habitat protected by wilderness designation. There should be

additional explanation of why threats to the species (for example, climate change) are not relevant to

populations in wilderness areas. (A lack of management threats is relevant to the viability determination, not

the SCC determination.)

? 7 aquatic invertebrates: All are excluded because of [ldquo]insufficient information.[rdquo] However, all received at-risk

classifications from NatureServe. This warrants an explanation of why the information used by NatureServe is

not relevant to the plan area.

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? Alpine mountainsnail and carinate mountainsnail

? 7 aquatic invertebrates

The blue sucker is no longer considered on the spreadsheet as being analyzed, and there is no

rationale for this change. In our comments on the DEIS we wrote: The rationale is [ldquo]Threats facing

this species do not occur on national forest,[rdquo] but they could nevertheless affect this species on the

national forest. Lack of information is also cited, but there was enough information for the S2 rank.

The Artic grayling has still not been considered at all, with no rationale provided for a species that has been considered for listing.

Greater sage-grouse is now included in the spreadsheet and responds to our comments: [ldquo]The statement in the Assessment about sagebrush steppe providing habitat for sage-grouse was made in a general context and was not intended to imply that sage-grouse occur in the plan area. There is no evidence of sage-grouse occurring in the plan area.[rdquo] However, that original language referred to [ldquo]Sagebrush steppe vegetation on the HLC NFs,[rdquo] and historic [ldquo]transitory[rdquo] use. In this situation (and for a nearly listed species) there must be more facts (and/or expert opinion) to support why we would not expect them to be here within their known range.

We raised many of these same issues for the same species on the Flathead2, and the Regional Forester replied with this key language:

[ldquo]We clarify that threats must be both relevant and significant to indicate substantial concern. To be relevant, they must pertain to spatial and temporal scales appropriate to the plan area. To be significant, they must be of a magnitude that would potentially affect long-term persistence in the plan area. This characterization would normally include those threats known to exist in the plan area, as well as those occurring outside of the plan area if they affect populations or habitats inside the plan area. It typically would not include threats that might occur under a theoretical context (e.g., speculative), or occur in a location or time that would not affect individuals using the plan area.[rdquo] (Emphasis in the original.)

On the HLC, there doesn[rsquo]t appear to be any additional language added to the spreadsheet that responds to this discussing the relevance of [ldquo]threats outside of the plan area.[rdquo] The letter describing the process for the HLC does not include the same language above or otherwise appear to address this issue.

2 For example, from our objection to the FNS SCC determinations: [ldquo]Concerns that apply to an area that

includes the

plan area (such as those from NatureServe) must be presumed to apply to the plan area. This presumption cannot be

countered simply by citing the past or current status of the species in the plan area, which is what the Region has done

for many species. Local conditions in a plan area are relevant at the SCC identification stage as a basis for including

additional species for which there might not be broader concern; not as a sole basis for rejecting species for which there

is a broader concern. There needs to be further analysis and explanation of why the threats identified at the larger scale

do not translate into substantial concern for a species persistence in the plan area. Alternatively, the Region could

disagree with the broader scale risk assessment, and cite best available scientific information that demonstrates that there

is no threat originating beyond the plan area. Otherwise the Region has ignored a significant factor relevant to the

decision, which would be arbitrary and capricious.[rdquo]

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Part 2: Grizzly Bears

The plan needs to incorporate new information

The Forest has taken the position that the 2018 grizzly bear amendment (GBA) to its forest plan is

sufficient management direction for grizzly bears on the forest. There is new information that needs

to be taken into account : 1) the changes made to the NCDE Grizzly Bear Conservation Strategy in

2019, and 2) the relisting of the Yellowstone Ecosystem population of grizzly bears as a result of the

Crow Indian Tribe case shortly before the amendment ROD (where it is not mentioned).

With regard to the use of the draft Conservation Strategy, the Forest responds that, [ldquo]there are no

significant changes from the draft that formed the basis for the Grizzly Bear Amendments, nor are

there inconsistencies with the amendments.[rdquo] The Forest did not respond to the change in status of

the Yellowstone grizzlies, or address the related scientific information.

The scope of the planning process was incorrectly limited and therefore does not contribute to the recovery of grizzly bears as required by the Planning Rule 36 CFR [sect]219.9

The revised forest plan must contribute to the recovery of the grizzly bears at the species level, not just a particular population. Grizzly bear recovery would benefit from functional demographic connectivity between populations which includes both occupancy and movement. The revised plan incorporates a previous amendment that was designed to delist only the Northern Continental Divide Ecosystem (NCDE) population of grizzly bears, and has assumed that a self-sustaining population in the NCDE necessarily means dispersal to the Yellowstone Ecosystem, and so therefore there is minimal need to change current management of the HLC.

Contrary to this assumption, the best available science says that dispersal has not happened yet under current management, and that current management under future conditions is likely to be less successful. As the court in Crow Indian Tribe stated, [ldquo]it is illogical to conclude that the same opportunities for connectivity will produce different results in the future[hellip][rdquo] The minor additions of conservation measures to the HLC forest plan by the GBA (and incorporated into the revision) would not change this dispersal outcome, and the Forest has disclosed no analysis that supports a different conclusion.

The GBA objection response states that, [ldquo]the forest plan and amendments contain plan components designed to maintain or enhance connectivity with populations outside of the planning area.[rdquo] There is no evidence or analysis demonstrating that this is the case, since all of the language in the amendment purpose focuses on the NCDE. The revised HLC plan continues this flaw by not providing evidence or analysis demonstrating that such connectivity will be provided under the revised plan.

At most, the Conservation Strategy and amendment documentation suggest, [ldquo]that the NCDE may eventually serve as a source population for genetic and demographic rescue, if necessary, of other grizzly populations in the lower-48 States[rdquo] (emphasis added), and the Strategy would provide an

[ldquo]opportunity[rdquo] for connectivity to other ecosystems. That possibility is not borne out by any analysis for the GBA or now for the revised HLC plan.

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According to the HLC FEIS, [ldquo]a full analysis of the potential impacts of implementing the management described in the Grizzly Bear Amendment can be found in the Final Environmental Impact Statement, Volume 3: Forest Plan Amendments to incorporate habitat management direction for the Northern Continental Divide Ecosystem Grizzly Bear Population[hellip][rdquo] The GBA objection response adds, [ldquo]the context and potential effects on the Cabinet-Yaak and Yellowstone populations are also discussed (section 6.5.5).[rdquo] The HLC response to comments (CR 275) states that this section of the GBA FEIS [ldquo]contains a discussion of how the plan components would support the grizzly bear metapopulation.[rdquo]

The [ldquo]full analysis of potential impacts[rdquo] referenced above consists of a description of the plan components conceivably added for this purpose, and rationalization (without analysis) that these would be sufficient. There are two plan components that arguably would benefit the Yellowstone grizzly bear population:

1. PCAZ1Z2-NCDE-STD-01. Within the NCDE primary conservation area, zone 1, and zone 2, food/wildlife attractant storage special order(s) shall apply to NFS lands.

We address the effectiveness of such orders below in relation to [ldquo]developed sites.[rdquo] As essentially the only requirement being imposed on Zone 2, it is not sufficient.

2. Z1-NCDE-DC-02. On the Helena-Lewis and Clark National Forest, within zone 1 and the portion of zone 2 west of Interstate 15, NFS lands adjacent to highways are consolidated and other efforts to reduce barriers to genetic connectivity of grizzly bear populations are supported.

We agree that this part of Zone 2 warrants extra protection, but a desired condition, without any other supporting plan components expresses only an aspiration. It may contribute to preventing loss of federal ownership, but it does nothing to improve connectivity over existing conditions or make dispersal to the Yellowstone ecosystem more likely to occur than before. (Its location in the

revised plan with other Zone 1 plan components also increases the risk that it would be ignored for actions in Zone 2.)

There are two additional plan components cited that apply to Zone 1, where any benefit to the Yellowstone population is speculative:

1. Z1-NCDE-DC-02. Within zone 1 on the Helena-Lewis and Clark National Forest (see appendix A, map FW-3), roads and trails provide for public and administrative access to NFS lands. Grizzly bear habitat in zone 1 contributes to sustaining the recovery of the grizzly bear population in the NCDE and providing the opportunity for movement of male bears to provide genetic connectivity with the Greater Yellowstone Ecosystem.

2. Z1-NCDE-STD-01. Within zone 1 on the Helena-Lewis and Clark National Forest (see appendix A, map FW-3), there shall be no net increase above the baseline in density of motorized routes (roads and trails) open to public motorized use during the non-denning season on NFS lands. Open motorized route density is calculated by dividing the total miles of open motorized routes on NFS lands in zone 1 by the total square miles of NFS land area in that same area (see figure 1-2).

The first desired condition conflicts with itself. Human access is bad for bears and would reduce the opportunity for movement of bears. While limiting the increase in motorized routes should benefit

bears, these plan components acknowledge that [ldquo]opportunity for movement[rdquo] of male bears in Zone 1 requires more than what Zone 2 plan components provide, which is why we have made specific proposals for that. We also have pointed out that the science supporting density limits for bears is based on bear management units and applying the standard to all of Zone 1 is meaningless and arbitrary.

Nevertheless, the GBA EIS characterizes these plan components as [ldquo]coordination and habitat management in the zone 1 and the zone 2 portion of the Helena National Forest west of Interstate 15 to support genetic connectivity with the Greater Yellowstone Ecosystem.[rdquo] It concludes, with no

basis other than the language quoted above that, [ldquo]Implementation of this alternative is likely to provide habitat conditions that would support movement of dispersing bears, particularly male bears, to the adjoining Beaverhead-Deerlodge National Forest[hellip][rdquo] The GBA objection response reiterates that, and adds, [ldquo]Research cited in the final EIS shows that growth of the NCDE population has already been associated with bears moving into new territory, and plan direction is designed to maintain habitat conditions that have been associated with this period of population growth and expansion.[rdquo]

We have responded that research has also shown that this expansion has not included dispersal to the Yellowstone Ecosystem, and unless/until that has occurred, there is no assurance that past growth means that such expansion would occur in the future (as the court in Crow Indian Tribe held). These plan components add little or no improvement in that outlook.

The section of the GBA FEIS on [ldquo]cumulative effects on grizzly bears,[rdquo] cited in the HLC RTC includes similar unsupported language. It also states, [ldquo]an area on the Helena National Forest would be identified for coordinated management that would support movement of male bears to the Greater Yellowstone ecosystem.[rdquo] That appears to overstate Z1-NCDE-DC-02, but it is not clear what else it could be referring to.

The GBA objection response says, [ldquo]The final EIS discloses the effects of habitat conditions on the portions of the Beaverhead-Deerlodge National Forest adjacent to the Helena National Forest to better assess the potential for the movement of male bears through National Forest System lands (section 5.6.5 and section 6.5.5).[rdquo] The [ldquo]effects of habitat conditions[rdquo] consist of the objectives for open motorized road density in the B-D forest plan in the Tobacco Root and Highland mountain ranges.

According to the GBA objection response:

? [ldquo]Research demonstrates the NCDE grizzly bear population has the estimated numbers and distribution of reproductive individuals to be self-sustaining[rdquo] (emphasis added).

? [ldquo]Research cited in the final EIS shows that growth of the NCDE population has already been associated with bears moving into new territory, and plan direction is designed to maintain habitat conditions that have been associated with this period of population growth and expansion.[rdquo]

? [ldquo]the programmatic analysis sufficiently demonstrates that maintaining a stable to increasing population in the NCDE allows it to serve as a source population[rdquo]

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Such conclusions about effects on the grizzly bear species are all built upon on the shaky assumption that a stable to increasing NCDE population will continue under essentially current management, and that would be sufficient to provide a source population for the Yellowstone Ecosystem. This is not based on the best available scientific information. Despite an increasing number of bears and expansion of occupied territory, NCDE bears have not yet successfully dispersed there. The Forest Service needs to recognize the probability that baseline conditions (particularly in connectivity areas) and the current population size may not be sufficient as an indicator of this population[rsquo]s ability to continue to grow and expand into other ecosystems. In addition, future erosion of secure habitat and loss of connectivity means that dispersal will be less likely under current management in the future.

Finally, as we noted in our comments on the draft revised HLC plan, the best available scientific information does say that that long-term persistence of the Yellowstone population is threatened now by geographic isolation and genetic risk.

According to the GBA objection response, [ldquo]Details of the connectivity analysis can be found in the biological assessments for the NCDE amendments (Warren, 2017, pp. 12-13, 14, 17, 31-33, 42-43, 50-51, 56, 63-64). The USFWS biological opinions also confirmed that the revised plan and amendments would contribute to connectivity both within and between ecosystems.[rdquo]

With regard to the Yellowstone population, the BA concluded, [ldquo]the restoration of gene flow is still important, although it appears to be less urgently needed than previously hypothesized[rdquo] (p. 12). The

Ninth Circuit opinion in Crow Indian Tribe found it dispositive that the FWS had arbitrarily minimized the genetic risk similarly to this statement. The Forest Service needs to up its game for this reason. While it discusses the Yellowstone ecosystem, this attempt at identifying incidental benefits falls short of the directed conservation program needed on the HLC to support the Yellowstone population[rsquo]s contribution to recovery. While both the BA and BO may legitimately claim improvement in connectivity over the status quo, neither attempts to claim that the new plan components are sufficient for genetic connectivity.

The court in Crown Indian Tribe found a lack of regulatory mechanisms between the NCDE and Yellowstone populations, with the amended forest plans in effect. The revised HLC plan is one place where that needs to occur for these federal lands, and the Forest needs to change plan components accordingly, as we have suggested. The Forest Plan must identify the areas to be managed for connectivity to Yellowstone and include plan components that provide secure habitat for occupancy at levels that would contribute to dispersal.

Plan components in the Primary Conservation Area are inadequate to provide for a source population for dispersal

We argued that analysis of what population level may be needed for the NCDE to function as a source population must be conducted, and that additional plan components were needed in the PCA to increase the likelihood of individuals dispersing. In response, the Forest repeated (CR99E), [ldquo]The approach taken in the forest plan revision and amendments, which were informed by the NCDE Grizzly Bear Conservation Strategy, is to maintain on-the-ground habitat conditions in the recovery zone/primary conservation area that have been in place during the time period that the NCDE grizzly bear population has been stable to increasing.[rdquo]

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It appears that none of the changes we recommended for this area have been adopted. Consequently, we maintain that current plan components have not provided and are not likely to

provide the additional population growth needed to ensure dispersal to the Yellowstone ecosystem.

Plan components for Zone 1 and Zone 2 are inadequate to provide for connectivity and dispersal

The Planning Rule states that forest plans must include ecosystem plan components that maintain or restore connectivity, which is one element of ecosystem integrity (36 CFR [sect]219.9). Whereas the FEIS states that, [ldquo]Connectivity it is not considered an indicator of the recovery or persistence of the grizzly population in the Northern Continental Divide Ecosystem or on the HLC NF[rdquo] (p. 319), connectivity would indeed be an indicator of persistence on the HLC outside of the NCDE and for the species as a whole.

According to the GBA objection response, [ldquo]plan components facilitate genetic and demographic connectivity of bears between the NCDE and other recovery zones, thus promoting potential dispersal and supporting recovery of the species across its range.[rdquo] The GBA conclusion is addressing all affected national forests and the efforts to connect the NCDE population with the Cabinet-Yaak and Bitterroot ecosystems are obviously greater than for the Yellowstone ecosystem (including the designation of demographic connectivity areas).

The HLC response to comments (CR275A) concludes, [ldquo]plan components were added to several GAs about providing habitat for and connectivity among populations of wide-ranging species such as grizzly bears.[rdquo] It further says, [ldquo]The plan identifies the areas near Highway 12 and Highway 200 as important for wildlife connectivity and includes plan components (DI-WL-GDL-01, and UB-WLGDL-01) designed to manage those lands in a way that promotes connectivity by improving habitat security on NFS.[rdquo]

These guidelines address vegetation management, motorized access and recreation. A common set of plan components like this defines a [ldquo]management area,[rdquo] (36 CFR [sect]219.19); however, the plan does not identify the areas where they would apply, except as follows: [ldquo]in the central portion of the (Divide) GA, adjacent to Highway 12, and where private ownerships are intermingled with NFS lands,[rdquo] and [ldquo]the west-central and east-central portions of the (Upper Blackfoot) GA, where NFS

lands narrow and approach the area of private lands surrounding Highway 200.[rdquo] These areas are not mapped in the plan. This fails to meet the requirement in 36 CFR [sect]219.7(e) because there is no accountability for being consistent with a plan if the application of plan components is based entirely on a subjective determination.

The plan avoids the use of management areas, except for some statutory designations, but nevertheless includes several maps for each GA showing where management would be different. That should be done for areas managed for connectivity (similar to the Demographic Connectivity Areas identified for connecting the NCDE to the Cabinet-Yaak and Bitterroot ecosystems in the GBA).

The RTC argues, [ldquo]new desired conditions were added to promote wildlife connectivity in the Elkhorns, Big Belts, and Crazies GAs. New guidelines were also added explicitly stating that wildlife habitat is the management priority (EH-WL-GDL-01) and vegetation management should maintain

or improve wildlife habitat (EH-WL-GDL-04). Text was also added in the descriptions of GAs to note when that GA is part of a grizzly bear management zone, as delineated by the FWS. Desired conditions for conserving connectivity alone do not accomplish much. The guidelines for the Elkhorns GA are of limited value to grizzly bears because they 1) apply to any (possibly competing) species of wildlife, 2) access management is more important to grizzly bears than vegetation management, and 3) both are generically written guidelines with no purpose statement related to grizzly bears. (Actually, EH-WL-GDL-04 does not exist.)

The FEIS repeats the position that, [ldquo]Occupancy by grizzly bears of lands outside the NCDE is not identified as a recovery or management goal[hellip][rdquo] (p. 333) for the NCDE grizzly bear population. The RTC also says, [ldquo]Additional plan components limiting developed recreation in zones 1 and 2 are not needed because grizzly bear occupancy is expected to be lower than in the primary conservation area and these zones do not serve as the source for supporting and maintaining recovery of the

NCDE or other grizzly bear populations[rdquo] (CR99G).

The RTC also failed to address the need to promote connectivity by proactively preventing conflicts with livestock in areas needed for connectivity, apparently for the same reason (CR99D). This is further admission of our main point that the Forest Service has not tried to include plan components to support the Greater Yellowstone ecosystem (GYE) population, and it highlights the flaw in expecting a conservation strategy for the NCDE population to suffice as a conservation strategy for the species as a whole.

In order to provide connectivity to the GYE, it is necessary for habitat between ecosystems to act as stepping stones for grizzly bear occupancy and movement,3 which means it must include female bears. Additional plan components are needed for habitat in Zone 2 on the HLC to be occupied.

In fact, designating a pathway for successful dispersal to Yellowstone may require components found in Zone 1 and/or the DCAs, and such an area may warrant its own designation.

We believe the following plan components are still needed in the Elkhorns and Big Belts in Zone 2 and the Crazies in Zone 3 to accomplish this. The scientific rationale is provided in our previous comments, incorporated by reference.

1. Livestock Grazing

Plan components should aim to minimize conflicts between grizzly bears and livestock in Zone 2 and Zone 3. New and revised allotment management plans should provide actions that actively work towards minimizing conflicts with native predators including grizzly bears and wolves. Such actions can be beneficial for both livestock and native predators.

PCAZ1-NCDE-STD (1-4) and PCA NCDE-GDL (9-10) should be carried into Zone 2 to encourage actions like voluntary retirement of sheep allotments and avoidance of high-quality grizzly bear food sources, that can minimize conflicts between grizzly bears and livestock.

3 Peck, C. P., F. T. van Manen, C. M. Costello, M. A. Haroldson, L. A. Landenburger, L. L. Roberts, D. D. Bjornlie, and R. D. Mace. 2017. Potential paths for male-mediated gene flow to and from an isolated grizzly bear population. Ecosphere 8(10):e01969. 10.1002/ecs2.1969

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2. Connectivity

Divide desired condition DI-WL-DC 01, goal DI-WL-GO and guideline DI-WL-GDL-01 should be extended to the Elkhorns and Big Belts in Zone 2 and the Crazies in Zone 3.

We also ask that Z1-NCDE-DC-01be expanded into Zone 2, and that specific reference to [ldquo]male[rdquo] bears be deleted so that this includes the presence of female bears, needed for functional connectivity.

We ask that the HLC shift the line described in NCDE-HNF Zone 1&2-DC-02 to east of Interstate 15 to include the Big Belts.

The plan and EIS ignore the best available science about linkage areas and fail to identify them

FW-WL-GO-03 states: [ldquo]Linkage areas identified through interagency coordination facilitate the movement of wildlife between NFS parcels separated by other ownerships.[rdquo]

While we identified sources of information for specific linkage areas, the RTC did not respond to this comment nor identify any such areas. Without identifying any areas where this plan component would apply it has no effect, and there is no reason to expect that it ever would (which in any case would require a plan amendment). The DEIS also recognized the importance of [ldquo]other areas with low road densities or that have little or no motorized travel that are along the NF boundary[hellip][rdquo] We asked to identify these areas in the plan; instead the Forest removed this language from the EIS. These areas remain important but are now being arbitrarily ignored.

The FEIS failed to respond to our comments regarding Zone 3

CR99G states: [ldquo]The NCDE Grizzly Bear Conservation Strategy (Northern Continental Divide Ecosystem Subcommittee, 2019) acknowledges that grizzly bears may sometimes be found in zone 3. However, by definition, zone 3 does not have enough suitable habitat to contribute meaningfully to the long-term survival of the NCDE population.[rdquo]

The GBA objection response addressed grazing in zone 3: [ldquo]Adding the standards for livestock grazing that are applicable to the primary conservation area is not needed and likely would not be effective in zone 3.[rdquo] We had some recommended changes, but they have apparently not been made in the final plan. There are two desired conditions and two standards that apply to Zone 3 along with the other zones. The substantive standard involves apiaries. We had also criticized use of [ldquo]suitable habitat[rdquo] in defining zone 3. The term is used again above, but there is no response to our comment.

Road density analysis and alternatives are insufficient

We questioned the conclusions about evaluating road density in areas that do not have delineated bear management unit subunits and suggested the use of a moving windows analysis. There are apparently conflicting responses:

? CR99B states: [ldquo]The FEIS and planning record describe in detail how open and total motorized route density was calculated, and the reasons for displaying motorized route density at the GA scale.[rdquo]

? CR99H states: [ldquo]the 2020 forest plan has been updated with information regarding the methods to be used to measure and report open and total motorized route density and secure core in the primary conservation area, as well as Grizzly Bear Analysis Unit based measures of secure habitat in Zones 1-3.[rdquo]

We believe the designation of BMAs is helpful and should provide for an appropriate scale of both analysis at the plan level and application of the [ldquo]no net increase[rdquo] requirement at the project level. However, the latter does not appear to be the intent of the plan, since the term [ldquo]Grizzly Bear Analysis Unit[rdquo] is not used in the plan document (though they are mapped there). (The phrase [ldquo]potentially secure habitat[rdquo] needs to be defined.)

We suggested an analysis at the plan level that could lead to reducing road densities in areas important to grizzly bear security/connectivity and questioned why road densities were the same in

all alternatives. The following response regarding travel plans does not justify the absence of a range of alternatives to address this significant issue.

99B. [ldquo]the mileage, location, and timing of public motorized travel across the HLC NF is determined by travel plans, which are in place across the HLC NF, and will not change.[rdquo]

The range of alternatives for forest planning cannot be limited based on existing project decisions like travel plans. We made the point in our comments that travel plans must be based on forest plans, and we have identified a need to change the forest plan supported by the best available science. (The RTC also failed to address the term [ldquo]unneeded roads.[rdquo])

The FEIS fails to respond to comments regarding dispersed recreation

We note that other plan components would result in changes in the existing travel plans, so it is disingenuous to use that as an excuse to not do so for grizzly bears. According to response to comment CR52f, [ldquo]Except within RWAs, the responsible official has decided not to make travel plan changes within the Forest Plan revision process,[rdquo] and in CR49H, a boundary change [ldquo]allows for a mountain biking connection between East Fork Falls Creek and Rogers Pass and would change the current travel plan direction for the trails in this area.[rdquo] (We support the exclusion of mountain biking from the Badger-Two Medicine area.) While mountain bikes were addressed from a recreation standpoint, the Forest did not respond to our comments about conflicts between grizzly bears and mountain bikes, and none of our proposed changes appear to have been made.

We also commented on the effects of hunting on grizzly bears. RTC CR99E purports to address recreation but does not address our comments there. The RTC also says this (275E):

The FEIS sections (3.14.5 and 3.14.6) analyzing impacts to grizzly bears have been updated and expanded to include more thorough discussion regarding potential impacts to grizzly bears of various recreational activities.

There is some recognition that hunting is a form of recreation that [ldquo]could potentially have negative

effects to individual bears[rdquo] (p. 348), but there is considerable relevant science and this bare mention is insufficient.

Locations of important habitat characteristics must be identified in the plan or included as criteria that must be applied to future projects

In our amendment objection, we had said that for the PCA and Zones 1-2, [ldquo]Areas of high energy food should be identified and monitored.[rdquo] In our DEIS comments, we cited the best available science indicating the importance of securing quality habitat that includes bear foods. The most relevant response to our comments was at CR99F:

The location and condition of habitat within zone 2 or any other area will vary over time as a result of natural vegetation disturbances.

This represents a changed position from [ldquo]not an issue[rdquo] to [ldquo]can[rsquo]t identify locations.[rdquo] That doesn[rsquo]t excuse the forest plan from addressing this need with plan components. If the locations of important site characteristics can[rsquo]t be identified at the plan level, they must be included as criteria that must be applied to future projects, in particular to the construction and use of roads and trails.

We also said, [ldquo]Understanding how road density across the landscape varies in relationship to high value grizzly bear habitat remains a significant unknown.[rdquo] This should have been addressed in the FEIS but wasn[rsquo]t.

The RTC did not address changes proposed for improved livestock management strategies in the PCA and Zone 1.

We proposed specific additions for all zones. Regarding zones 2 and 3, CR99D states:

Zones 2 and 3 are not expected to have continual occupancy by grizzly bears. Therefore, plan components related to grizzly bears are focused on the primary conservation area and Zone 1.

We substantiated the need for habitat allowing occupancy above. The RTC did not address changes proposed for improved livestock management strategies in the PCA and Zone 1.

There are no scientific references supporting a conclusion regarding food/attractant storage orders

We commented on the uncertainty of the effectiveness of food/attractant storage orders at preventing grizzly bear conflicts. CR99G addresses this issue:

According to the Grizzly Bear Conservation Strategy, "Storing attractants in a manner that prevents bears from accessing them is effective[hellip][rdquo]

There are no scientific references supporting this conclusion. Moreover, there are no scientific references in the Grizzly Bear Conservation Strategy where it says, [ldquo]Requiring proper storage of food and attractants has been demonstrated to be an effective tool to promote public safety and to reduce grizzly bear mortality risk[rdquo] (p. 62).

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The plan needs to clarify that occupancy is needed at some minimum level in zones 1 and 2, and appropriate plan components must be included

We proposed expanding the application of some plan components related to developed sites to other areas. This was dismissed for reasons similar to the livestock management recommendations (CR99G):

Additional plan components limiting developed recreation in zones 1 and 2 are not needed because grizzly bear occupancy is expected to be lower than in the primary conservation area and these zones do not serve as the source.

The difference here is that it appears there is some occupancy expected in the same areas that the agency has elsewhere said it is not planned. This needs clarification that occupancy is needed at some minimum level, and appropriate plan components must be included. We have not sought plan components capable of supporting a source population in these areas, but the existing plan components fall short of promoting occupancy needed for dispersing females.

More generally, the Forest responds (CR99G) that there is [ldquo]no history of grizzly bear-human conflict associated with developed recreation sites.[rdquo] Past performance is not a guarantee of future

results, especially where there is expected expansion/recovery of the NCDE population.

Plan components related to vegetation management should be expanded

We recommended expanding plan components related to vegetation management, which was not directly addressed by the RTC, but would be encompassed by the general refusal to manage for occupancy outside of the PCA and Zone 1.

The revised HLC forest plan is a different action with different effects from the prior amendment, and those effects on grizzly bears have not been adequately disclosed

We have asked for disclosure of the actual effects on grizzly bears of the amended and revised forest plan. The RTC did not respond to this issue, other than to say:

The FEIS sections (3.14.5 and 3.14.6) analyzing impacts to grizzly bears have been updated and expanded to include more thorough discussion regarding potential impacts to grizzly bears of various recreational activities[rdquo] (CR275E).

However, the objection response to the GBA echoes the conclusory statement that, [ldquo]The final EIS analysis concluded that the forest plan and amendments would contribute to grizzly bear recovery by maintaining, improving, or restoring grizzly bear habitat (FEIS, sections 3.7.5 and 6.5.5).[rdquo] This must be demonstrated by evaluating actual habitat conditions for grizzly bears that would result from the plan components. Even if it were true, the revised HLC forest plan is a different action with different effects from the prior amendment, and they have not been adequately disclosed.

Responding to the objection resolution on the GBA

We have not attempted to readdress the additional issues we identified in our objection to the GBA; however, since those issues persist after their incorporation in the revised HLC plan, we incorporate

them into this objection as well. We have briefly responded to the objection resolution on the GBA:

The forest plans fail to include adequate regulatory mechanisms that are needed to

contribute to recovery or to contribute to a viable population of grizzly bears within its range

We have argued that the plan components for grizzly bears fail to contribute to recovery of the species as required by both ESA and NFMA. Where the existence of adequate regulatory mechanisms is relevant to such determinations, as it is here, the analysis must demonstrate their adequacy.

The Objection Response dismisses the requirements for adequate regulatory mechanisms to delist the species as something that can be determined later by the FWS (p. 67). While that is legally correct under ESA, recovery is also a purpose of these forest plan decisions. Adopting a decision that fails to meet the purpose and need should not be viewed as adequate, and suggests problems with the NEPA process and the range of alternatives. Contrary to the final statement in the Response, a finding that these plans do not jeopardize the species does not demonstrate compliance with requirements for recovery.

Also, the Plan and Response rely extensively on desired conditions as a basis for findings regarding recovery. Desired conditions, by definition, are not certain of being implemented or effective. Accordingly, they are of no value in evaluating the need for listing, or justifying delisting, under the ESA PECE policy for regulatory mechanisms.

Later, the Response also says, [ldquo]Causes of bear mortality and distribution are well understood and evidence points to a decreasing trend in mortality associated with Federal lands [hellip][rdquo] It is not clear from this that the number of [ldquo]conflict bears[rdquo] and future mortality trends would not be affected by climate change and increasing human populations. In any case the EIS does not address the synergistic effect of greater winter use on a diminishing denning source (over time and space).

Mandatory terms and conditions in the Biological Opinions must be incorporated into the forest plans

The Response states: [ldquo]There is no requirement in the law or regulation to include terms and conditions as plan components,[rdquo] and [ldquo]whether included in the revised plan or not, terms and conditions provided in the biological opinion are mandatory, nondiscretionary items.[rdquo] The

Response fails to recognize that terms and conditions would no longer be mandatory after delisting, and at that point the forest plan components must stand on their own as adequate regulatory mechanisms. There should be a presumption that measures necessary to keep take from leading to jeopardy would also be necessary for recovery and to maintain viable populations.

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Part 3: Specific objection points based on the response to our comments on the DEIS

Introduction

Here we focus on the specific points of disagreement based on the response to our comments on the DEIS, provided in the FEIS. Since there have been few changes made in response to our comments, we incorporate those comments by reference, and much of our rationale may be found there.

The Forest Service is attempting to frustrate the intent of NFMA by shifting decisionmaking responsibility and authority to the project-level

With this proposed revised forest plan, the Forest Service is attempting to frustrate the intent of NFMA to have [ldquo]one integrated plan for each unit of the National Forest System.[rdquo] Instead this plan attempts to shift decision-making responsibility and authority to the project-level, which is not subject to important NFMA requirements like use of best available scientific information and the requirements related to plant and animal diversity.

The Forest Service claims this is [ldquo]adaptive management,[rdquo] but NFMA requires certain kinds of decisions to be made at the plan level, and NFMA regulations have codified adaptive management as a process that includes amending the forest plan when changes in these decisions (plan components) are made. A plan that says, [ldquo]we[rsquo]ll figure this out later,[rdquo] without adopting objective criteria required at the plan level for doing so, is simply not a plan that would comply with NFMA.

For example, the revised plan does not meet the NFMA requirement to integrate planning for elk with that for other resources in the forest plan

The Forest essentially argues that it can[rsquo]t put important direction for elk in the forest plan for two reasons 1) it limits management opportunities for other resources, and 2) it [ldquo]does not allow managers to fully apply the most recent interagency recommendations for management of elk habitat, developed by MFWP and FS biologists in response to review and evaluation of the BASI, or other management recommendations based on new science[rdquo] (Comment response: CR44A).

The Forest is trying to circumvent the requirements of NFMA to use the plan amendment process for adaptive management, which means to include the current interagency recommendations in the plan now, and amend the plan if they change.

The plan explicitly proposes cutting the public out of the planning process: [ldquo]FWL-GDL-01 will allow managers needed flexibility to manage for specific conditions at an appropriate scale without having to amend the forest plan.[rdquo] And in the RTC:

The 2020 forest plan does not establish specific levels of vegetation (e.g. cover), patch size, or distance from motorized access that would provide elk protection from vulnerability to hunting, but directs managers to work with MFWP biologists to assess needs in specific areas at an appropriate scale, and develop management approaches that would achieve desired conditions.

This does not meet the NFMA requirement to integrate planning for elk with that for other resources in the forest plan.

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NFMA singles out plant and animal diversity as a substantive requirement and the revised plan fails to adopt plan components that specify the ecological conditions needed for at-risk species

NFMA singles out plant and animal diversity as a substantive requirement. By regulation, they must be protected by plan components in the forest plan. Those plan components cannot just repeat the regulatory requirements for the plan and say they will be applied to projects (the Planning Rule in fact prohibits application of its requirements to projects in [sect]219.3(c)). In addition to the reasons

above, ecological integrity and species viability must be determined at the scale of a forest plan when it is adopted and cannot be piecemealed over time. Failure to adopt plan components that specify the ecological conditions needed for at-risk species forest-wide would violate NFMA.

At-risk species also require a degree of certainty to reduce their risk. The greatest certainty is provided by forest plan standards that are necessary to ensure that the ecological conditions needed by a species would occur. We note that conservation strategies included in the plan for grizzly bears, lynx and aquatic species contain many appropriate standards, but the revised forest plan eliminates other standards from the existing forest plan (or changes them to guidelines, as was done with snags), without any rationale. NEPA requires that the effects of eliminating protective measures be disclosed, but this FEIS fails to do so.

NEPA requires a [ldquo]hard look[rdquo] at the environmental consequences of the proposed plan and the EIS fails to disclose the effects of the plan on at-risk species

NEPA requires a [ldquo]hard look[rdquo] at the environmental consequences of the proposed plan. Our comments on [ldquo]NEPA/effects[rdquo] on the DEIS documented a failure to disclose actual effects on many species, including the effectiveness of the plan components constantly credited with mitigating the unspecified effects of the plan that would otherwise occur. There is no response to these comments.

The FEIS often concludes that plan components would mitigate effects with no supporting analysis at all, and rarely any rationale. The focus of the FEIS is often on effects that would not occur due to mitigation (without actually determining them), instead of the effects that would occur as a result of other plan components.

The FEIS provides little basis for comparing alternatives, and no basis for determining actual effects or substantive compliance with diversity requirements. In fact, in response to comments (CR272D), the Forest argues: [ldquo]There is limited decision space in Forest Planning to include components that would cause substantially different outcomes for wildlife across alternatives.[rdquo] This is an

unsupportable statement. Given that wildlife outcomes generally decline with the amount of human development and activity, and there is a lot of that allowed by this plan that could be reduced or eliminated using plan components (see e.g. grizzly bears), it appears that the Forest has arbitrarily limited the range of alternatives with regard to wildlife.

The analysis must demonstrate that specific key ecosystem components would continue to be provided in the plan area. To the extent the [ldquo]analysis[rdquo] simply assumes that a desired condition would, in fact, occur, it is inadequate. As the lynx analysis demonstrates, desired conditions for vegetation may not be achieved. Desired conditions, without other standards and guidelines that

promote achieving them, should not necessarily be considered reasonably foreseeable, especially when there are other plan components working against that condition.

The Forest Service asserts that [ldquo]flexibility[rdquo] is good or at least neutral for the environment and fails to acknowledge the uncertainty and risk of adverse effects associated with [ldquo]flexibility[rdquo]

The FEIS uses the term [ldquo]flexibility[rdquo] 36 times. In every instance but one it asserts that flexibility is good or at least neutral for the environment. Nowhere does it acknowledge the uncertainty and risk of adverse effects associated with this flexibility to conduct unregulated management activities, especially for at-risk wildlife species. The failure to consider these effects is a violation of NEPA.

The one exception in the FEIS is referenced in the response to comments (RTC) in relation to snags, and even there it implies that any negative effects would be minimal (p. 241).

[ldquo]Plan components that provide flexibility to meet these desired conditions (e.g. FW-VEGFGDL-01, large trees; FW-VEGF-GDL-02, snags; and FW-VEGF-GDL-05, coarse woody debris) would likely result in lower amounts of old growth, snags, and coarse woody debris being present in these areas. Nevertheless, these are small areas [hellip][rdquo]

One response to a comment (CR44a) admits, [ldquo]Guideline FW-FWL-GDL-01 will allow managers needed flexibility to manage for specific conditions at an appropriate scale without having to amend

the forest plan.[rdquo] This misunderstands the requirement of NFMA to include the public in the process of adjusting forest plan decisions. Forest plan amendments are part of its adaptive management process. Crafting plan components that circumvent the amendment process would violate NFMA.

The Forest Service failed to consider reasonable plan components to address issues related to effects on wildlife and truly minimize impacts

We suggested a number of reasonable plan components that should be included to address issues related to effects on wildlife and truly minimize impacts. The Forest failed to consider them in any alternatives, a violation of NEPA. More generally, a range of alternatives based primarily on wilderness recommendations disregards the numerous other management issues that need to be addressed at the plan level, particularly associated with wildlife.

The revised plan fails to demonstrate compliance with 36 CFR [sect] 219.3

We asked for documentation that meets the specific disclosure requirements of 36 CFR [sect]219.3. The [ldquo]response to comments[rdquo] section of the FEIS on this issue (CR120) stated:

[ldquo]All suggested references and other scientific information were reviewed. The summary of this review is included in the response to comments section of the FEIS.[rdquo]

This circular answer leads nowhere, and there is no compliance with the regulatory requirement. While there are numerous recitations concerning the use of BASI, none of them address the specific disclosure requirements of the Planning Rule.

As an example, here is what the FEIS says about BASI for terrestrial wildlife:

[ldquo]Resource specialists considered what is most accurate, reliable, and relevant in their use of the BASI. The BASI includes the publications listed in the literature cited sections of the Assessment and FEIS as well as those that may be found in specialists reports in the project record. Literature submitted by the public is addressed in appendix G.[rdquo]

There is no documentation of this [ldquo]consideration,[rdquo] as required by the Planning Rule. There are just conclusory statements that particular interpretations are [ldquo]best.[rdquo]

The FEIS fails to disclose the amount of expected activities or their effects on riparian areas

The revised plan would impose many new restrictions on activities in riparian areas east of the Continental Divide. These are focused mostly on vegetation management activities that are [ldquo]expected to occur[rdquo] (FEIS, p. 75); however, there is no further discussion of the amount of expected activities or their effects on these riparian areas.

There are many references in the FEIS to the past and potential adverse effects of livestock grazing, especially in riparian areas. Here is the entire [ldquo]analysis of effects[rdquo] of livestock grazing on riparian area for the action alternatives (FEIS, p. 72):

Livestock grazing in the planning area has the most potential impacts to wetlands. Livestock grazing can degrade wetland habitat through vegetation removal, bank trampling and hoof damage to wetland substrates. The removal of organic material and increase in water surface area has resulted in the loss or reduction in the size of many wetlands throughout the forest.

There are many guidelines in the 2020 Forest Plan that would help avoid adverse effects to wetlands across all action alternatives (FW-RMZ-GDL-03, FW-GRAZ-GDL-01, and 02).

It describes potential effects and then lists the plan components that [ldquo]would help avoid[rdquo] those effects. It does not disclose anything about what the resulting effects would be, or any rationale for the effectiveness of these guidelines and why they would reasonably be expected to result in different outcomes than the past practices that have admittedly caused adverse effects.

The RTC says that, [ldquo]Stocking rates and changes in livestock management systems would be made at the project level in order to move towards desired conditions on a specific riparian area or at a watershed scale,[rdquo] (CR162(a)), citing FW-GRAZ-GDL-04. This guideline merely encourages adaptive management [ldquo]considering both the needs and impacts of domestic livestock and wildlife.[rdquo] There is no reason to think that this would change the adverse outcomes of grazing on wildlife that continue to occur.

The RTC also suggests that impacts on riparian areas [ldquo]would be considered at a site-specific planning level[rdquo] (CR106(c)). That is true, but it does not excuse the obligation to address reasonably foreseeable effects of the forest plan.

NEPA requires actual analysis of the effects of the expected grazing levels and practices. The information in the FEIS suggests if such analysis were done, the plan would have to impose greater requirements on the future grazing program to protect fish and wildlife.

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The FEIS asserts protections for grass and shrub habitats that are not in the revised plan; the plan makes application of a guideline dependent on the future actions of other landowners

The FEIS includes the same language that livestock grazing is constrained to provide wildlife forage. There is no evident response to our comment, and there remain no plan components that say this, so the FEIS effects conclusions are wrong. In an attempt to include a location for the application of FW-WL-GDL-14 (formerly 15), the plan makes application of this guideline dependent on future actions of other landowners. This would circumvent the NFMA requirements for plan amendments.

The FEIS fails to acknowledge the uncertainty regarding fire and improvement of dry conifer habitats

There is no response to our comment on this issue. The FEIS states that use of fire [ldquo]would[rdquo] improve habitat for several species, without acknowledging the uncertainty.

The FEIS changes a finding on mixed conifer habitats that could be considered arbitrary

There is no response to our comment on the issue of mixed conifer habitats. However, the FEIS changes the wording to say, [ldquo]this cover type is predicted to remain within or above the estimated NRV[rdquo] (p. 296). Making this change without acknowledging it, considering its effects or providing a rationale could be considered arbitrary.

The Forest arbitrarily removed a guideline for the protection of late successional forests

There was no response to our comment on the [ldquo]very large size class.[rdquo] However, the Forest apparently removed the guideline that we said was not strong enough. Making this change without acknowledging it, considering its effects or providing a rationale could be considered arbitrary.

The Forest incorrectly argues that salvage logging may be conducted on lands not suitable for timber production

The Forest reiterates its position that salvage harvest may be used on lands not suitable for timber production (Comment Response: CR232A,B). It attempts to define salvage harvest as also being appropriate to meet other resource objectives.[rdquo] However, here is the definition of [ldquo]salvage cut[rdquo] from the Forest Service Manual ([sect]2470): [ldquo]The removal of dead trees or trees being damaged or dying due to injurious agents other than competition, to recover value that would otherwise be lost.[rdquo] Recovering value is inconsistent with the classification of not suitable for timber production. Any [ldquo]other resource objectives[rdquo] that would justify salvage sales (or salvage without sales) must be clearly identified in the forest plan.

Coarse woody debris

There is no response to our comment on the distribution of snags.

22

The FEIS fails to provide information about significant caves

While the response refers to changes in the FEIS, there is still no information at all about significant caves. (It does acknowledge the Federal Cave Resources Protection Act requirement to consider them, but then doesn[rsquo]t consider them.)

Sensitive Species

The public has not been informed about the change in management of sensitive species that removes the requirement to consider effects on them at the project level

There is no response to our comment that the public has not been informed about the change in management of sensitive species that removes the requirement to consider effects on them at the

project level. The public did not know that this was their last chance to comment on sensitive species. That requires an additional comment period.

The discussion of environmental consequences for rare plants does discuss this problem. It admits that, [ldquo]This policy would not continue under the new 2012 Planning Rule[hellip][rdquo] (FEIS, p. 251), and, [ldquo]RFSS that are not listed also as SCC would not receive protection in these areas under the 2020 Forest Plan.[rdquo] It also indicates that without [ldquo]management strategies,[rdquo] which are not plan components and not mandatory, [ldquo]it is likely that several at-risk species would decline in the planning area.[rdquo] Relying on [ldquo]management strategies[rdquo] demonstrates that plan components alone do not meet the viability requirement of the Planning Rule. It then includes the conflicting statement that, [ldquo]The dropped RFSS are expected to be unaffected by project activities due to various reasons[hellip][rdquo]

With regard to plant RFSS that would be designated as SCC, the FEIS notes, [ldquo]There are unknowns about future SCC policy; RFSS had defined policy but FS handbook policy is not yet available for SCC[rdquo] (FEIS, p. 256). Consequently, the effects on these SCC of losing their RFSS designation should have been considered the same as for those not classified as SCC. However, the FEIS concludes on p. 251 that, [ldquo]Known SCC would receive site-specific protection under the 2020 plan components when overlapping with treatments and negative effects would be minimized.[rdquo] This highlights one of our significant concerns [ndash] that if the site-specific protections of sensitive species designations are being replaced by forest plan components, those plan components must clearly minimize risk to levels consistent with viability of the species. The effects analysis in this FEIS fails to demonstrate this.

There is essentially no information in the FEIS about effects on sensitive terrestrial species. Effects on them should have been addressed in accordance with NEPA because we identified them as environmental issues.

The response to comments refers to the BE for that analysis (Response to comment: CR277C). This [ldquo]analysis[rdquo] consists of the same kinds of unsupported assumptions and conclusory statements

about the effectiveness of plan components as mitigation measures that we have pointed out above with regard to NEPA compliance generally. A table lists all the beneficial plan components but fails to identify or consider the plan components that would have an adverse effect. There is no [ldquo]hard look[rdquo] at these species, as required by NEPA. The FEIS also claims that, [ldquo]Additional discussion was provided in response to comments on the description of Regional Forester Sensitive Species versus

Species of Conservation Concern[rdquo] (p. 245). There is no such section in the response to comments, and the response does not otherwise address effects on sensitive species.

Canada Lynx

As written, vegetation desired conditions do not specify what ecological conditions are needed to contribute to recover of Canada lynx. A decision about desired conditions that are necessary for lynx habitat must be a forest plan decision so that compliance with diversity requirements can be determined at that point.

We could agree with the response to comments (CR217B) that, [ldquo]there is no need for an explicit desired condition for lynx habitat[rdquo] if [ldquo]there are desired conditions for vegetation composition and structure based on NRV that would encompass those habitat conditions.[rdquo] Instead, FW-WL-DC-09 suggests that the desired conditions are unknown, defining the desired condition as, [ldquo]the mosaic of structural stages necessary (as defined by the best available scientific information) to support the denning, foraging, resting, and travel habitat needs of Canada lynx.[rdquo] Yet the FEIS admits that BASI [ldquo]suggests 50% or more of lynx habitat within LAUs should be in the multi-storied structural stage[rdquo] and this [ldquo]will be considered and incorporated when appropriate, at the project planning scale[rdquo] (FEIS, p. 366). The way that is supposed to happen under NFMA is by including this as a desired condition in the forest, and plan proposing projects that are consistent with that condition. As written, vegetation desired conditions do not specify what ecological conditions are needed to contribute to recover of lynx.

While the FEIS claims all action alternatives would [ldquo]provide specific desired conditions[rdquo] (FEIS, p. 387) there aren[rsquo]t specific desired conditions for lynx. There should be a desired condition for stand initiation and multistory stands in lynx habitat based on the NRV that is provided. The determination that multistory stands are well below NRV for the duration of the analysis should lead to questions about lynx viability and a closer examination of whether additional fine filter plan components are needed.

A decision about desired conditions that are necessary for lynx habitat must be a forest plan decision so that compliance with diversity requirements can be determined at that point. Meeting plan-level requirements cannot be done in the future on a project-by-project basis (the three geographic area desired conditions cited also just repeat the requirement to contribute to lynx recovery). Forest plan revision is the time that this needs to be done to guide future forest management. Failure to include this as a desired condition is arbitrary. In addition, the BASI addressing the importance of mature forest connectivity for reproductive success should lead to a plan component that would provide for that.

There needs to be a map of the WUI indicating where exceptions for lynx plan components apply

Since exceptions for lynx plan components apply in the WUI, there needs to be a map of the WUI so it is clear where these exceptions would be applicable.

24

The FEIS fails to acknowledge the environmental consequences of livestock grazing on Canada lynx

Since livestock grazing is considered one of the threats to Canada lynx, we asked for some analysis of the degree of conflict between livestock grazing and lynx on this forest. Instead, the FEIS states that [ldquo]Livestock grazing is not generally considered detrimental to lynx,[rdquo] and there is no acknowledgement of environmental consequences.

Connectivity areas are only described in a general manner and not mapped, so it is

unknown where such management would occur and there is no accountability

The response to comments indicates that all action alternatives would [ldquo]identify specific areas in the Upper Blackfoot and Divide GAs to manage for potential connectivity across landscapes[hellip][rdquo] As we conclude in relation to grizzly bears, these areas are only described in a general manner and not mapped, so we don[rsquo]t really know where such management would occur and there is no accountability. When lynx linkage areas were identified in the NRLMD, it was expected that their locations would be refined for individual plans. Failure to do that when revising the forest plan leaves a high degree of uncertainty about the effectiveness of maintaining connectivity.

Like the DEIS, the FEIS says that, [ldquo]These models are for comparative value and are not predictive[rdquo] (FEIS, p. 383). Determining whether plan components will provide ecological conditions necessary for at-risk species requires a prediction. These models indicate that important habitat components will not be provided in sufficient amounts, and the implications of that for species viability must be discussed.

Wolverine

The FEIS does not disclose adverse effects of implementing the plan on wolverine

Our primary comment regarding wolverine was that, like most parts of the EIS, it does not disclose the adverse effects of implementing the plan. It simply talks about mitigation that would [ldquo]limit the impacts[rdquo] (Response to comment: CR69) and assumes a net benefit. There is no analysis to support this conclusion.

Flammulated owls

The Forest failed to analyze effects on flammulated owls

The Forest has stated (Comment response: CR272H, and also for elk hiding cover, CR44Ba) that the effects of natural processes overwhelm the effects of management to the extent that there is little difference in effects on vegetation (and related wildlife) among alternatives. However, the Forest did not respond to our request to actually analyze that question so that they could support this

statement.

Lewis[rsquo] woodpecker

There was no response to any of our comments, so we assume nothing has been changed

and they remain points of objection.

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Part 4: Aquatic Resources

We appreciate and support the designation of the westslope cutthroat trout as a species of

conservation concern, which warrants upgrading the aquatic strategy in the forest plan for the

portion of the forest with WCT that is not subject to INFISH. Our comments are based on the

structure of INFISH and apply equally to all fish habitat.

The changes between the draft and final proposed plan do not address the major issues we identified

and do not create the [ldquo]improvement[rdquo] over INFISH that are necessary and are claimed in the FEIS.

We therefore incorporate by reference our original comments into this objection. We provide

additional comments and responses to the FEIS [ldquo]response to comments[rdquo] (Appendix G supplement)

below.

Desired Conditions (RMOs)

We found that there were no specific desired conditions for aquatic resources as required by the

Planning Rule. The desired conditions in the revised plan merely restate the regulatory

requirements: [ldquo]natural composition,[rdquo] [ldquo]conditions appropriate to natural disturbance regimes,[rdquo]

[ldquo]adequate [hellip][rdquo], [ldquo]sufficient[rdquo] [ndash] without saying what any of these are or how they would be

determined. We agree that these conditions should be based on natural disturbance regimes, but the

plan needs to reveal what the Forest considers those desired disturbance regimes to be, and what

that means for vegetation.

The plan repeats the requirements for ecological integrity but would postpone that determination

until some unknown future time. The 2012 Planning Rule is built around the idea that desired

conditions are a long-term strategic decision that must be established at the outset of plan implementation (in contrast to plans prepared under the 1982 planning regulations, which focused on outputs and mitigation measures to be applied to their production).

It appeared to us that the Forest has the information it intends to use as desired conditions. It refers to locations where these conditions are known to not be met. References in the plan to desired conditions refer to reference conditions that the plan area will be managed towards, so these must be the ecological conditions needed for diversity. The revised plan must include these as plan components in order for the plan to be adequate to provide diversity (similar to what was done with desired conditions for vegetation).

Here is what the FEIS says will occur (p. 54):

Looking at how conditions change for a group (either managed or reference) and how a group of managed sites compares to reference sites over that time allows managers to judge the trend in conditions in managed sites and whether or not managed site conditions are moving towards the desired conditions described in the 2020 Forest Plan.

There is no way to interpret this other than the characteristics of the reference sites would be used as the desired conditions. Moreover, we assume that conditions on reference sites also represent the natural range of variation, since that is the requirement for ecological integrity (if reference conditions were NOT the desired conditions, that would be a problem that would have to be explained). The response to comments (CR91N) somehow disagrees with that, but our main point

is that the desired/reference conditions must be included as plan components, not applied to projects in some manner outside of the accountability of the NFMA process.

The BA for bull trout provides the clearest rationale for the elimination of RMOs:

[ldquo]In the 1990[rsquo]s, single values were identified for several habitat processes regarding what constituted good habitat and there was an expectation that those values could be reached for

all pathways and all streams simultaneously. Research since that time has shown this was an unrealistic expectation that never naturally occurred prior to modern forest management. Therefore, the Desired Condition plan components in this plan revision guide projects towards restoring processes. Monitoring now houses RMO[rsquo]s as ranges in the managed environment to be compared against ranges in similar reference conditions.[rdquo] (p. 6)

We have no expectation that all objectives could be achieved simultaneously, and there is no requirement to do so. While we agree that [ldquo]single values[rdquo] may be problematic, the solution is to include [ldquo]ranges[rdquo] as desired conditions in the forest plan. The solution of getting rid of quantified objectives and replacing them with monitoring (which is not a plan component) would violate NFMA by removing plan components necessary to provide ecological conditions needed for recovery and viability. This [ldquo]solution[rdquo] appears to be a solution to a different problem than [ldquo]single values,[rdquo] and we wonder what that is. Moreover, offering this rationale to the FWS in the BA is misleading and likely to produce an invalid consultation. (This point about [ldquo]one size fits all riparian management objectives[rdquo] is also raised in CR203J, but it misses our point.)

CR91O (Appendix G. Supplemental Response to Comments, p. 9)

The RTC fails to address our comment that water quality restoration goals for sediment, if they exist, must also be included in the plan.

CR96Be (Appendix G. Supplemental Response to Comments, p. 11)

The response states:

[ldquo]Desired conditions change across landscape and GAs. The ability to move towards desired conditions depends upon the conditions and existing disturbance within the RMZ. This limits the ability to have specific NRV or desired conditions across the wide range of forest ecosystems covered by the forest plan.[rdquo]

This is simply an argument against planning and is squarely in conflict with NFMA and the Planning Rule that require it. While the ability to [ldquo]move towards desired conditions[rdquo] may depend on existing

conditions, the actual desired conditions do not. We understand that information about reference sites might change over time, but that does not excuse the revised plan from including the current desired conditions as plan components.

NFMA includes an amendment process designed to address these kinds of changes, and a [ldquo]fill in the blank later[rdquo] process circumvents the public participation requirements of NFMA associated with amendments. It is also surprising and unacceptable to not even reveal which reference watersheds would be used to represent desired conditions for what managed watersheds.

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CR191A (Appendix G. Supplemental Response to Comments, pp. 21-22)

The RTC cites [ldquo]guidance for plan revisions in the Interior Columbia Basin Ecosystem Management Project Framework Memorandum of Understanding (2014).[rdquo] That direction describes the expectations of the Forest Service and the ESA consulting agencies for revised forest plans. Here is the language relevant to desired conditions: [ldquo]Locally derived information should be used where possible to develop riparian and aquatic objectives or desired conditions for plans[rdquo] (emphasis added). This plan does not do that. It implies a process for obtaining locally derived desired conditions instead of including them in the plans, and what would be included in forest plans as vague desired conditions that restate legal requirements are not [ldquo]locally derived.[rdquo] The vision of ICBEMP was a uniform approach to using locally derived values to make plan decisions. Deferring instead to project-by-project decisions about desired conditions is inconsistent with agency policy, as well as judicial expectations for replacement aquatic strategies, and would violate the Planning Rule.

CR191D (Appendix G. Supplemental Response to Comments, p. 22)

The response states that [ldquo]desired conditions based on the physical stream habitat metrics at each site that are appropriate for the stream rather than the interim riparian management objectives that were not site specific.[rdquo]

We agree that different types of sites should have different objectives, and it is quite possible to do this in a forest plan for categories of sites. The interim RMOs have been removed, but they have

not been replaced by refined desired conditions or objectives, as required by the ICBEMP Framework. They have been replaced by monitoring, which is not a plan component. Moreover, the public has no idea what the desired conditions for a particular area are, and therefore there is no accountability.

CR203I (Appendix G. Supplemental Response to Comments, p. 27)

The response states that [ldquo]The interim INFISH RMO will be replaced by the 2020 Forest Plan standards and guidelines.[rdquo]

This is nonsensical as standards and guidelines serve a completely different purpose from desired conditions and objectives. Desired conditions and objectives provide the basis for standards and guidelines; without them, standards and guidelines are meaningless.

CR203K (Appendix G. Supplemental Response to Comments, p. 27)

The response states that [ldquo]The forest will use the PIBO habitat index approach to evaluate status and trend of site conditions as a replacement for INFISH RMOs.[rdquo]

We disagree that monitoring can replace plan components. It can[rsquo]t be used to meet requirements that plan components must meet for at-risk species.

CR203L (Appendix G. Supplemental Response to Comments, p. 27)

We have argued that without desired conditions for aquatic ecosystem conditions, there is no way that this forest plan can meet viability requirements for aquatic species. The RTC concedes that PIBO data would not be used for this purpose. That leaves a gaping hole in the aquatic

conservation strategy, and there is no attempt to explain how plan components are adequate without specific desired conditions, given the scientific basis for requiring them in the first place.

CR203M (Appendix G. Supplemental Response to Comments, p. 27)

We argued that reference conditions are in fact the desired conditions. The response discusses what reference conditions are, but does not explain what, if they are not the reference conditions, the

desired conditions actually are, and how and why they differ from the reference conditions.

CR203N (Appendix G. Supplemental Response to Comments, p. 27)

[ldquo]The FS agrees the PIBO data should be used to evaluate and adapt management strategies. If adaptive management is necessary the 2020 Forest Plan will be modified by issuing an amendment.[rdquo]

We take this as an agreement that when desired stream conditions are established or changed there would be an amendment process. That still leaves the question of what the desired conditions are now that meet the needs for ecological integrity. And since plan components must provide the necessary ecological conditions at the time the plan is adopted, the answer can[rsquo]t be [ldquo]we[rsquo]ll figure it out later.[rdquo]

Conservation watersheds

The final plan language says, in the introduction to the [ldquo]Conservation Watershed Network[rdquo] section, [ldquo]Restoration projects would be prioritized in areas absent of non-native competition or in areas that are critical to maintain viability of native species where non-native species are present.[rdquo] This language is not included as a plan component, which may have misled the effects analysis, and if it were a plan component these areas should have been identified.

CR91P (Appendix G. Supplemental Response to Comments, p. 10)

The response states that [ldquo]Some subwatersheds considered priorities for increased connectivity or restoration of meta-populations were included.[rdquo]

Our comment was that the selected watersheds and the connectedness of metapopulations needs to be demonstrated in the record.

CR97Cd (Appendix G. Supplemental Response to Comments, p. 12)

The response states:

[ldquo]Though treatments within Conservation watersheds are possible under the 2020 Forest Plan, they are required to meet higher standards and guidelines for projects within these important watersheds. FW-CWN-GDL-02 states that CWN have the highest priority for

road decommissioning. FW-CWN-GDL-04 CWN have the highest priority for restoration

actions and 05 prioritizes CWNs for road maintenance.[rdquo]

We pointed out that the DEIS assumes a reduction in the number of roads in conservation

watersheds that is not based on the language of plan components. FW-CWN-GDL-02 does say this

(04 is actually 03, but is not about roads, and 05 does not exist), but there is also an objective to

decommission or store roads with a priority in [ldquo]priority[rdquo] watersheds, which is different from

conservation watersheds. This creates a conflict in priorities that must be clarified.

CR235A/B (Appendix G. Supplemental Response to Comments, pp. 127-128)

We want to know why conservation watersheds are suitable for timber production. The response

refers to Appendix, which does not mention conservation watersheds. The record must

demonstrate that the a [ldquo]regulated crop of trees[rdquo] is compatible with the desired conditions (reference

conditions) for conservation watersheds.

Riparian management zones

CR96Bd (Appendix G. Supplemental Response to Comments, p. 11)

The response states: [ldquo]As discussed in the FEIS, Hiers et al. (2016) present the argument that more

flexible and decentralized approaches may result in more effective management in a changing

environment.[rdquo]

This goes to a key point about effects analysis that we made: [ldquo]We believe that flexibility represents

less of a commitment and creates uncertainty that obligations for at-risk species would be met, and

therefore plan components are less likely to provide the necessary ecological conditions.[rdquo] However,

this reference is not mentioned in the FEIS or included in the [ldquo]Literature[rdquo] section. Important

information not made available for public review creates a need for an additional comment

opportunity.

CR184Ai (Appendix G. Supplemental Response to Comments, p. 17)

We have objected to salvage logging on lands unsuitable for timber production, particularly in

riparian areas. The RTC suggests that salvage logging could be used to [ldquo]restore aquatic or riparian resources.[rdquo] This contradicts the definition of salvage logging, which is not for the purpose of restoring aquatic or riparian resources (see our discussion under [ldquo]snags[rdquo]). Salvage logging (beyond hazard tree removal) must be precluded in RMZs.

Standards and guidelines

We have commented generally on the need to address specific INFISH standards that have been removed or changed to guidelines (or otherwise relaxed), and the effect of doing so. This has not been done.

CR191F (Appendix G. Supplemental Response to Comments, p. 22)

This response completely fails to address our point that mandatory requirements have been removed or relaxed, which would allow greater effects to occur that are not recognized in the FEIS. The language of FW-RMZ-STD-03 is limited to vegetation management, and a requirement to [ldquo]maintain[rdquo] resources or [ldquo]do not prevent attainment[rdquo] is a lesser standard that promoting attainment (not retarding retainment) of desired conditions. This is another step back from INFISH.

CR184Ai (Appendix G. Supplemental Response to Comments, p. 17)

It misrepresents the forest plan, and its effects, to characterize a plan component FW-RMZ-STD-03 that says [ldquo]do not prevent attainment[rdquo] as [ldquo]restores.[rdquo] The latter suggests proactive management, which is not what the revised plan requires.

Multiscale analysis

CR191E (Appendix G. Supplemental Response to Comments, p. 22)

The RTC states that a [ldquo]science-based watershed analysis[rdquo] [ldquo]will be incorporated into all future actions.[rdquo] This confusing response appears to be referring to requirements of INFISH as it exists now, rather than the optional multiscale analysis (not a plan component) in the revised plan. There

are no plan components that require multiscale analysis, which fails to comply with the direction from ICBEMP, and is not the [ldquo]watershed approach[rdquo] being claimed. Reliance on NEPA was also asserted, but that would not achieve the purpose of understanding broader scale watershed issues before an action is proposed that was incorporated into INFISH based on the best available science.

Bull trout

The BA states (p. 36):

[ldquo]With INFISH components updated and mostly carried forward in the proposed action, bull trout habitat in the plan area is expected to continue on a similar improving trend if the standards and guidelines continue to be applied as they have in the last two decades.[rdquo]

We have pointed out that INFISH components NOT carried forward are extremely important, and that standards and guidelines would not be applied as before. This characterization by the Forest Service, and the effects ignored or downplayed by the BA, is expected to mislead the Fish and Wildlife Service and produce an invalid consultation.

CR190(Appendix G. Supplemental Response to Comments, p. 29)

Our basic point is that since the forest plan must include plan components that provide ecological conditions necessary for bull trout recovery, then the forest plan must provide the bull trout conservation strategy that will be applied to national forest lands. It can incorporate by reference other specific documents, but it can[rsquo]t defer to other parties or other process to determine future programmatic direction for national forest lands. The sufficiency of the forest plan must be judged on what the plan components say. Consequently, the new desired conditions referencing other sources (including the Bull Trout Conservation Strategy) is of little substantive value to bull trout.

In particular, if the best available scientific information indicates that management should be based on core populations of bull trout, then the plan must identify them and their locations and provide specific plan components for their management. Also, the forest plan does not directly address elements of the Bull Trout Recovery Plan that it should be implementing. Without these things, this plan appears deficient in providing for bull trout.

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Environmental effects

CR191H (Appendix G. Supplemental Response to Comments, p. 22)

The response states that [ldquo]The intent of the 2020 Forest Plan is to replace the Interim INFISH Direction with Plan Components that provide the same result [hellip][rdquo]

We have demonstrated how INFISH direction was weakened, and the FEIS and the BA do not acknowledge this, violating both NEPA and ESA. To the extent the purpose was [ldquo]greater flexibility,[rdquo] see our comments on that above.

We submitted many specific comments regarding the effects analysis for aquatic resources and could find little in the way of responses or changes. Please refer to those comments on the DEIS.

USDA Forest ServiceObjection Reviewing OfficerNorthern Region26 For Missoula RoadMissoula, MT 59804Objection to the decision to approve the revised Helena-Lewis and Clark land managementplan and the Regional Forester[rsquo]s identification of species of conservation concernSubmitted July 20 to the Objection Reviewing Officer via the CARA objection webform:https://cara.ecosystem-management.org;Public/CommentInput?project=44589Responsible Officials:? Helena-Lewis and Clark Forest Plan: William Avey, Forest Supervisor, Helena-Lewis andClark National Forest? Identification of Species of Conservation Concern: Leanne Marten, Regional Forester,Northern RegionConsistent with the objection process identified in 36 CFR part 219 subpart B (219.50 to 219.62),Defenders of Wildlife files this objection to the decision to approve the revised Helena-Lewis andClark land management plan and the Regional Forester[rsquo]s identification of species of conservationconcern.The Notice of opportunity to object to the revised land management plan for the Helena-Lewis andClark National Forest was issued on May 21,2020 and thus the 60-day objection period ends on July20, 2020; therefore, this objection is timely.Defenders submitted scoping comments on the Helena-Lewis and Clark land management planProposed Action in March 2017 and commented on the draft revised forest plan and DEIS inOctober 2018. We also commented extensively on the Northern Continental Divide EcosystemGrizzly Bear Conservation Strategy forest plan amendments, including scoping comments in May2015 and on the draft amendment and DEIS in October 2016. In February of 2018 we formallyobjected to the NCDE Grizzly Bear forest plan amendments, including on decisions related to themanagement of the Helena-Lewis and Clark. The content of this objection is based on thosepreviously submitted formal comments, and the agency[rsquo]s response to those comments, and weincorporate the entirety of those comments by reference.2This objection is focused primarily on the revised plan[rsquo]s compliance with 36 CFR [sect] 219.9. In ourprevious comments we expressed concern with the draft plan and DEIS[rsquo] approach to meeting anddemonstrating compliance with 2012 Planning Rule requirements for the identification andprovision of plan components for at-risk species including species of conservation concern. Weraised specific issues about the draft plan[rsquo]s treatment of species of conservation concern, terrestrialwildlife, grizzly bears and aquatic resources. In our comments on the DEIS we included ourcomments and objection to the NCDE grizzly bear amendment, including the fact that theamendment failed to demonstrate a contribution to the recovery of the grizzly bear, as directedunder the Planning Rule and consistent with the Endangered Species Act (ESA). We continue toexpress concerns over those issues in this objection.There are cases where the plan fails to meet the requirements of the Planning Rule[rsquo]s [sect]219.9 becauseplan

components are not specific enough nor sufficiently mandatory or regulatory to provide thecertainty needed to meet legal requirements. We reference instances where the revised plan defersdecisions about at-risk species to discretionary project-level decision-making.In some instances, the EIS fails to provide an adequate analysis of the effects of the alternatives. Itis therefore not possible to determine whether plan components provide ecological conditionsnecessary to contribute to recovery or maintain viability of at-risk species.Throughout the objection we make concise statements explaining our objection point and, ifrelevant, suggest how the proposed plan decision may be improved to meet the requirements ofNFMA and the Planning Rule. In certain cases we believe that the plan revision is inconsistent withlaw, regulation or policy, and in those cases, we provide an explanation.The objection consists of four parts:1. Species of Conservation Concern2. Grizzly bears3. Specific objection points based on the response to our comments on the DEIS4. Aquatic resourcesLead Objector:Peter NelsonDirector, Federal LandsDefenders of Wildlife215 South Wallace Ave.Bozeman, MT 59715pnelson@defenders.org / 406-556-28163Part 1: The regional forester failed to identify some species as species of conservationconcern where the best available scientific information indicates that there is a substantialconcern for persistence in the plan area (36 CFR 219.9(c)).We provided earlier comments on the designation of species of conservation concern (SCC). Wecontinue to disagree with the Regional Forester[rsquo]s justification for not identifying several species asSCC, and provide our justifications, and proposed solutions, below.The only change in SCC designation that appears to have occurred between the draft and finalrevised plan is the addition of westslope cutthroat trout, which we strongly agree with. (Here wenote for the record that the website link to the Regional Forester[rsquo]s final designation letter did notwork: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd743334.pdf)We reiterate the arguments that we have documented in prior comments here.For this first group of species, there is an absence of rationale regarding threats [ldquo]relevant to[rdquo] (i.e.stemming from outside) the plan area, as opposed to threats [ldquo]in[rdquo] the plan area. This is despite theheader on the spreadsheet that suggests the decisions factored in threats [ldquo]relevant to[rdquo] the plan area.Harlequin duck: The rationale concludes that the species [ldquo]appears secure in the plan area.[rdquo] In ourcomments on the DEIS we noted that the rationale fails to address concerns beyond the plan areainherent in the species S2B status that may affect persistence in the plan area.In addition, no new information is provided relative to the Assessment to justify the change fromthe potential SCC status. The agency should consider whether this species warrants an SCCdetermination coupled with a finding that viability within the plan area may not be achievable due tofactors [ldquo]beyond the authority[rdquo] of the agency.Northern bog lemming: The rationale is [ldquo]insufficient information[rdquo] despite there being sufficientinformation for classification as an RFSS and S2. Species may be excluded if there is not sufficientinformation to determine whether or not there is substantial concern for persistence. This criterionwould not be met when there is sufficient information to determine that the species is at-risk at abroader scale that includes the plan area. Excluding it due to [ldquo]insufficient information[rdquo] would bearbitrary.The rationale also references the presence of existing management direction. It is not appropriate torely on plan components that may be subject to change through plan revision to find that thesethreats are not relevant in the plan area. This argument misunderstands that the purpose ofidentifying SCCs is to determine what management is necessary, not the reverse. Consideration of anirrelevant factor makes it arbitrary to exclude these species.4And, no new information is provided relative to the Assessment to justify the change from the initialpotential SCC determination. In fact, the spreadsheet cites the Assessment as BASI, where therewas sufficient information to make it a potential SCC.Townsend[rsquo]s big-eared bat: The rationale includes the statement that there are [ldquo]No substantialthreats relevant to the plan area,[rdquo] but only addresses monitoring in the plan area and does notexplain why there is no concern for those threats leading to the RFSS designation and listing as apotential SCC in the assessment.Western toad: The rationale only addresses [ldquo]the plan area[rdquo] despite documented broader scaleconcern inherent in the toad[rsquo]s S2 ranking, and no new information is provided relative to theAssessment to justify the change from an initial finding as a potential SCC.Our original comments1 are still valid for these species and we carry forward those comments as partof this objection:? Black rosy-finch? Clark[rsquo]s nutcracker? Common loon? Gray-crowned rosy finch? Chestnut-collared longspur? Dwarf shrew (there is really no rationale at all)1 From our comments on the DEIS:? Black rosy-finch: [ldquo]Threats to the species[rdquo] were recognized by its S2 rank. Distribution of habitat in the planarea does not necessarily address the status of species in the plan area.? Clark[rsquo]s nutcracker: The reason it was

considered is because it is a SCC on the Flathead. The rationaleprovided is that [ldquo]habitat is very common.[rdquo] The rationale needs to distinguish the situation in this plan areafrom the Flathead. Also, occurrence of habitat is not necessarily indicative of the status of the species.? Common loon: The rationale for being [ldquo]transient[rdquo] is incomplete because it does not provide informationabout occurrences in the plan area or any explanation of why it would not be expected to occur in the planarea.? Gray-crowned rosy finch: The rationale does not address [ldquo]threats[rdquo] associated with the S2B rank. It alsoprovides local information only about habitat, with [ldquo]unknown population trends.[rdquo]? Chestnut-collared longspur: The eastern portions of the plan area are within the range identified in theMontana Field Guide. In this situation [ldquo]thought to be a transient individual[rdquo] is not a sufficient justification forexcluding the species as not [ldquo]known to occur.[rdquo]? Dwarf shrew: The rationale does not address the broader scale concern associated with its S2S3 rank and howthat affects the plan area. Presence of habitat does not necessarily indicate the species is secure.? Alpine mountainsnail and carinate mountainsnail: Both are ranked S1. The rationale is that there are nothreats in the plan area, in part due to all known habitat protected by wilderness designation. There should beadditional explanation of why threats to the species (for example, climate change) are not relevant topopulations in wilderness areas. (A lack of management threats is relevant to the viability determination, notthe SCC determination.)? 7 aquatic invertebrates: All are excluded because of [ldquo]insufficient information.[rdquo] However, all received at-riskclassifications from NatureServe. This warrants an explanation of why the information used by NatureServe isnot relevant to the plan area.5? Alpine mountainsnail and carinate mountainsnail? 7 aquatic invertebratesThe blue sucker is no longer considered on the spreadsheet as being analyzed, and there is norationale for this change. In our comments on the DEIS we wrote: The rationale is [ldquo]Threats facingthis species do not occur on national forest,[rdquo] but they could nevertheless affect this species on thenational forest. Lack of information is also cited, but there was enough information for the S2 rank.The Artic grayling has still not been considered at all, with no rationale provided for a species thathas been considered for listing.Greater sage-grouse is now included in the spreadsheet and responds to our comments: [ldquo]Thestatement in the Assessment about sagebrush steppe providing habitat for sage-grouse was made ina general context and was not intended to imply that sage-grouse occur in the plan area. There is noevidence of sage-grouse occurring in the plan area.[rdquo] However, that original language referred to[ldquo]Sagebrush steppe vegetation on the HLC NFs,[rdquo] and historic [ldquo]transitory[rdquo] use. In this situation (andfor a nearly listed species) there must be more facts (and/or expert opinion) to support why wewould not expect them to be here within their known range.We raised many of these same issues for the same species on the Flathead2, and the RegionalForester replied with this key language:[ldquo]We clarify that threats must be both relevant and significant to indicate substantial concern.To be relevant, they must pertain to spatial and temporal scales appropriate to the plan area. To besignificant, they must be of a magnitude that would potentially affect long-term persistencein the plan area. This characterization would normally include those threats known to existin the plan area, as well as those occurring outside of the plan area if they affect populationsor habitats inside the plan area. It typically would not include threats that might occur undera theoretical context (e.g., speculative), or occur in a location or time that would not affectindividuals using the plan area.[rdquo] (Emphasis in the original.)On the HLC, there doesn[rsquo]t appear to be any additional language added to the spreadsheet thatresponds to this discussing the relevance of [ldquo]threats outside of the plan area.[rdquo] The letter describingthe process for the HLC does not include the same language above or otherwise appear to addressthis issue.2 For example, from our objection to the FNS SCC determinations: [ldquo]Concerns that apply to an area that includes theplan area (such as those from NatureServe) must be presumed to apply to the plan area. This presumption cannot becountered simply by citing the past or current status of the species in the plan area, which is what the Region has donefor many species. Local conditions in a plan area are relevant at the SCC identification stage as a basis for includingadditional species for which there might not be broader concern; not as a sole basis for rejecting species for which thereis a broader concern. There needs to be further analysis and explanation of why the threats identified at the larger scaledo not translate into substantial concern for a species persistence in the plan area. Alternatively, the Region coulddisagree with the broader scale risk assessment, and cite best available scientific information that demonstrates that thereis no threat originating beyond the plan area. Otherwise the Region has ignored a significant factor relevant to thedecision, which would be arbitrary and capricious.[rdquo]6Part 2: Grizzly BearsThe plan needs to incorporate new informationThe Forest has taken the

position that the 2018 grizzly bear amendment (GBA) to its forest plan issufficient management direction for grizzly bears on the forest. There is new information that needsto be taken into account : 1) the changes made to the NCDE Grizzly Bear Conservation Strategy in2019, and 2) the relisting of the Yellowstone Ecosystem population of grizzly bears as a result of theCrow Indian Tribe case shortly before the amendment ROD (where it is not mentioned).With regard to the use of the draft Conservation Strategy, the Forest responds that, [ldquo]there are nosignificant changes from the draft that formed the basis for the Grizzly Bear Amendments, nor arethere inconsistencies with the amendments.[rdquo] The Forest did not respond to the change in status ofthe Yellowstone grizzlies, or address the related scientific information.The scope of the planning process was incorrectly limited and therefore does not contributeto the recovery of grizzly bears as required by the Planning Rule 36 CFR [sect]219.9The revised forest plan must contribute to the recovery of the grizzly bears at the species level, notjust a particular population. Grizzly bear recovery would benefit from functional demographicconnectivity between populations which includes both occupancy and movement. The revised planincorporates a previous amendment that was designed to delist only the Northern ContinentalDivide Ecosystem (NCDE) population of grizzly bears, and has assumed that a self-sustainingpopulation in the NCDE necessarily means dispersal to the Yellowstone Ecosystem, and sotherefore there is minimal need to change current management of the HLC.Contrary to this assumption, the best available science says that dispersal has not happened yetunder current management, and that current management under future conditions is likely to be lesssuccessful. As the court in Crow Indian Tribe stated, [ldquo]it is illogical to conclude that the sameopportunities for connectivity will produce different results in the future[hellip][rdquo] The minor additions ofconservation measures to the HLC forest plan by the GBA (and incorporated into the revision)would not change this dispersal outcome, and the Forest has disclosed no analysis that supports adifferent conclusion.The GBA objection response states that, [ldquo]the forest plan and amendments contain plancomponents designed to maintain or enhance connectivity with populations outside of the planningarea.[rdquo] There is no evidence or analysis demonstrating that this is the case, since all of the languagein the amendment purpose focuses on the NCDE. The revised HLC plan continues this flaw by notproviding evidence or analysis demonstrating that such connectivity will be provided under therevised plan.At most, the Conservation Strategy and amendment documentation suggest, [ldquo]that the NCDE mayeventually serve as a source population for genetic and demographic rescue, if necessary, of other grizzlypopulations in the lower-48 States[rdquo] (emphasis added), and the Strategy would provide an[ldquo]opportunity[rdquo] for connectivity to other ecosystems. That possibility is not borne out by any analysisfor the GBA or now for the revised HLC plan.7According to the HLC FEIS, [ldquo]a full analysis of the potential impacts of implementing themanagement described in the Grizzly Bear Amendment can be found in the Final EnvironmentalImpact Statement, Volume 3: Forest Plan Amendments to incorporate habitat managementdirection for the Northern Continental Divide Ecosystem Grizzly Bear Population[hellip][rdquo] The GBAobjection response adds, [ldquo]the context and potential effects on the Cabinet-Yaak and Yellowstonepopulations are also discussed (section 6.5.5).[rdquo] The HLC response to comments (CR 275) statesthat this section of the GBA FEIS [ldquo]contains a discussion of how the plan components wouldsupport the grizzly bear metapopulation.[rdquo]The [ldquo]full analysis of potential impacts[rdquo] referenced above consists of a description of the plancomponents conceivably added for this purpose, and rationalization (without analysis) that thesewould be sufficient. There are two plan components that arguably would benefit the Yellowstonegrizzly bear population:1. PCAZ1Z2-NCDE-STD-01. Within the NCDE primary conservation area, zone 1, and zone 2,food/wildlife attractant storage special order(s) shall apply to NFS lands.We address the effectiveness of such orders below in relation to [ldquo]developed sites.[rdquo] As essentiallythe only requirement being imposed on Zone 2, it is not sufficient.2. Z1-NCDE-DC-02. On the Helena-Lewis and Clark National Forest, within zone 1 and the portion ofzone 2 west of Interstate 15, NFS lands adjacent to highways are consolidated and other efforts to reducebarriers to genetic connectivity of grizzly bear populations are supported.We agree that this part of Zone 2 warrants extra protection, but a desired condition, without anyother supporting plan components expresses only an aspiration. It may contribute to preventingloss of federal ownership, but it does nothing to improve connectivity over existing conditions ormake dispersal to the Yellowstone ecosystem more likely to occur than before. (Its location in therevised plan with other Zone 1 plan components also increases the risk that it would be ignored foractions in Zone 2.)There are two additional plan components cited that apply to Zone 1, where any benefit to theYellowstone population is speculative:1. Z1-

NCDE-DC-02. Within zone 1 on the Helena-Lewis and Clark National Forest (see appendix A,map FW-3), roads and trails provide for public and administrative access to NFS lands. Grizzly bearhabitat in zone 1 contributes to sustaining the recovery of the grizzly bear population in the NCDE andproviding the opportunity for movement of male bears to provide genetic connectivity with the GreaterYellowstone Ecosystem.2. Z1-NCDE-STD-01. Within zone 1 on the Helena-Lewis and Clark National Forest (see appendix A,map FW-3), there shall be no net increase above the baseline in density of motorized routes (roads and trails)open to public motorized use during the non-denning season on NFS lands. Open motorized route density iscalculated by dividing the total miles of open motorized routes on NFS lands in zone 1 by the total squaremiles of NFS land area in that same area (see figure 1-2).The first desired condition conflicts with itself. Human access is bad for bears and would reduce theopportunity for movement of bears. While limiting the increase in motorized routes should benefit8bears, these plan components acknowledge that [ldquo]opportunity for movement[rdquo] of male bears in Zone1 requires more than what Zone 2 plan components provide, which is why we have made specificproposals for that. We also have pointed out that the science supporting density limits for bears isbased on bear management units and applying the standard to all of Zone 1 is meaningless andarbitrary.Nevertheless, the GBA EIS characterizes these plan components as [ldquo]coordination and habitatmanagement in the zone 1 and the zone 2 portion of the Helena National Forest west of Interstate15 to support genetic connectivity with the Greater Yellowstone Ecosystem.[rdquo] It concludes, with nobasis other than the language quoted above that, [ldquo]Implementation of this alternative is likely toprovide habitat conditions that would support movement of dispersing bears, particularly malebears, to the adjoining Beaverhead-Deerlodge National Forest[hellip][rdquo] The GBA objection responsereiterates that, and adds, [ldquo]Research cited in the final EIS shows that growth of the NCDEpopulation has already been associated with bears moving into new territory, and plan direction isdesigned to maintain habitat conditions that have been associated with this period of populationgrowth and expansion.[rdquo]We have responded that research has also shown that this expansion has not included dispersal tothe Yellowstone Ecosystem, and unless/until that has occurred, there is no assurance that pastgrowth means that such expansion would occur in the future (as the court in Crow Indian Tribe held).These plan components add little or no improvement in that outlook.The section of the GBA FEIS on [ldquo]cumulative effects on grizzly bears,[rdquo] cited in the HLC RTCincludes similar unsupported language. It also states, [ldquo]an area on the Helena National Forest wouldbe identified for coordinated management that would support movement of male bears to theGreater Yellowstone ecosystem.[rdquo] That appears to overstate Z1-NCDE-DC-02, but it is not clearwhat else it could be referring to.The GBA objection response says, [ldquo]The final EIS discloses the effects of habitat conditions on theportions of the Beaverhead-Deerlodge National Forest adjacent to the Helena National Forest tobetter assess the potential for the movement of male bears through National Forest System lands(section 5.6.5 and section 6.5.5).[rdquo] The [ldquo]effects of habitat conditions[rdquo] consist of the objectives foropen motorized road density in the B-D forest plan in the Tobacco Root and Highland mountainranges.According to the GBA objection response:? [ldquo]Research demonstrates the NCDE grizzly bear population has the estimated numbers anddistribution of reproductive individuals to be self-sustaining[rdquo] (emphasis added).? [ldquo]Research cited in the final EIS shows that growth of the NCDE population has alreadybeen associated with bears moving into new territory, and plan direction is designed tomaintain habitat conditions that have been associated with this period of population growthand expansion.[rdquo]? [ldquo]the programmatic analysis sufficiently demonstrates that maintaining a stable to increasingpopulation in the NCDE allows it to serve as a source population[rdquo]9Such conclusions about effects on the grizzly bear species are all built upon on the shaky assumptionthat a stable to increasing NCDE population will continue under essentially current management,and that would be sufficient to provide a source population for the Yellowstone Ecosystem. This isnot based on the best available scientific information. Despite an increasing number of bears andexpansion of occupied territory, NCDE bears have not yet successfully dispersed there. The ForestService needs to recognize the probability that baseline conditions (particularly in connectivity areas)and the current population size may not be sufficient as an indicator of this population[rsquo]s ability tocontinue to grow and expand into other ecosystems. In addition, future erosion of secure habitatand loss of connectivity means that dispersal will be less likely under current management in thefuture.Finally, as we noted in our comments on the draft revised HLC plan, the best available scientificinformation does say that that long-term persistence of the Yellowstone population is threatenednow by geographic isolation and genetic

risk.According to the GBA objection response, [ldquo]Details of the connectivity analysis can be found in thebiological assessments for the NCDE amendments (Warren, 2017, pp. 12-13, 14, 17, 31-33, 42-43,50-51, 56, 63-64). The USFWS biological opinions also confirmed that the revised plan andamendments would contribute to connectivity both within and between ecosystems.[rdquo]With regard to the Yellowstone population, the BA concluded, [ldquo]the restoration of gene flow is stillimportant, although it appears to be less urgently needed than previously hypothesized[rdquo] (p. 12). TheNinth Circuit opinion in Crow Indian Tribe found it dispositive that the FWS had arbitrarilyminimized the genetic risk similarly to this statement. The Forest Service needs to up its game forthis reason. While it discusses the Yellowstone ecosystem, this attempt at identifying incidentalbenefits falls short of the directed conservation program needed on the HLC to support theYellowstone population[rsquo]s contribution to recovery. While both the BA and BO may legitimatelyclaim improvement in connectivity over the status quo, neither attempts to claim that the new plancomponents are sufficient for genetic connectivity.The court in Crown Indian Tribe found a lack of regulatory mechanisms between the NCDE andYellowstone populations, with the amended forest plans in effect. The revised HLC plan is oneplace where that needs to occur for these federal lands, and the Forest needs to change plancomponents accordingly, as we have suggested. The Forest Plan must identify the areas to bemanaged for connectivity to Yellowstone and include plan components that provide secure habitatfor occupancy at levels that would contribute to dispersal.Plan components in the Primary Conservation Area are inadequate to provide for a sourcepopulation for dispersalWe argued that analysis of what population level may be needed for the NCDE to function as asource population must be conducted, and that additional plan components were needed in the PCAto increase the likelihood of individuals dispersing. In response, the Forest repeated (CR99E), [ldquo]Theapproach taken in the forest plan revision and amendments, which were informed by the NCDEGrizzly Bear Conservation Strategy, is to maintain on-the-ground habitat conditions in the recoveryzone/primary conservation area that have been in place during the time period that the NCDEgrizzly bear population has been stable to increasing.[rdquo]10It appears that none of the changes we recommended for this area have been adopted.Consequently, we maintain that current plan components have not provided and are not likely toprovide the additional population growth needed to ensure dispersal to the Yellowstone ecosystem.Plan components for Zone 1 and Zone 2 are inadequate to provide for connectivity anddispersalThe Planning Rule states that forest plans must include ecosystem plan components that maintain orrestore connectivity, which is one element of ecosystem integrity (36 CFR [sect]219.9). Whereas theFEIS states that, [ldquo]Connectivity it is not considered an indicator of the recovery or persistence of thegrizzly population in the Northern Continental Divide Ecosystem or on the HLC NF[rdquo] (p. 319),connectivity would indeed be an indicator of persistence on the HLC outside of the NCDE and forthe species as a whole.According to the GBA objection response, [ldquo]plan components facilitate genetic and demographicconnectivity of bears between the NCDE and other recovery zones, thus promoting potentialdispersal and supporting recovery of the species across its range.[rdquo] The GBA conclusion isaddressing all affected national forests and the efforts to connect the NCDE population with theCabinet-Yaak and Bitterroot ecosystems are obviously greater than for the Yellowstone ecosystem(including the designation of demographic connectivity areas).The HLC response to comments (CR275A) concludes, [ldquo]plan components were added to severalGAs about providing habitat for and connectivity among populations of wide-ranging species suchas grizzly bears.[rdquo] It further says, [ldquo]The plan identifies the areas near Highway 12 and Highway 200 asimportant for wildlife connectivity and includes plan components (DI-WL-GDL-01, and UB-WLGDL-01) designed to manage those lands in a way that promotes connectivity by improving habitatsecurity on NFS.[rdquo]These guidelines address vegetation management, motorized access and recreation. A common setof plan components like this defines a [ldquo]management area,[rdquo] (36 CFR [sect]219.19); however, the plandoes not identify the areas where they would apply, except as follows: [ldquo]in the central portion of the(Divide) GA, adjacent to Highway 12, and where private ownerships are intermingled with NFSlands,[rdquo] and [ldquo]the west-central and east-central portions of the (Upper Blackfoot) GA, where NFSlands narrow and approach the area of private lands surrounding Highway 200.[rdquo] These areas arenot mapped in the plan. This fails to meet the requirement in 36 CFR [sect]219.7(e) because there is noaccountability for being consistent with a plan if the application of plan components is basedentirely on a subjective determination.The plan avoids the use of management areas, except for some statutory designations, butnevertheless includes several maps for each GA showing where management would be different.That should be done for areas managed for

connectivity (similar to the Demographic ConnectivityAreas identified for connecting the NCDE to the Cabinet-Yaak and Bitterroot ecosystems in theGBA).The RTC argues, [ldquo]new desired conditions were added to promote wildlife connectivity in theElkhorns, Big Belts, and Crazies GAs. New guidelines were also added explicitly stating that wildlifehabitat is the management priority (EH-WL-GDL-01) and vegetation management should maintain11or improve wildlife habitat (EH-WL-GDL-04). Text was also added in the descriptions of GAs tonote when that GA is part of a grizzly bear management zone, as delineated by the FWS. Desiredconditions for conserving connectivity alone do not accomplish much. The guidelines for theElkhorns GA are of limited value to grizzly bears because they 1) apply to any (possibly competing)species of wildlife, 2) access management is more important to grizzly bears than vegetationmanagement, and 3) both are generically written guidelines with no purpose statement related togrizzly bears. (Actually, EH-WL-GDL-04 does not exist.)The FEIS repeats the position that, [ldquo]Occupancy by grizzly bears of lands outside the NCDE is notidentified as a recovery or management goal[hellip][rdquo] (p. 333) for the NCDE grizzly bear population.The RTC also says, [ldquo]Additional plan components limiting developed recreation in zones 1 and 2 arenot needed because grizzly bear occupancy is expected to be lower than in the primary conservationarea and these zones do not serve as the source for supporting and maintaining recovery of theNCDE or other grizzly bear populations[rdquo] (CR99G).The RTC also failed to address the need to promote connectivity by proactively preventing conflictswith livestock in areas needed for connectivity, apparently for the same reason (CR99D). This isfurther admission of our main point that the Forest Service has not tried to include plancomponents to support the Greater Yellowstone ecosystem (GYE) population, and it highlights theflaw in expecting a conservation strategy for the NCDE population to suffice as a conservationstrategy for the species as a whole.In order to provide connectivity to the GYE, it is necessary for habitat between ecosystems to act asstepping stones for grizzly bear occupancy and movement,3 which means it must include femalebears. Additional plan components are needed for habitat in Zone 2 on the HLC to be occupied.In fact, designating a pathway for successful dispersal to Yellowstone may require componentsfound in Zone 1 and/or the DCAs, and such an area may warrant its own designation.We believe the following plan components are still needed in the Elkhorns and Big Belts in Zone 2and the Crazies in Zone 3 to accomplish this. The scientific rationale is provided in our previouscomments, incorporated by reference.1. Livestock GrazingPlan components should aim to minimize conflicts between grizzly bears and livestock in Zone 2and Zone 3. New and revised allotment management plans should provide actions that actively worktowards minimizing conflicts with native predators including grizzly bears and wolves. Such actionscan be beneficial for both livestock and native predators.PCAZ1-NCDE-STD (1-4) and PCA NCDE-GDL (9-10) should be carried into Zone 2 toencourage actions like voluntary retirement of sheep allotments and avoidance of high-quality grizzlybear food sources, that can minimize conflicts between grizzly bears and livestock.3 Peck, C. P., F. T. van Manen, C. M. Costello, M. A. Haroldson, L. A. Landenburger, L. L. Roberts,D. D. Bjornlie, and R. D. Mace. 2017. Potential paths for male-mediated gene flow to and froman isolated grizzly bear population. Ecosphere 8(10):e01969. 10.1002/ecs2.1969122. ConnectivityDivide desired condition DI-WL-DC 01, goal DI-WL-GO and guideline DI-WL-GDL-01 should beextended to the Elkhorns and Big Belts in Zone 2 and the Crazies in Zone 3.We also ask that Z1-NCDE-DC-01be expanded into Zone 2, and that specific reference to [ldquo]male[rdquo]bears be deleted so that this includes the presence of female bears, needed for functionalconnectivity.We ask that the HLC shift the line described in NCDE-HNF Zone 1&2-DC-02 to east of Interstate15 to include the Big Belts.The plan and EIS ignore the best available science about linkage areas and fail to identifythemFW-WL-GO-03 states: [ldquo]Linkage areas identified through interagency coordination facilitate themovement of wildlife between NFS parcels separated by other ownerships.[rdquo]While we identified sources of information for specific linkage areas, the RTC did not respond tothis comment nor identify any such areas. Without identifying any areas where this plan componentwould apply it has no effect, and there is no reason to expect that it ever would (which in any casewould require a plan amendment). The DEIS also recognized the importance of [ldquo]other areas withlow road densities or that have little or no motorized travel that are along the NF boundary[hellip][rdquo] Weasked to identify these areas in the plan; instead the Forest removed this language from the EIS.These areas remain important but are now being arbitrarily ignored.The FEIS failed to respond to our comments regarding Zone 3CR99G states: [ldquo]The NCDE Grizzly Bear Conservation Strategy (Northern Continental DivideEcosystem Subcommittee, 2019) acknowledges that grizzly bears may sometimes be found in zone3. However, by definition, zone 3 does not have enough suitable habitat

to contribute meaningfullyto the long-term survival of the NCDE population.[rdquo]The GBA objection response addressed grazing in zone 3: [ldquo]Adding the standards for livestockgrazing that are applicable to the primary conservation area is not needed and likely would not beeffective in zone 3.[rdquo] We had some recommended changes, but they have apparently not been madein the final plan. There are two desired conditions and two standards that apply to Zone 3 alongwith the other zones. The substantive standard involves apiaries. We had also criticized use of[ldquo]suitable habitat[rdquo] in defining zone 3. The term is used again above, but there is no response to ourcomment.Road density analysis and alternatives are insufficientWe questioned the conclusions about evaluating road density in areas that do not have delineatedbear management unit subunits and suggested the use of a moving windows analysis. There areapparently conflicting responses:13? CR99B states: [ldquo]The FEIS and planning record describe in detail how open and totalmotorized route density was calculated, and the reasons for displaying motorized routedensity at the GA scale.[rdquo]? CR99H states: [ldquo]the 2020 forest plan has been updated with information regarding themethods to be used to measure and report open and total motorized route density andsecure core in the primary conservation area, as well as Grizzly Bear Analysis Unit basedmeasures of secure habitat in Zones 1-3.[rdquo]We believe the designation of BMAs is helpful and should provide for an appropriate scale of bothanalysis at the plan level and application of the [ldquo]no net increase[rdquo] requirement at the project level.However, the latter does not appear to be the intent of the plan, since the term [ldquo]Grizzly BearAnalysis Unit[rdquo] is not used in the plan document (though they are mapped there). (The phrase[ldquo]potentially secure habitat[rdquo] needs to be defined.)We suggested an analysis at the plan level that could lead to reducing road densities in areasimportant to grizzly bear security/connectivity and questioned why road densities were the same inall alternatives. The following response regarding travel plans does not justify the absence of a rangeof alternatives to address this significant issue.99B. [ldquo]the mileage, location, and timing of public motorized travel across the HLC NF isdetermined by travel plans, which are in place across the HLC NF, and will not change.[rdquo]The range of alternatives for forest planning cannot be limited based on existing project decisionslike travel plans. We made the point in our comments that travel plans must be based on forestplans, and we have identified a need to change the forest plan supported by the best availablescience. (The RTC also failed to address the term [ldquo]unneeded roads.[rdquo])The FEIS fails to respond to comments regarding dispersed recreationWe note that other plan components would result in changes in the existing travel plans, so it isdisingenuous to use that as an excuse to not do so for grizzly bears. According to response tocomment CR52f, [ldquo]Except within RWAs, the responsible official has decided not to make travel planchanges within the Forest Plan revision process,[rdquo] and in CR49H, a boundary change [ldquo]allows for amountain biking connection between East Fork Falls Creek and Rogers Pass and would change thecurrent travel plan direction for the trails in this area.[rdquo] (We support the exclusion of mountainbiking from the Badger-Two Medicine area.) While mountain bikes were addressed from arecreation standpoint, the Forest did not respond to our comments about conflicts between grizzlybears and mountain bikes, and none of our proposed changes appear to have been made.We also commented on the effects of hunting on grizzly bears. RTC CR99E purports to addressrecreation but does not address our comments there. The RTC also says this (275E):The FEIS sections (3.14.5 and 3.14.6) analyzing impacts to grizzly bears have been updatedand expanded to include more thorough discussion regarding potential impacts to grizzlybears of various recreational activities.14There is some recognition that hunting is a form of recreation that [ldquo]could potentially have negativeeffects to individual bears[rdquo] (p. 348), but there is considerable relevant science and this bare mentionis insufficient.Locations of important habitat characteristics must be identified in the plan or included ascriteria that must be applied to future projectsIn our amendment objection, we had said that for the PCA and Zones 1-2, [ldquo]Areas of high energyfood should be identified and monitored.[rdquo] In our DEIS comments, we cited the best availablescience indicating the importance of securing quality habitat that includes bear foods. The mostrelevant response to our comments was at CR99F:The location and condition of habitat within zone 2 or any other area will vary over time as aresult of natural vegetation disturbances.This represents a changed position from [ldquo]not an issue[rdquo] to [ldquo]can[rsquo]t identify locations.[rdquo] That doesn[rsquo]texcuse the forest plan from addressing this need with plan components. If the locations ofimportant site characteristics can[rsquo]t be identified at the plan level, they must be included as criteriathat must be applied to future projects, in particular to the construction and use of roads and trails.We also said, [ldquo]Understanding how road density across the landscape varies in

relationship to highvalue grizzly bear habitat remains a significant unknown.[rdquo] This should have been addressed in theFEIS but wasn[rsquo]t.The RTC did not address changes proposed for improved livestock management strategiesin the PCA and Zone 1.We proposed specific additions for all zones. Regarding zones 2 and 3, CR99D states:Zones 2 and 3 are not expected to have continual occupancy by grizzly bears. Therefore,plan components related to grizzly bears are focused on the primary conservation area andZone 1.We substantiated the need for habitat allowing occupancy above. The RTC did not address changesproposed for improved livestock management strategies in the PCA and Zone 1.There are no scientific references supporting a conclusion regarding food/attractant storageordersWe commented on the uncertainty of the effectiveness of food/attractant storage orders atpreventing grizzly bear conflicts. CR99G addresses this issue:According to the Grizzly Bear Conservation Strategy, "Storing attractants in a manner thatprevents bears from accessing them is effective[hellip][rdquo]There are no scientific references supporting this conclusion. Moreover, there are no scientificreferences in the Grizzly Bear Conservation Strategy where it says, [ldquo]Requiring proper storage offood and attractants has been demonstrated to be an effective tool to promote public safety and toreduce grizzly bear mortality risk[rdquo] (p. 62).15The plan needs to clarify that occupancy is needed at some minimum level in zones 1 and 2,and appropriate plan components must be includedWe proposed expanding the application of some plan components related to developed sites toother areas. This was dismissed for reasons similar to the livestock management recommendations(CR99G):Additional plan components limiting developed recreation in zones 1 and 2 are not neededbecause grizzly bear occupancy is expected to be lower than in the primary conservation areaand these zones do not serve as the source.The difference here is that it appears there is some occupancy expected in the same areas that theagency has elsewhere said it is not planned. This needs clarification that occupancy is needed atsome minimum level, and appropriate plan components must be included. We have not sought plancomponents capable of supporting a source population in these areas, but the existing plancomponents fall short of promoting occupancy needed for dispersing females.More generally, the Forest responds (CR99G) that there is [ldquo]no history of grizzly bear-humanconflict associated with developed recreation sites.[rdquo] Past performance is not a guarantee of futureresults, especially where there is expected expansion/recovery of the NCDE population.Plan components related to vegetation management should be expandedWe recommended expanding plan components related to vegetation management, which was notdirectly addressed by the RTC, but would be encompassed by the general refusal to manage foroccupancy outside of the PCA and Zone 1.The revised HLC forest plan is a different action with different effects from the prioramendment, and those effects on grizzly bears have not been adequately disclosedWe have asked for disclosure of the actual effects on grizzly bears of the amended and revised forestplan. The RTC did not respond to this issue, other than to say:The FEIS sections (3.14.5 and 3.14.6) analyzing impacts to grizzly bears have been updatedand expanded to include more thorough discussion regarding potential impacts to grizzlybears of various recreational activities[rdquo] (CR275E).However, the objection response to the GBA echoes the conclusory statement that, [ldquo]The final EISanalysis concluded that the forest plan and amendments would contribute to grizzly bear recoveryby maintaining, improving, or restoring grizzly bear habitat (FEIS, sections 3.7.5 and 6.5.5).[rdquo] Thismust be demonstrated by evaluating actual habitat conditions for grizzly bears that would resultfrom the plan components. Even if it were true, the revised HLC forest plan is a different actionwith different effects from the prior amendment, and they have not been adequately disclosed.Responding to the objection resolution on the GBAWe have not attempted to readdress the additional issues we identified in our objection to the GBA;however, since those issues persist after their incorporation in the revised HLC plan, we incorporate16them into this objection as well. We have briefly responded to the objection resolution on theGBA:The forest plans fail to include adequate regulatory mechanisms that are needed tocontribute to recovery or to contribute to a viable population of grizzly bears within its rangeWe have argued that the plan components for grizzly bears fail to contribute to recovery of thespecies as required by both ESA and NFMA. Where the existence of adequate regulatorymechanisms is relevant to such determinations, as it is here, the analysis must demonstrate theiradequacy.The Objection Response dismisses the requirements for adequate regulatory mechanisms to delistthe species as something that can be determined later by the FWS (p. 67). While that is legallycorrect under ESA, recovery is also a purpose of these forest plan decisions. Adopting a decisionthat fails to meet the purpose and need should not be viewed as adequate, and suggests problemswith the NEPA process and the range of alternatives. Contrary to the final statement in theResponse, a finding that

these plans do not jeopardize the species does not demonstrate compliancewith requirements for recovery.Also, the Plan and Response rely extensively on desired conditions as a basis for findings regardingrecovery. Desired conditions, by definition, are not certain of being implemented or effective.Accordingly, they are of no value in evaluating the need for listing, or justifying delisting, under theESA PECE policy for regulatory mechanisms.Later, the Response also says, [ldquo]Causes of bear mortality and distribution are well understood andevidence points to a decreasing trend in mortality associated with Federal lands [hellip][rdquo] It is not clearfrom this that the number of [ldquo]conflict bears[rdquo] and future mortality trends would not be affected byclimate change and increasing human populations. In any case the EIS does not address thesynergistic effect of greater winter use on a diminishing denning source (over time and space).Mandatory terms and conditions in the Biological Opinions must be incorporated into theforest plansThe Response states: [ldquo]There is no requirement in the law or regulation to include terms andconditions as plan components,[rdquo] and [ldquo]whether included in the revised plan or not, terms andconditions provided in the biological opinion are mandatory, nondiscretionary items.[rdquo] TheResponse fails to recognize that terms and conditions would no longer be mandatory after delisting,and at that point the forest plan components must stand on their own as adequate regulatorymechanisms. There should be a presumption that measures necessary to keep take from leading tojeopardy would also be necessary for recovery and to maintain viable populations.17Part 3: Specific objection points based on the response to our comments on the DEISIntroductionHere we focus on the specific points of disagreement based on the response to our comments onthe DEIS, provided in the FEIS. Since there have been few changes made in response to ourcomments, we incorporate those comments by reference, and much of our rationale may be foundthere.The Forest Service is attempting to frustrate the intent of NFMA by shifting decisionmakingresponsibility and authority to the project-levelWith this proposed revised forest plan, the Forest Service is attempting to frustrate the intent ofNFMA to have [ldquo]one integrated plan for each unit of the National Forest System.[rdquo] Instead this planattempts to shift decision-making responsibility and authority to the project-level, which is notsubject to important NFMA requirements like use of best available scientific information and therequirements related to plant and animal diversity.The Forest Service claims this is [ldquo]adaptive management,[rdquo] but NFMA requires certain kinds ofdecisions to be made at the plan level, and NFMA regulations have codified adaptive managementas a process that includes amending the forest plan when changes in these decisions (plancomponents) are made. A plan that says, [ldquo]we[rsquo]ll figure this out later,[rdquo] without adopting objectivecriteria required at the plan level for doing so, is simply not a plan that would comply with NFMA.For example, the revised plan does not meet the NFMA requirement to integrate planningfor elk with that for other resources in the forest planThe Forest essentially argues that it can[rsquo]t put important direction for elk in the forest plan for tworeasons 1) it limits management opportunities for other resources, and 2) it [ldquo]does not allowmanagers to fully apply the most recent interagency recommendations for management of elkhabitat, developed by MFWP and FS biologists in response to review and evaluation of the BASI, orother management recommendations based on new science[rdquo] (Comment response: CR44A).The Forest is trying to circumvent the requirements of NFMA to use the plan amendment processfor adaptive management, which means to include the current interagency recommendations in theplan now, and amend the plan if they change.The plan explicitly proposes cutting the public out of the planning process: [ldquo]FWL-GDL-01 willallow managers needed flexibility to manage for specific conditions at an appropriate scale withouthaving to amend the forest plan.[rdquo] And in the RTC:The 2020 forest plan does not establish specific levels of vegetation (e.g. cover), patch size,or distance from motorized access that would provide elk protection from vulnerability tohunting, but directs managers to work with MFWP biologists to assess needs in specificareas at an appropriate scale, and develop management approaches that would achievedesired conditions.This does not meet the NFMA requirement to integrate planning for elk with that for otherresources in the forest plan.18NFMA singles out plant and animal diversity as a substantive requirement and the revisedplan fails to adopt plan components that specify the ecological conditions needed for at-riskspeciesNFMA singles out plant and animal diversity as a substantive requirement. By regulation, they mustbe protected by plan components in the forest plan. Those plan components cannot just repeat theregulatory requirements for the plan and say they will be applied to projects (the Planning Rule infact prohibits application of its requirements to projects in [sect]219.3(c)). In addition to the reasonsabove, ecological integrity and species viability must be determined at the scale of a forest plan whenit is adopted and cannot be piecemealed over time. Failure to adopt plan components that

specifythe ecological conditions needed for at-risk species forest-wide would violate NFMA.At-risk species also require a degree of certainty to reduce their risk. The greatest certainty isprovided by forest plan standards that are necessary to ensure that the ecological conditions neededby a species would occur. We note that conservation strategies included in the plan for grizzly bears,lynx and aquatic species contain many appropriate standards, but the revised forest plan eliminatesother standards from the existing forest plan (or changes them to guidelines, as was done withsnags), without any rationale. NEPA requires that the effects of eliminating protective measures bedisclosed, but this FEIS fails to do so.NEPA requires a [ldquo]hard look[rdquo] at the environmental consequences of the proposed plan andthe EIS fails to disclose the effects of the plan on at-risk speciesNEPA requires a [ldquo]hard look[rdquo] at the environmental consequences of the proposed plan. Ourcomments on [ldquo]NEPA/effects[rdquo] on the DEIS documented a failure to disclose actual effects onmany species, including the effectiveness of the plan components constantly credited with mitigatingthe unspecified effects of the plan that would otherwise occur. There is no response to thesecomments.The FEIS often concludes that plan components would mitigate effects with no supporting analysisat all, and rarely any rationale. The focus of the FEIS is often on effects that would not occur dueto mitigation (without actually determining them), instead of the effects that would occur as a resultof other plan components.The FEIS provides little basis for comparing alternatives, and no basis for determining actual effectsor substantive compliance with diversity requirements. In fact, in response to comments (CR272D),the Forest argues: [ldquo]There is limited decision space in Forest Planning to include components thatwould cause substantially different outcomes for wildlife across alternatives.[rdquo] This is anunsupportable statement. Given that wildlife outcomes generally decline with the amount of humandevelopment and activity, and there is a lot of that allowed by this plan that could be reduced oreliminated using plan components (see e.g. grizzly bears), it appears that the Forest has arbitrarilylimited the range of alternatives with regard to wildlife.The analysis must demonstrate that specific key ecosystem components would continue to beprovided in the plan area. To the extent the [ldquo]analysis[rdquo] simply assumes that a desired conditionwould, in fact, occur, it is inadequate. As the lynx analysis demonstrates, desired conditions forvegetation may not be achieved. Desired conditions, without other standards and guidelines that19promote achieving them, should not necessarily be considered reasonably foreseeable, especiallywhen there are other plan components working against that condition.The Forest Service asserts that [ldquo]flexibility[rdquo] is good or at least neutral for the environmentand fails to acknowledge the uncertainty and risk of adverse effects associated with[ldquo]flexibility[rdquo]The FEIS uses the term [ldquo]flexibility[rdquo] 36 times. In every instance but one it asserts that flexibility isgood or at least neutral for the environment. Nowhere does it acknowledge the uncertainty and riskof adverse effects associated with this flexibility to conduct unregulated management activities,especially for at-risk wildlife species. The failure to consider these effects is a violation of NEPA.The one exception in the FEIS is referenced in the response to comments (RTC) in relation tosnags, and even there it implies that any negative effects would be minimal (p. 241).[ldquo]Plan components that provide flexibility to meet these desired conditions (e.g. FW-VEGFGDL-01, large trees; FW-VEGF-GDL-02, snags; and FW-VEGF-GDL-05, coarse woodydebris) would likely result in lower amounts of old growth, snags, and coarse woody debrisbeing present in these areas. Nevertheless, these are small areas [hellip][rdquo]One response to a comment (CR44a) admits, [ldquo]Guideline FW-FWL-GDL-01 will allow managersneeded flexibility to manage for specific conditions at an appropriate scale without having to amendthe forest plan.[rdquo] This misunderstands the requirement of NFMA to include the public in theprocess of adjusting forest plan decisions. Forest plan amendments are part of its adaptivemanagement process. Crafting plan components that circumvent the amendment process wouldviolate NFMA.The Forest Service failed to consider reasonable plan components to address issues relatedto effects on wildlife and truly minimize impactsWe suggested a number of reasonable plan components that should be included to address issuesrelated to effects on wildlife and truly minimize impacts. The Forest failed to consider them in anyalternatives, a violation of NEPA. More generally, a range of alternatives based primarily onwilderness recommendations disregards the numerous other management issues that need to beaddressed at the plan level, particularly associated with wildlife.The revised plan fails to demonstrate compliance with 36 CFR [sect] 219.3We asked for documentation that meets the specific disclosure requirements of 36 CFR [sect]219.3. The[ldquo]response to comments[rdquo] section of the FEIS on this issue (CR120) stated:[ldquo]All suggested references and other scientific information were reviewed. The summary ofthis review is included in the response

to comments section of the FEIS.[rdquo]This circular answer leads nowhere, and there is no compliance with the regulatory requirement.While there are numerous recitations concerning the use of BASI, none of them address the specificdisclosure requirements of the Planning Rule.20As an example, here is what the FEIS says about BASI for terrestrial wildlife:[ldquo]Resource specialists considered what is most accurate, reliable, and relevant in their use ofthe BASI. The BASI includes the publications listed in the literature cited sections of theAssessment and FEIS as well as those that may be found in specialists reports in the projectrecord. Literature submitted by the public is addressed in appendix G.[rdquo]There is no documentation of this [ldquo]consideration,[rdquo] as required by the Planning Rule. There are justconclusory statements that particular interpretations are [ldquo]best.[rdquo]The FEIS fails to disclose the amount of expected activities or their effects on riparian areasThe revised plan would impose many new restrictions on activities in riparian areas east of theContinental Divide. These are focused mostly on vegetation management activities that are[ldquo]expected to occur[rdquo] (FEIS, p. 75); however, there is no further discussion of the amount ofexpected activities or their effects on these riparian areas.There are many references in the FEIS to the past and potential adverse effects of livestock grazing,especially in riparian areas. Here is the entire [ldquo]analysis of effects[rdquo] of livestock grazing on riparianarea for the action alternatives (FEIS, p. 72):Livestock grazing in the planning area has the most potential impacts to wetlands. Livestockgrazing can degrade wetland habitat through vegetation removal, bank trampling and hoofdamage to wetland substrates. The removal of organic material and increase in water surfacearea has resulted in the loss or reduction in the size of many wetlands throughout the forest.There are many guidelines in the 2020 Forest Plan that would help avoid adverse effects towetlands across all action alternatives (FW-RMZ-GDL-03, FW-GRAZ-GDL-01, and 02).It describes potential effects and then lists the plan components that [ldquo]would help avoid[rdquo] thoseeffects. It does not disclose anything about what the resulting effects would be, or any rationale forthe effectiveness of these guidelines and why they would reasonably be expected to result indifferent outcomes than the past practices that have admittedly caused adverse effects.The RTC says that, [ldquo]Stocking rates and changes in livestock management systems would be made atthe project level in order to move towards desired conditions on a specific riparian area or at awatershed scale,[rdquo] (CR162(a)), citing FW-GRAZ-GDL-04. This guideline merely encouragesadaptive management [ldquo]considering both the needs and impacts of domestic livestock and wildlife.[rdquo]There is no reason to think that this would change the adverse outcomes of grazing on wildlife thatcontinue to occur.The RTC also suggests that impacts on riparian areas [ldquo]would be considered at a site-specificplanning level[rdquo] (CR106(c)). That is true, but it does not excuse the obligation to address reasonablyforeseeable effects of the forest plan.NEPA requires actual analysis of the effects of the expected grazing levels and practices. Theinformation in the FEIS suggests if such analysis were done, the plan would have to impose greaterrequirements on the future grazing program to protect fish and wildlife.21The FEIS asserts protections for grass and shrub habitats that are not in the revised plan;the plan makes application of a guideline dependent on the future actions of otherlandownersThe FEIS includes the same language that livestock grazing is constrained to provide wildlife forage.There is no evident response to our comment, and there remain no plan components that say this,so the FEIS effects conclusions are wrong. In an attempt to include a location for the application ofFW-WL-GDL-14 (formerly 15), the plan makes application of this guideline dependent on futureactions of other landowners. This would circumvent the NFMA requirements for planamendments.The FEIS fails to acknowledge the uncertainty regarding fire and improvement of dryconifer habitatsThere is no response to our comment on this issue. The FEIS states that use of fire [ldquo]would[rdquo]improve habitat for several species, without acknowledging the uncertainty.The FEIS changes a finding on mixed conifer habitats that could be considered arbitraryThere is no response to our comment on the issue of mixed conifer habitats. However, the FEISchanges the wording to say, [ldquo]this cover type is predicted to remain within or above the estimatedNRV[rdquo] (p. 296). Making this change without acknowledging it, considering its effects or providing arationale could be considered arbitrary.The Forest arbitrarily removed a guideline for the protection of late successional forestsThere was no response to our comment on the [ldquo]very large size class.[rdquo] However, the Forestapparently removed the guideline that we said was not strong enough. Making this change withoutacknowledging it, considering its effects or providing a rationale could be considered arbitrary.The Forest incorrectly argues that salvage logging may be conducted on lands not suitablefor timber productionThe Forest reiterates its position that salvage harvest may be used on lands not suitable for timberproduction (Comment Response: CR232A,B). It attempts to define salvage harvest

as also beingappropriate to meet other resource objectives.[rdquo] However, here is the definition of [ldquo]salvage cut[rdquo]from the Forest Service Manual ([sect]2470): [ldquo]The removal of dead trees or trees being damaged ordying due to injurious agents other than competition, to recover value that would otherwise be lost.[rdquo]Recovering value is inconsistent with the classification of not suitable for timber production. Any[ldquo]other resource objectives[rdquo] that would justify salvage sales (or salvage without sales) must be clearlyidentified in the forest plan.Coarse woody debrisThere is no response to our comment on the distribution of snags.22The FEIS fails to provide information about significant cavesWhile the response refers to changes in the FEIS, there is still no information at all about significantcaves. (It does acknowledge the Federal Cave Resources Protection Act requirement to considerthem, but then doesn[rsquo]t consider them.)Sensitive SpeciesThe public has not been informed about the change in management of sensitive speciesthat removes the requirement to consider effects on them at the project levelThere is no response to our comment that the public has not been informed about the change inmanagement of sensitive species that removes the requirement to consider effects on them at theproject level. The public did not know that this was their last chance to comment on sensitivespecies. That requires an additional comment period.The discussion of environmental consequences for rare plants does discuss this problem. It admitsthat, [ldquo]This policy would not continue under the new 2012 Planning Rule[hellip][rdquo] (FEIS, p. 251), and,[ldquo]RFSS that are not listed also as SCC would not receive protection in these areas under the 2020Forest Plan.[rdquo] It also indicates that without [ldquo]management strategies,[rdquo] which are not plancomponents and not mandatory, [ldquo]it is likely that several at-risk species would decline in the planningarea.[rdquo] Relying on [ldquo]management strategies[rdquo] demonstrates that plan components alone do not meetthe viability requirement of the Planning Rule. It then includes the conflicting statement that, [ldquo]Thedropped RFSS are expected to be unaffected by project activities due to various reasons[hellip][rdquo]With regard to plant RFSS that would be designated as SCC, the FEIS notes, [ldquo]There are unknownsabout future SCC policy; RFSS had defined policy but FS handbook policy is not yet available forSCC[rdquo] (FEIS, p. 256). Consequently, the effects on these SCC of losing their RFSS designationshould have been considered the same as for those not classified as SCC. However, the FEISconcludes on p. 251 that, [ldquo]Known SCC would receive site-specific protection under the 2020 plancomponents when overlapping with treatments and negative effects would be minimized.[rdquo] Thishighlights one of our significant concerns [ndash] that if the site-specific protections of sensitive speciesdesignations are being replaced by forest plan components, those plan components must clearlyminimize risk to levels consistent with viability of the species. The effects analysis in this FEIS failsto demonstrate this.There is essentially no information in the FEIS about effects on sensitive terrestrial species.Effects on them should have been addressed in accordance with NEPA because weidentified them as environmental issues.The response to comments refers to the BE for that analysis (Response to comment: CR277C).This [ldquo]analysis[rdquo] consists of the same kinds of unsupported assumptions and conclusory statementsabout the effectiveness of plan components as mitigation measures that we have pointed out abovewith regard to NEPA compliance generally. A table lists all the beneficial plan components but failsto identify or consider the plan components that would have an adverse effect. There is no [ldquo]hardlook[rdquo] at these species, as required by NEPA. The FEIS also claims that, [ldquo]Additional discussion wasprovided in response to comments on the description of Regional Forester Sensitive Species versus23Species of Conservation Concern[rdquo] (p. 245). There is no such section in the response to comments,and the response does not otherwise address effects on sensitive species.Canada LynxAs written, vegetation desired conditions do not specify what ecological conditions areneeded to contribute to recover of Canada lynx. A decision about desired conditions that arenecessary for lynx habitat must be a forest plan decision so that compliance with diversityrequirements can be determined at that point.We could agree with the response to comments (CR217B) that, [ldquo]there is no need for an explicitdesired condition for lynx habitat[rdquo] if [ldquo]there are desired conditions for vegetation composition andstructure based on NRV that would encompass those habitat conditions.[rdquo] Instead, FW-WL-DC-09suggests that the desired conditions are unknown, defining the desired condition as, [ldquo]the mosaic ofstructural stages necessary (as defined by the best available scientific information) to support thedenning, foraging, resting, and travel habitat needs of Canada lynx.[rdquo] Yet the FEIS admits that BASI[ldquo]suggests 50% or more of lynx habitat within LAUs should be in the multi-storied structural stage[rdquo]and this [ldquo]will be considered and incorporated when appropriate, at the project planning scale[rdquo](FEIS, p. 366). The way that is supposed to happen under NFMA

is by including this as a desiredcondition in the forest, and plan proposing projects that are consistent with that condition. Aswritten, vegetation desired conditions do not specify what ecological conditions are needed tocontribute to recover of lynx.While the FEIS claims all action alternatives would [ldquo]provide specific desired conditions[rdquo] (FEIS, p.387) there aren[rsquo]t specific desired conditions for lynx. There should be a desired condition for standinitiation and multistory stands in lynx habitat based on the NRV that is provided. Thedetermination that multistory stands are well below NRV for the duration of the analysis should leadto questions about lynx viability and a closer examination of whether additional fine filter plancomponents are needed.A decision about desired conditions that are necessary for lynx habitat must be a forest plan decisionso that compliance with diversity requirements can be determined at that point. Meeting plan-levelrequirements cannot be done in the future on a project-by-project basis (the three geographic areadesired conditions cited also just repeat the requirement to contribute to lynx recovery). Forest planrevision is the time that this needs to be done to guide future forest management. Failure to includethis as a desired condition is arbitrary. In addition, the BASI addressing the importance of matureforest connectivity for reproductive success should lead to a plan component that would provide forthat.There needs to be a map of the WUI indicating where exceptions for lynx plan componentsapplySince exceptions for lynx plan components apply in the WUI, there needs to be a map of the WUIso it is clear where these exceptions would be applicable.24The FEIS fails to acknowledge the environmental consequences of livestock grazing onCanada lynxSince livestock grazing is considered one of the threats to Canada lynx, we asked for some analysisof the degree of conflict between livestock grazing and lynx on this forest. Instead, the FEIS statesthat [ldquo]Livestock grazing is not generally considered detrimental to lynx,[rdquo] and there is noacknowledgement of environmental consequences.Connectivity areas are only described in a general manner and not mapped, so it isunknown where such management would occur and there is no accountabilityThe response to comments indicates that all action alternatives would [ldquo]identify specific areas in theUpper Blackfoot and Divide GAs to manage for potential connectivity across landscapes[hellip][rdquo] As weconclude in relation to grizzly bears, these areas are only described in a general manner and notmapped, so we don[rsquo]t really know where such management would occur and there is noaccountability. When lynx linkage areas were identified in the NRLMD, it was expected that theirlocations would be refined for individual plans. Failure to do that when revising the forest planleaves a high degree of uncertainty about the effectiveness of maintaining connectivity.Like the DEIS, the FEIS says that, [ldquo]These models are for comparative value and are not predictive[rdquo](FEIS, p. 383). Determining whether plan components will provide ecological conditions necessaryfor at-risk species requires a prediction. These models indicate that important habitat componentswill not be provided in sufficient amounts, and the implications of that for species viability must bediscussed.WolverineThe FEIS does not disclose adverse effects of implementing the plan on wolverineOur primary comment regarding wolverine was that, like most parts of the EIS, it does not disclosethe adverse effects of implementing the plan. It simply talks about mitigation that would [ldquo]limit theimpacts[rdquo] (Response to comment: CR69) and assumes a net benefit. There is no analysis to supportthis conclusion.Flammulated owlsThe Forest failed to analyze effects on flammulated owlsThe Forest has stated (Comment response: CR272H, and also for elk hiding cover, CR44Ba) thatthe effects of natural processes overwhelm the effects of management to the extent that there is littledifference in effects on vegetation (and related wildlife) among alternatives. However, the Forestdid not respond to our request to actually analyze that question so that they could support thisstatement.Lewis[rsquo] woodpeckerThere was no response to any of our comments, so we assume nothing has been changedand they remain points of objection.25Part 4: Aquatic ResourcesWe appreciate and support the designation of the westslope cutthroat trout as a species ofconservation concern, which warrants upgrading the aquatic strategy in the forest plan for theportion of the forest with WCT that is not subject to INFISH. Our comments are based on thestructure of INFISH and apply equally to all fish habitat.The changes between the draft and final proposed plan do not address the major issues we identifiedand do not create the [ldquo]improvement[rdquo] over INFISH that are necessary and are claimed in the FEIS.We therefore incorporate by reference our original comments into this objection. We provideadditional comments and responses to the FEIS [ldquo]response to comments[rdquo] (Appendix G supplement)below.Desired Conditions (RMOs)We found that there were no specific desired conditions for aquatic resources as required by thePlanning Rule. The desired conditions in the revised plan merely restate the regulatoryrequirements: [ldquo]natural composition,[rdquo] [ldquo]conditions appropriate to natural disturbance

regimes,[rdquo][ldquo]adequate [hellip][rdquo], [ldquo]sufficient[rdquo] [ndash] without saying what any of these are or how they would bedetermined. We agree that these conditions should be based on natural disturbance regimes, but theplan needs to reveal what the Forest considers those desired disturbance regimes to be, and whatthat means for vegetation.The plan repeats the requirements for ecological integrity but would postpone that determinationuntil some unknown future time. The 2012 Planning Rule is built around the idea that desiredconditions are a long-term strategic decision that must be established at the outset of planimplementation (in contrast to plans prepared under the 1982 planning regulations, which focusedon outputs and mitigation measures to be applied to their production).It appeared to us that the Forest has the information it intends to use as desired conditions. It refersto locations where these conditions are known to not be met. References in the plan to desiredconditions refer to reference conditions that the plan area will be managed towards, so these mustbe the ecological conditions needed for diversity. The revised plan must include these as plancomponents in order for the plan to be adequate to provide diversity (similar to what was done withdesired conditions for vegetation).Here is what the FEIS says will occur (p. 54):Looking at how conditions change for a group (either managed or reference) and how agroup of managed sites compares to reference sites over that time allows managers to judge thetrend in conditions in managed sites and whether or not managed site conditions are movingtowards the desired conditions described in the 2020 Forest Plan.There is no way to interpret this other than the characteristics of the reference sites would be usedas the desired conditions. Moreover, we assume that conditions on reference sites also represent thenatural range of variation, since that is the requirement for ecological integrity (if referenceconditions were NOT the desired conditions, that would be a problem that would have to beexplained). The response to comments (CR91N) somehow disagrees with that, but our main point26is that the desired/reference conditions must be included as plan components, not applied toprojects in some manner outside of the accountability of the NFMA process.The BA for bull trout provides the clearest rationale for the elimination of RMOs:[ldquo]In the 1990[rsquo]s, single values were identified for several habitat processes regarding whatconstituted good habitat and there was an expectation that those values could be reached forall pathways and all streams simultaneously. Research since that time has shown this was anunrealistic expectation that never naturally occurred prior to modern forest management.Therefore, the Desired Condition plan components in this plan revision guide projectstowards restoring processes. Monitoring now houses RMO[rsquo]s as ranges in the managedenvironment to be compared against ranges in similar reference conditions.[rdquo] (p. 6)We have no expectation that all objectives could be achieved simultaneously, and there is norequirement to do so. While we agree that [ldquo]single values[rdquo] may be problematic, the solution is toinclude [ldquo]ranges[rdquo] as desired conditions in the forest plan. The solution of getting rid of quantifiedobjectives and replacing them with monitoring (which is not a plan component) would violateNFMA by removing plan components necessary to provide ecological conditions needed forrecovery and viability. This [ldquo]solution[rdquo] appears to be a solution to a different problem than [ldquo]singlevalues,[rdquo] and we wonder what that is. Moreover, offering this rationale to the FWS in the BA ismisleading and likely to produce an invalid consultation. (This point about [ldquo]one size fits all riparianmanagement objectives[rdquo] is also raised in CR203J, but it misses our point.)CR91O (Appendix G. Supplemental Response to Comments, p. 9)The RTC fails to address our comment that water quality restoration goals for sediment, if theyexist, must also be included in the plan.CR96Be (Appendix G. Supplemental Response to Comments, p. 11)The response states:[ldquo]Desired conditions change across landscape and GAs. The ability to move towards desiredconditions depends upon the conditions and existing disturbance within the RMZ. Thislimits the ability to have specific NRV or desired conditions across the wide range of forestecosystems covered by the forest plan.[rdquo]This is simply an argument against planning and is squarely in conflict with NFMA and the PlanningRule that require it. While the ability to [ldquo]move towards desired conditions[rdquo] may depend on existingconditions, the actual desired conditions do not. We understand that information about referencesites might change over time, but that does not excuse the revised plan from including the currentdesired conditions as plan components.NFMA includes an amendment process designed to address these kinds of changes, and a [ldquo]fill in theblank later[rdquo] process circumvents the public participation requirements of NFMA associated withamendments. It is also surprising and unacceptable to not even reveal which reference watershedswould be used to represent desired conditions for what managed watersheds.27CR191A (Appendix G. Supplemental Response to Comments, pp. 21-22)The RTC cites [ldquo]guidance for plan revisions in the Interior Columbia

Basin Ecosystem ManagementProject Framework Memorandum of Understanding (2014).[rdquo] That direction describes theexpectations of the Forest Service and the ESA consulting agencies for revised forest plans. Here isthe language relevant to desired conditions: [ldquo]Locally derived information should be used wherepossible to develop riparian and aquatic objectives or desired conditions for plans[rdquo] (emphasis added).This plan does not do that. It implies a process for obtaining locally derived desired conditionsinstead of including them in the plans, and what would be included in forest plans as vague desiredconditions that restate legal requirements are not [ldquo]locally derived.[rdquo] The vision of ICBEMP was auniform approach to using locally derived values to make plan decisions. Deferring instead toproject-by-project decisions about desired conditions is inconsistent with agency policy, as well asjudicial expectations for replacement aquatic strategies, and would violate the Planning Rule.CR191D (Appendix G. Supplemental Response to Comments, p. 22)The response states that [ldquo]desired conditions based on the physical stream habitat metrics at each sitethat are appropriate for the stream rather than the interim riparian management objectives that werenot site specific.[rdquo]We agree that different types of sites should have different objectives, and it is quite possible to dothis in a forest plan for categories of sites. The interim RMOs have been removed, but they havenot been replaced by refined desired conditions or objectives, as required by the ICBEMPFramework. They have been replaced by monitoring, which is not a plan component. Moreover,the public has no idea what the desired conditions for a particular area are, and therefore there is noaccountability.CR203I (Appendix G. Supplemental Response to Comments, p. 27)The response states that [ldquo]The interim INFISH RMO will be replaced by the 2020 Forest Planstandards and guidelines.[rdquo]This is nonsensical as standards and guidelines serve a completely different purpose from desiredconditions and objectives. Desired conditions and objectives provide the basis for standards andguidelines; without them, standards and guidelines are meaningless.CR203K (Appendix G. Supplemental Response to Comments, p. 27)The response states that [ldquo]The forest will use the PIBO habitat index approach to evaluate status andtrend of site conditions as a replacement for INFISH RMOs.[rdquo]We disagree that monitoring can replace plan components. It can[rsquo]t be used to meet requirementsthat plan components must meet for at-risk species.CR203L (Appendix G. Supplemental Response to Comments, p. 27)We have argued that without desired conditions for aquatic ecosystem conditions, there is no waythat this forest plan can meet viability requirements for aquatic species. The RTC concedes thatPIBO data would not be used for this purpose. That leaves a gaping hole in the aquatic28conservation strategy, and there is no attempt to explain how plan components are adequate withoutspecific desired conditions, given the scientific basis for requiring them in the first place.CR203M (Appendix G. Supplemental Response to Comments, p. 27)We argued that reference conditions are in fact the desired conditions. The response discusses whatreference conditions are, but does not explain what, if they are not the reference conditions, thedesired conditions actually are, and how and why they differ from the reference conditions.CR203N (Appendix G. Supplemental Response to Comments, p. 27)[ldquo]The FS agrees the PIBO data should be used to evaluate and adapt management strategies. Ifadaptive management is necessary the 2020 Forest Plan will be modified by issuing an amendment.[rdquo]We take this as an agreement that when desired stream conditions are established or changed therewould be an amendment process. That still leaves the question of what the desired conditions arenow that meet the needs for ecological integrity. And since plan components must provide thenecessary ecological conditions at the time the plan is adopted, the answer can[rsquo]t be [ldquo]we[rsquo]ll figure itout later.[rdquo]Conservation watershedsThe final plan language says, in the introduction to the [ldquo]Conservation Watershed Network[rdquo] section,[ldquo]Restoration projects would be prioritized in areas absent of non-native competition or in areas thatare critical to maintain viability of native species where non-native species are present.[rdquo] Thislanguage is not included as a plan component, which may have misled the effects analysis, and if itwere a plan component these areas should have been identified.CR91P (Appendix G. Supplemental Response to Comments, p. 10)The response states that [ldquo]Some subwatersheds considered priorities for increased connectivity orrestoration of meta-populations were included.[rdquo]Our comment was that the selected watersheds and the connectedness of metapopulations needs tobe demonstrated in the record.CR97Cd (Appendix G. Supplemental Response to Comments, p. 12)The response states:[ldquo]Though treatments within Conservation watersheds are possible under the 2020 ForestPlan, they are required to meet higher standards and guidelines for projects within theseimportant watersheds. FW-CWN-GDL-02 states that CWN have the highest priority forroad decommissioning. FW-CWN-GDL-04 CWN have the highest priority for restorationactions

and 05 prioritizes CWNs for road maintenance.[rdquo]We pointed out that the DEIS assumes a reduction in the number of roads in conservationwatersheds that is not based on the language of plan components. FW-CWN-GDL-02 does say this(04 is actually 03, but is not about roads, and 05 does not exist), but there is also an objective to29decommission or store roads with a priority in [ldquo]priority[rdquo] watersheds, which is different fromconservation watersheds. This creates a conflict in priorities that must be clarified.CR235A/B (Appendix G. Supplemental Response to Comments, pp. 127-128)We want to know why conservation watersheds are suitable for timber production. The responserefers to Appendix, which does not mention conservation watersheds. The record mustdemonstrate that the a [ldquo]regulated crop of trees[rdquo] is compatible with the desired conditions (referenceconditions) for conservation watersheds.Riparian management zonesCR96Bd (Appendix G. Supplemental Response to Comments, p. 11)The response states: [ldquo]As discussed in the FEIS, Hiers et al. (2016) present the argument that moreflexible and decentralized approaches may result in more effective management in a changingenvironment.[rdquo]This goes to a key point about effects analysis that we made: [ldquo]We believe that flexibility representsless of a commitment and creates uncertainty that obligations for at-risk species would be met, andtherefore plan components are less likely to provide the necessary ecological conditions.[rdquo] However,this reference is not mentioned in the FEIS or included in the [ldquo]Literature[rdquo] section. Importantinformation not made available for public review creates a need for an additional commentopportunity.CR184Ai (Appendix G. Supplemental Response to Comments, p. 17)We have objected to salvage logging on lands unsuitable for timber production, particularly inriparian areas. The RTC suggests that salvage logging could be used to [ldquo]restore aquatic or riparianresources.[rdquo] This contradicts the definition of salvage logging, which is not for the purpose ofrestoring aquatic or riparian resources (see our discussion under [ldquo]snags[rdquo]). Salvage logging (beyondhazard tree removal) must be precluded in RMZs.Standards and guidelinesWe have commented generally on the need to address specific INFISH standards that have beenremoved or changed to guidelines (or otherwise relaxed), and the effect of doing so. This has notbeen done.CR191F (Appendix G. Supplemental Response to Comments, p. 22)This response completely fails to address our point that mandatory requirements have beenremoved or relaxed, which would allow greater effects to occur that are not recognized in the FEIS.The language of FW-RMZ-STD-03 is limited to vegetation management, and a requirement to[ldquo]maintain[rdquo] resources or [ldquo]do not prevent attainment[rdquo] is a lesser standard that promoting attainment(not retarding retainment) of desired conditions. This is another step back from INFISH.30CR184Ai (Appendix G. Supplemental Response to Comments, p. 17)It misrepresents the forest plan, and its effects, to characterize a plan component FW-RMZ-STD-03that says [ldquo]do not prevent attainment[rdquo] as [ldquo]restores.[rdquo] The latter suggests proactive management,which is not what the revised plan requires.Multiscale analysisCR191E (Appendix G. Supplemental Response to Comments, p. 22)The RTC states that a [ldquo]science-based watershed analysis[rdquo] [ldquo]will be incorporated into all futureactions.[rdquo] This confusing response appears to be referring to requirements of INFISH as it existsnow, rather than the optional multiscale analysis (not a plan component) in the revised plan. Thereare no plan components that require multiscale analysis, which fails to comply with the directionfrom ICBEMP, and is not the [ldquo]watershed approach[rdquo] being claimed. Reliance on NEPA was alsoasserted, but that would not achieve the purpose of understanding broader scale watershed issuesbefore an action is proposed that was incorporated into INFISH based on the best available science.Bull troutThe BA states (p. 36):[ldquo]With INFISH components updated and mostly carried forward in the proposed action, bulltrout habitat in the plan area is expected to continue on a similar improving trend if thestandards and guidelines continue to be applied as they have in the last two decades.[rdquo]We have pointed out that INFISH components NOT carried forward are extremely important, andthat standards and guidelines would not be applied as before. This characterization by the ForestService, and the effects ignored or downplayed by the BA, is expected to mislead the Fish andWildlife Service and produce an invalid consultation.CR190(Appendix G. Supplemental Response to Comments, p. 29)Our basic point is that since the forest plan must include plan components that provide ecologicalconditions necessary for bull trout recovery, then the forest plan must provide the bull troutconservation strategy that will be applied to national forest lands. It can incorporate by referenceother specific documents, but it can[rsquo]t defer to other parties or other process to determine futureprogrammatic direction for national forest lands. The sufficiency of the forest plan must be judgedon what the plan components say. Consequently, the new desired conditions referencing othersources (including the Bull Trout Conservation Strategy) is of little

substantive value to bull trout.In particular, if the best available scientific information indicates that management should be basedon core populations of bull trout, then the plan must identify them and their locations and providespecific plan components for their management. Also, the forest plan does not directly addresselements of the Bull Trout Recovery Plan that it should be implementing. Without these things, thisplan appears deficient in providing for bull trout.31Environmental effectsCR191H (Appendix G. Supplemental Response to Comments, p. 22)The response states that [ldquo]The intent of the 2020 Forest Plan is to replace the Interim INFISHDirection with Plan Components that provide the same result [hellip][rdquo]We have demonstrated how INFISH direction was weakened, and the FEIS and the BA do notacknowledge this, violating both NEPA and ESA. To the extent the purpose was [ldquo]greaterflexibility,[rdquo] see our comments on that above.We submitted many specific comments regarding the effects analysis for aquatic resources and couldfind little in the way of responses or changes. Please refer to those comments on the DEIS.