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Comments: The following comments are submitted on behalf of the Yaak Valley Forest Council providing formal comment on the Pacific Northwest National Scenic Trail Comprehensive Plan Environmental Assessment (EA) of March 2023.

The Yaak Valley Forest Council, created in 1997, is a Northwest Montana based 501(c)3 nonprofit that implements conservation and restoration programs focused on protecting and preserving critical wildlife habitat for the sensitive, threatened, and endangered species inhabiting the wild Yaak Valley. Our Mission is to maintain and restore the ecological integrity of the wild Yaak by conserving and improving habitat for native and sensitive species—particularly the grizzly bear—and to advocate for a return to the historic range of variability of old and mature forests in the valley, given their ability to safely store vast amounts of carbon safely across the centuries. We also seek to protect the valley's biological diversity that is threatened by climate change.

We are disappointed that the USFS only saw fit to complete an Environmental Assessment on such a geographically broad project with potentially dire consequences for an imperiled population of grizzly bears, as well as impacts to multiple additional TES species. While a 30 day comment period is all that is allowable for an Environmental Assessment under 36 CFR 218.25(a)(1)(iv), there is nothing that would have prevented the USFS from withdrawing the comment notice and reissuing it to allow additional time for comments.

Concerns for Threatened Grizzly Bears

The Interagency Grizzly Bear Guidelines published in 1986 state the following:

[Idquo]The FS will emphasize actions which contribute toward conservation and recovery of the bear within areas identified in the Grizzly Bear Recovery Plan. Objectives are to maintain and enhance habitat and to minimize potential for grizzly-human conflicts. The FS will manage habitats essential to bear recovery for multiple land use benefits, to the extent these land uses are compatible with the goal of grizzly recovery.[rdquo]

[Idquo]Land uses which cannot be made compatible with the goal of grizzly recovery, and are under FS control, will be redirected or discontinued.[rdquo]1

The development of the Pacific Northwest National Scenic Trail violates this USFS duty to grizzly bear recovery.

The Pacific Northwest National Scenic Trail, as proposed, runs through high-elevation, prime grizzly bear habitat in the Yaak region in NW Montana that formerly provided secure habitat within the Cabinet/Yaak Grizzly Bear Recovery Zone. Clearly there is the potential for grizzly bear displacement and/or human conflict along the proposed northern trail route.

Unlike grizzly bears in larger ecosystems like Yellowstone or the Continental Divide, grizzly bears displaced from secure core habitat in the Yaak Ecosystem are displaced into lower value habitat. Displacement of grizzlies by hikers will affect both spatial and temporal utilization of critical habitat during prime foraging summer months. This problem could be easily mitigated by rerouting the proposed trail to an alternate Southern Route that avoids core grizzly bear habitat in the Cabinet-Yaak Ecosystem.² In our comment on the Comprehensive Plan, we requested that any NEPA document prepared for the Comprehensive Plan consider in detail the Southern Route as a reasonable alternative. The Environmental Assessment failed to address the Southern Route, or any alternate route for that matter.

Under NEPA(42 U.S.C. 4332.) all agencies of the Federal Government shall: 42 U.S.C. 4332.

1. include in every recommendation or report on proposals for legislation and other

major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on[mdash]

1.

1. the environmental impact of the proposed action,
2. any adverse environmental effects which cannot be avoided should the proposal be implemented,
3. alternatives to the proposed action, (Emphasis added)
4. the relationship between local short-term uses of man[rsquo]s environment and the maintenance and enhancement of long-term productivity, and
5. any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.³

The USFS, in the EA, declined to consider any citizen-proposed alternatives including the Southern Route proposed by the Yaak Valley Forest Council, and supported by the 1980 Congressional recommendation and follow up independent studies, which avoids Grizzly Bear Core habitat, seemingly under the assumption that reroutes of the PNT could not be implemented under the current law. However, this is contradicted in *Muckleshoot Indian Tribe v. United States Forest Service*,⁴ where the Ninth Circuit Court found that under 40 C.F.R. [sect] 1502.14(c) [ldquo]...agencies shall include reasonable alternatives not within the jurisdiction of the lead agency.[rdquo]⁵In other words, an agency cannot dismiss an alternative simply because it would require an act of Congress to implement it. The USFS should have considered reasonable alternatives including those that may require Congressional action. The ninth circuit also found in *Citizens for a Better Henderson v. Hodel*, [ldquo]A viable but unexamined alternative renders the EA inadequate.[rdquo]⁶

Concerns for threatened grizzly bears are mentioned in the EA only as their threatened status relates to trail visitor capacity. The EA fails to assess concerns about the trail's impacts on threatened grizzly bears. Grizzly bears in the Yaak have been found to meet criteria for uplisting under the ESA to endangered status.⁷ Yet, the EA fails to address any potential impacts to threatened/endangered bears or critical core grizzly habitat in the federal designated Yaak Grizzly Bear Recovery Zone.

Service Must Engage in Formal Endangered Species Act Section 7 Consultation

Section 7 of the ESA requires each federal agency, in consultation with FWS, to ensure that any proposed action is not likely to jeopardize the continued existence of a threatened or endangered species, or result in the destruction or adverse modification of its critical habitat. To facilitate compliance with Section 7, the agency must first inquire with FWS to determine whether any listed or proposed species may be present in the area of the proposed action. When a listed or proposed species may be present in the action area, the agency must prepare a [ldquo]biological assessment[rdquo] to determine whether the species or their critical habitat may be affected by the action. If the agency determines that the proposed action may affect any listed species or critical habitat, it must engage in formal consultation with FWS.⁸

An EIS is required to assess how the presence of the trail may affect bear behavior and how the seasonal presence of pedestrians on the trail will affect foraging behavior and potential impact reproductive fitness, not only in the Yaak population, but across all Grizzly Bear Recovery Zones transected by the proposed route.

Four grizzly bears were lost to the Yaak population in 2022, three of them female, two of breeding age. Three of the bears killed in the Yaak were due to encounters with humans (W. Kasworm, personal communication, April 11, 2023). Known grizzly bear mortality in the Yaak population is likely underestimated due to unreported deaths of uncollared bears.⁹ The demographic recovery targets from the grizzly bear recovery plan (USFW 1993) criteria are for females with cubs over a 6-year average, with a distribution of females with young in 18 of 22 BMUs.¹⁰ The most recent documented levels were at 2.5 females with cubs (15/6) with a distribution of females

with young in 11 of 22 BMUs.

Currently due to low human disturbance the northern Yaak BMUs have higher value seasonal habitat supporting the highest females with young occupancy in the Yaak GRBZ. Huckleberries, a critical high energy summer and fall food is common in high elevation areas along the proposed northern route.¹¹ Independent modeling¹² shows that if the Yaak loses one adult female grizzly every other year, the population will be extinct in fewer than 20 years. Increasing human visitation into the precise small patches of habitat within the Yaak GBRZ most utilized by grizzly bear sows with cubs from mid-June to mid-September, habitat federally designated for grizzly bear recovery, makes no sense under any circumstances. The Southern Route mitigates this conflict.

The EA presents a skewed and inaccurate [ldquo]assessment[rdquo] by failing to acknowledge and disclose findings of the Congressionally commissioned Joint Study by the Forest Service and National Park Service authorized in 1977. The report, published in 1980, which evaluated four alternatives, concluded the current route, Alternative 1 in the proposed action, was chosen poorly and without consideration for grizzly bear recovery. The findings of the 1980 report were corroborated in the 2018 analysis by Dr. Frank Lance Craighead and Wayne McCrory.

The 1980 study found:

[ldquo]Based on an evaluation of the four alternatives, the study determined that a Pacific Northwest Trail would have the scenic and recreational qualities needed for designation

as a National Scenic Trail, but concluded that its construction was neither feasible nor desirable and recommended the "no trail" alternative.[rdquo]¹³

Further stating:

[ldquo]...in comparison with the benefits which would result; and that there would be significant adverse environmental impacts on the grizzly bear and on fragile and frequently over-utilized high elevation areas.[rdquo]¹⁴

The Craighead and McCrory study, Potential Impacts of the Proposed Pacific Northwest National Scenic Trail Route on Threatened Grizzly Bears and Their Recovery in the Yaak Watershed Area,¹⁵ NW Montana supports the [ldquo]no trail[rdquo] findings of the 1980 Congressional Study due to the effects to grizzly bears stating:

[ldquo]Over half of the length of the USFS northern PNT alternative would cross four of the six U.S. grizzly bear recovery zones, with about 7% of the total length crossing the Yaak portion of the CYGBRZ. Here, the northern alternative would cross two important grizzly bear core areas identified using Resource Selection Functions (RSF) and one important linkage zone; all three of the northernmost recovery CYGBRZ grizzly bear management units (BMUs) with proven female grizzly with young occupancy; and a high proportion of higher elevation areas where prime grizzly bear summer, fall, and denning habitats are found. Grizzly bear encounter risk and displacement from eventual high summer and shoulder season, and even winter recreation use would likely cause significant adverse effects to grizzly bears and their recovery (emphasis added) along the Yaak northern PNT alternative. High levels of eventual PNT recreation use predicted for the summer will also affect USFS female core area non-motorized calculations and designations. A GIS map model of RSF core areas combined with a digital elevation model (DEM) of seasonal grizzly habitat zones was used to identify a number of potential lower impact alternative routes in the Yaak that would pass mostly through lower elevation grizzly bear spring range. This included the more southern 1978 Jonkel route.

Our results were similar to the 1978[1980] USFS-NPS review of the PNT in the Yaak. We recommend that the proposed National Environmental Policy Act Environmental Impact Statement (NEPA-EIS) for the PNT avoid the northern alternative in the Yaak and carefully study a number of lower impact alternatives.[rdquo]

Yet, despite multiple studies spanning decades finding the northern route incompatible with grizzly bear recovery it was the only route assessed in the current EA.

David J. Mattson, Ph.D. published a study in 2019, Effects of Pedestrians on Grizzly Bears: An Evaluation of the Effects of Hikers, Hunters, Photographers, Campers and Watchers.¹⁶ Dr. Mattson identifies multiple impacts of human intrusion into grizzly habitat. He directly assessed the effects of the PNT on grizzly bears. His findings are summarized at the end of his study:

Likely Effects of the PNT on Grizzly Bears

Whether judged in absolute or comparative terms, foreseeable pedestrian activity on the proposed PNT is guaranteed to adversely affect the small highly vulnerable population of grizzly bears in the Yaak region. This will arise in part from location of the proposed PNT through the heart of core and source habitats modeled on the basis of selection by radio-marked bears, densities of confirmed bear observations, and distributions of bear mortalities. This coincidence with remote areas of concentrated grizzly bear activity is consistent with distributions of historical observations and DNA-based detections of bears.

Spatial overlap with the highest regional densities of grizzly bears alone guarantees a high likelihood of encounter between trail users and bears with both short- and long-term impacts. But this likelihood will be compounded by juxtaposition of the current proposed trail location with habitats known to attract grizzly bears, including open high-elevation habitats where bears are maximally exposed, as well as areas of denser vegetation where close range encounters are likely. This spatial overlap will also be temporal given that seasonal use of these attractive habitats by grizzly bears coincides with when pedestrian traffic on the trail will be heaviest.

Perhaps paradoxically, impacts will likely be exacerbated by low grizzly bear densities and pedestrian traffic light enough to preclude predictability for bears. As emphasized throughout this report, conditions such as these increase reactivity of grizzly bears to humans. For one, there are probably insufficient levels of close interaction to foster mutual tolerance among bears, much less transference of this tolerance to pedestrians. For another, even if trail traffic is confined to daylight hours, foreseeable levels will almost certainly remain below the 1-1.5 hikers per hour constituting the apparent threshold for development of human-specific tolerance and finer-tuned avoidance[mdash]yet be heavy enough to guarantee encounters.

Under these circumstances, grizzly bears stand a good chance of being [ldquo]startled[rdquo] or [ldquo]surprised[rdquo] by trail users, or by simply responding as if encounters posed a threat. The predictable result will be high levels of reactivity almost invariably entailing flight, but also including the possibility of initial aggression, especially if females accompanied by dependent young are involved. Encounters between trail users and bears foraging on huckleberries in denser vegetation will be predictably fraught, with the potential for deleterious outcomes for both people and bears.

This potential was highlighted during the summer of 2019 when two hikers on a trail through the Cabinet Mountains immediately south of the Yaak region deployed handguns to shoot a female bear that apparently reacted aggressively when startled while foraging on berries in shrubby vegetation. Given the acute vulnerability of grizzly bear populations in the Yaak region and adjacent Cabinet Mountains, lethal reactions by trail users to encounters such as these will not be sustainable. Nor is lethal response likely to be warranted given the very low rate at which even aggressive reactions by grizzly bears translate into physical harm for involved pedestrians.

Grizzly bears will likely avoid the PNT as a natural consequence of strong reactions to encounters with trail

users, with resulting alienation from otherwise important foraging habitats and displacement into lower-elevation areas that are likely to be less secure from human-caused mortality. Nor, as some proponents of the PNT have argued, is there any credible chance of females with COY orienting towards trail users as a [“shield”] against predatory males. As has been emphasized in this report, such behavior has only been documented where densities of grizzly bears are comparatively high and/or where there are heavy levels of spatially and temporally highly-predictable human activity. In fact, the more likely response of females with COY will be disproportionately greater avoidance of the PNT compared to other sex-, age-, or reproductive classes of bears.

Finally, hazards will be amplified for people and impacts accentuated for bears to the extent that off-trail pedestrian activity increases, the PNT is used by mountain bikers, or spur trails are constructed through high-elevation open habitats—all of which are plausible consequences of trail enhancements, including those part of the extensive Black Ram Project being proposed by the Forest Service for northwestern portions of the Yaak region.¹⁷

Interestingly, Dr. Mattson (and other independent bear biologists) points to the cumulative impacts of the PNT and proposed logging in the Yaak, specifically the Black Ram Project, as being detrimental to grizzly bear recovery in the federally designated Grizzly Bear Recovery Zone. The PNT Comprehensive Management Plan EA fails to address cumulative impacts of the trail and other projects on habitat or inhabiting wildlife.

Failure to Assess Cumulative Impacts

The potentially high-volume thru-hiker Pacific Northwest Trail (PNT), traverses unlogged old growth forest that is home to numerous species of threatened and endangered wildlife. We use the term [“potentially high-volume thru-hiker trail,”] because the EA lacks any sort of enforceable metric for how the trail’s carrying capacity and visitor use will be evaluated or enforced. The DRAFT Carrying Capacity Report states, [“...carrying capacity range for thru-hiking for the PNT is 552 to 1,748 thru-hikers per high use season (Mid-June through Mid-September).”]¹⁸ This is a very broad range. The EA and the Draft Carrying Capacity Report make no reference or determination for how visitation will be accounted for, potentially limited, or how determined limits will be enforced once carrying capacity is reached.

The Pacific Crest Trail, which does not pass through multiple Grizzly Bear Recovery Zones offers insight into the difficulty and importance of tracking visitation.

As to how many people use this national trail each year, the PCT Association states:

We’d love to know exactly how many people use the Pacific Crest Trail. Probably hundreds of thousands or more than a million people use the PCT each year—if we were to count every person who steps on to some section of the trail. We just don’t know and there’s no feasible way to count them all.¹⁹

Due to its passage through GRBZs and trail visitation’s impacts on road density in BMUs, there must be proactive and effective methodology for tracking visitation on the PNT.

The EA fails to assess any alternatives to the proposed action and in [“Consideration of No Action”] fails to do any assessment of the [“No Action Alternative”] simply stating, [“No action”] means that current public land management allocations, activities, and management direction found in the various management plans for areas through which the trail passes would continue, without any additional management guidance in the proposed comprehensive plan.²⁰ This approach relies on existing plans without any evaluation of the validity of the existing plans. Some of the plans referenced are currently being litigated. The EA goes on to state, [“The No-Action Alternative includes analysis of ongoing management and activities on federal lands, which will serve as the baseline for the analysis of all alternatives. Current trends described in the Potentially Affected Environment sections would be anticipated to continue.”]²¹ This [“ongoing management,”] references activities that may or may not be occurring or may or may not occur in the future and guidelines that may or may not be enforced on the ground. This EA is built on a presumed

baseline that makes false or unsubstantiated claims of past, current, and ongoing management.

The PNT route proposed as Alternative 1[ndash]Proposed Action in the EA intersects land under the management jurisdiction of multiple agencies and private landowners. Along the proposed PNT route, there are multiple agency actions being implemented or assessed for implementation that, along with the proposed trail, will have cumulative impacts on the environment. The Pacific Northwest National Scenic Trail Comprehensive Plan Environmental Assessment fails to address these cumulative impacts or assess for comparison, the impacts of other proposed trail alternatives.

The PNT route designation does not exist in a vacuum. The trail route bisects four federally designated Grizzly Bear Recovery Zones (GBRZs) and will be one of multiple projects affecting the landscape. Of concern are the numerous logging projects degrading core habitat in the Cabinet/Yaak GBRZ and the cumulative impacts of these projects and the designation of the PNT route through the same landscape.

There are four proposed logging projects in the Yaak Valley alone, Black Ram, Knotty Pine, Pleasant Pheasant and the South Yaak Salvage and another nearly complete project, Buckhorn that will have detrimental impacts to core grizzly bear habitat. Impacts of these projects must be assessed cumulatively with effects of establishing a high use thru-hiker trail.

In *Fritiofson v. Alexander*, the United States Court of Appeals, Fifth Circuit found, [ldquo]NEPA regulations require an analysis, when making the NEPA threshold decision, to determine if it is reasonable to anticipate cumulatively significant impacts from the specific impacts of the proposed project when deciding the potential significance of a single proposed action, a broader analysis of cumulative impacts is required. The regulations clearly mandate consideration of the impacts of actions that are not yet proposals and from actions-past, present and future-regardless of what agency undertakes other such actions.[rdquo]²²

The National Environmental Policy Act, 42 U.S.C.S. [sect] 4332(2)(C)²³, requires federal agencies to address the cumulative impacts of a project and consider adequate alternatives. 40 C.F.R. [sect] 1508.724 defines a cumulative impact as [ldquo]...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency, federal or non-federal, or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.[rdquo]

In addition to the cumulative impacts associated with past, present and future logging projects, there are concerns related to road density analysis and the impacts to road density and road and trail fragmentation to secure core grizzly bear habitat. Habitat security is paramount to grizzly bear management. Fragmentation of habitat compromises population viability, reduces a species ability to respond to climate change, and ultimately may reduce biodiversity.²⁵ Avoidance of human activities by wildlife is an important consideration in management decisions. Cumulative effects models for grizzly bears have shown bears avoid areas of human activity and show high levels of avoidance to roads and high use trails. This avoidance extends to high quality habitat adjacent to areas of high human activity. Grizzly bear avoidance of high quality habitat due to human disturbance forces bears into lower quality habitat.²⁶ Of particular concern is the reduction in female movement rates in areas where human activity is high.²⁷ The Yaak grizzly population is dependent on female bear immigration into the CYGBRZ for population viability.²⁸ Female mortality is particularly critical to population viability so that even small incremental increases in mortality risk or disturbance are a threat within occupied habitat.²⁹

The interruption of movement by fragmentation is a major force underlying the recent extinction crisis.³⁰ Movement is an important process in population ecology,³¹ chiefly allowing species to meet their ecological needs, but also helping them persist during dramatic ecological changes such as those brought on by human development and changing climates.³² The Draft CMP does not do a thorough job of considering climate

change's effects on grizzlies and other species of concern, including but not limited to threatened, sensitive, and endangered species.

The ecological effects of roads on wildlife and habitat quality have been well documented as one of the most important factors that contribute to ecosystem disruption and degradation.³³ Roads impact wildlife directly through vehicle collisions and indirectly through human access to grizzly habitat. The Yaak grizzly population suffered the loss of three female bears in 2022, only one from natural causes (W. Kasworm, personal communication, April 11, 2023). This is an enormous setback for the Yaak grizzly population.

Calculating road density makes determining use limits for the trail prior to implementation of the standards an imperative. Visitation to and use of the trail by local and thru hikers affects road density in each BMU in the Cabinet-Yaak Grizzly Bear Recovery Zone. Visitor capacity, if not limited, will alter established road use within core grizzly bear habitat and can have consequences for forest management. According to a review of forest plan amendments for access management within the Selkirk and Cabinet- Yaak grizzly bear recovery zones, a core area is defined as follows:

[Idquo]An area of secure habitat within a BMU that contains no motorized travel routes or high use nonmotorized trails during the non-denning season [non-denning season includes the dates 4/1-11/15 (SRZ) or 4/1-1/30 (CYRZ), inclusive] and is more than 0.3 miles (500 meters) from a drivable road. Core areas do not include any gated roads but may contain roads that are impassible[sic] due to vegetation or constructed barriers. Core areas strive to contain the full range of seasonal habitats that are available in the BMU.[rdquo]³⁴

Currently, the Bear Habitat Units (BMUs) of the Kootenai National Forest have been designed with access management limitations to meet IGBC standards for [Idquo]core security areas[rdquo] for female grizzly bears.³⁵ For non-motorized recreation trails, this includes consideration of the degree of human use where IGBC task force standards ensure that [Idquo]high-intensity trails[rdquo] are considered in maintaining core habitat in BMUs. Three designated BMU core areas, frequently used by female grizzly bears with cubs, are crossed in the Yaak GBRZ by the current PNT route.³⁶ According to the 1998 revised Taskforce Report on Grizzly Bear/Motorized Access Management,³⁷ no roads or trails that receive non-motorized high intensity use as defined in established cumulative effects definitions can be included in identified core areas.

So the high intensity PNT that fragments prime core grizzly habitat in BMUs known to support female grizzlies with cubs loses its [Idquo]core habitat[rdquo] designation and protections due to human recreational infringement.

For grizzly bear core area calculations, high-intensity use trails, receiving an average of 20 or more parties per week,³⁸ must be buffered by 500 m, the same as for motorized routes,³⁹ effectively increasing road density within the BMU. This would then affect and alter the allowable limits of local motorized access on established roads. The current PNT route would add 27 miles of high use trail, receiving an average of 20 or more parties per week, within the Yaak BMUs, effectively closing 27 miles of established road or high use trail.

[Idquo]Except as provided above for road stabilization projects, no reductions in core habitat without in-kind replacements would be proposed until all BMUs administered by the IPNF, KNF and LNF in the respective ecosystems are up to standard (table 25; which does not include the LeClerc BMU or the Idaho State Lands BMU in the Selkirk recovery zone).[rdquo]

[Idquo]Reductions of core area within individual BMUs shall not reduce the percent core area below the minimum standards for the affected BMU without compensating with in-kind replacement concurrently or prior to incurring the losses (see Part I.B.3.).[rdquo]⁴⁰

Where will this new [Idquo]core habitat[rdquo] come from?

Core areas with no open or gated roads are strongly preferred by bears.⁴¹ The effectiveness of road closures such as gates to block access and close a road in core grizzly habitat has been questioned.⁴² The Yaak Valley Forest Council traveled the 95,412-acre Black Ram project area to document the effectiveness of USFS Motor-vehicle (MV) road closures/barriers. Multiple roads were found to have ineffective barriers that can easily be bypassed, and at times no barriers were present at all in violation of IGBC standards. Additionally, multiple unmapped user-created roads have been documented increasing road density in core grizzly bear habitat.⁴³ The Draft EA, proceeding as it does upon a foundation of illegitimate and incomplete data, therefore is destined to yield a flawed and incomplete product: one that gallops toward a predetermined desired political condition while bypassing science and varying statutes within a loose lattice of authorizing language.

Despite The National Trails System Act⁴⁴ [16 U.S.C. 1244 Sec. 5(b)(9)] directing managing agencies to consider economic development of routes, there is no analysis of this directive in this Draft EA.

16 U.S.C. 1244 Sec. 5(b)(9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail;

The subsection also directs the managing agency to develop trail studies in consultation with interested interstate, State, and local governmental agencies, public and private organizations and to determine economic feasibility.

[Idquo]Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible.[rdquo]⁴⁵

This consultation with state, and local governmental agencies, public and private organizations consultation was not done. The EA inaccurately represents the only two public meetings which occurred in Montana, both of which were overwhelmingly in favor of [Idquo]no trail.[rdquo]

The 1980 Congressionally commissioned report found:

[Idquo]...that while a trail extending between the Continental Divide and Pacific Ocean would cross some of America[rsquo]s most breathtaking and varied landscapes, it is overwhelmingly evident that development of the trail as a continuous entity is neither feasible nor desirable.[rdquo]⁴⁶

The agency simply assesses, lightly, that which it chooses to, and avoids assessing that which might interfere with the agency[rsquo]s (and its partnering organization) rush toward distributing a [Idquo]plan.[rdquo] It[rsquo]s a shame we have to spell it out in this document: Conserving core grizzly bear habitat is vital to the imperiled Yaak grizzly population and to the character of the Yaak Valley.

The PNT as proposed, unlike other long distance thru-hike trails, runs east and west versus north and south and spans a narrow range of latitudes, resulting in a shorter, more compressed season for thru-hiking. This season, roughly mid-June to mid-September, is congruent with high levels of grizzly bear activity within core habitat in the Recovery Zones.

Development of the PNT along the trail's current conditional northern route will further stress the small, relatively isolated grizzly population in the Cabinet-Yaak ecosystem at a time when the Yaak's grizzly population's resilience is low, and when grizzly recovery in the lower 48 can only be achieved by significantly increasing, not decreasing, protections for grizzlies in the region.

The U.S. Fish & Wildlife Service's 2021, Grizzly Bear in the Lower-48 States Five-Year Status Review concludes that the CYE population of grizzlies is the most vulnerable of the four populations in the lower 48, with a current resilience of "low" due to the very low population numbers, low genetic diversity, and low fecundity of females. The review further concludes grizzly bears are likely to become extinct in the foreseeable future throughout all of its range.⁴⁷

The USFS and USFWS have a duty to conserve ESA listed species, including the threatened grizzly bear, under Section 7 of the Endangered Species Act (ESA), which requires federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the existence of any species listed under the ESA, or destroy or adversely modify designated critical habitat of any listed species. Altered road density within BMUs and the establishment of a high-use recreation trail, both degrading core habitat, violates this fiduciary responsibility.

The Yaak Valley Forest Council requested an independent, scientific review,⁴⁸ completed in 2018 by Dr. Frank Lance Craighead and Wayne P. McCrory, of the proposed PNT route through the Yaak with the purpose of assessing potential risks to grizzly bear recovery in the Cabinet-Yaak Ecosystem and to determine how potential risks could be avoided. That there is no mention of this existing peer-reviewed science is further evidence to the assertion above that this document is neither a scientific "EA" nor a usable CMP. It is little more than a glorification of a recreational ethos, or lack of one, in which recreation in the farthest, furthest, most sensitive areas is paramount and all other issues must find a way to fit that narrative, or be trampled. Vague language throughout about mountain biking, recreational shooters, not to mention recreational trends not yet dreamed or manufactured, populate these pages, while the unadmirable narrative of how the enabling paragraph in the Omnibus bill is bypassed in the "history" section. The PNT was denied for 32 years for a reason: it was bad for Yaak grizzlies and successful implementation would be cost prohibitive. So now the grizzlies and the American public are being forced, through this cursory and recreation-based document, to accept a thing done poorly, instead of not at all. All resources lose in such a situation.

As one of the USFS's quality-control and accountability partners the YVFC finds ourselves required in this situation to enter into the government record that which has been forgotten or lost or disposed of by the EA: the Best Available Science findings of the Craighead-McCrory assessment (Appendix B). The assessment concluded, as did the original 1980 Congressional review, that the final route for the PNT should avoid the northern route proposed in the Yaak, which cuts through 21 miles of the U.S. Forest Service designated Grizzly Bear Core habitat. Both studies identified several alternatives to limit impacts to Cabinet-Yaak grizzlies. The study went on to state the PNT northern route through the Yaak will have a serious negative effect on grizzly bears through displacement of bears from high quality alpine habitats during the critical summer and fall feeding seasons concluding, "...the best method to reduce the impacts of the PNT on grizzly bears and their recovery in the Yaak (and at the same time reduce human and bear risk and exposure in bear country) would be for the NEPA-EIS to thoroughly review alternatives and design an optimal route that provides as small as possible an environmental impact footprint by minimizing overlap of the trail route with important seasonal grizzly bear seasonal habitats."⁴⁹

This finding is supported by a DNA study⁵⁰ that concluded grizzly bears in the Cabinet- Yaak Ecosystem, due to its small population, isolation and inbreeding, demonstrate the need for comprehensive grizzly management to support population growth, and increase connectivity with other grizzly populations.

Additionally, a peer new reviewed study⁵¹ supports Mattson's findings showing even short-term disturbance by low human presence can impact wildlife causing them to flee an area or disrupt foraging behavior.

Long term impacts noted are decreased reproduction, increased stress, and spatial and temporal displacement. Large mammals, including grizzly bears, are noted as species of special concern due to their large space requirements, low population densities and low birth rates. In the Yaak ecosystem, where alpine habitat is extremely small and limited, there are no other suitable habitats to be displaced into, from such season-long disturbances.

Summary: A Report Based on a Joint Study by the Forest Service and National Park Service
Issues and science explored in the 1980 Joint Study authorized by Congress were ignored.

The study found that development of a Pacific Northwest Trail would likely have a major adverse impact on the endangered grizzly bear and on the many fragile high elevation areas the trail would cross. If the trail was routed to avoid those areas, then it would miss some of the study area's most scenic portions. If the most scenic route was followed, but the trail managed so that the amount and kinds of use permitted were consistent with protecting the grizzly bear and the fragile high areas, then use of portions of the trail would have to be sharply limited. For example, in Glacier National Park, trails are closed to use when grizzly are observed in the vicinity. In Olympic National Park, overnight use is not permitted in fragile high elevation areas that are eroding because of overuse.

While a Pacific Northwest Trail would cross many areas of outstanding scenic and recreational value~ many miles in eastern Washington cover lands on which a system has not been constructed in the past due to a lack of recreational values or priorities.

Based on a comparison of the amount of trail use presently occurring along the Pacific Crest Trail in Washington and Oregon, the study estimates that there would be approximately 100,000 recreation days use made of a Pacific Northwest Trail during the first year of full operation, increasing to approximately 200,000 recreation days use 40 years after the trail became operational. However, most of that opportunity is already available in the trail networks presently existing in the national parks and national forests which occupy more than 70 percent of the study area. The amount of new trail opportunity which would be provided, therefore~ would be only a small fraction (estimated to be 25 percent) of the projected use. True, there would be opportunity for trail users to travel from one end to the other, an opportunity not now conveniently available. However, the number of people who could be expected to avail themselves of the opportunity to travel the full length of the trail, based on estimates of such use of the Appalachian Trail and the Pacific Crest Trail, would be insignificant in comparison with the total regional trail use (emphasis added).⁵²

Current trails already provide low intensity access to the majority of the landscape proposed for the PNT. Linking current local access trails and placing the benefit of a few thru-hikers over the recovery of grizzly bears lacks merit.

It also is not noted in this Draft EA that the PNT, due to being one of the shortest thru- trails, tends to attract a higher percentage of first-time thru-hikers. Other useful facts not included in this EA are the abysmal scores PNT hikers achieved (or failed to achieve) on quizzes distinguishing differences to identify black bears and grizzly bears, according to a University of Montana survey. (The same survey, long ago abandoned, showed that sections of the PNT in the Yaak were already exceeding the generous 20 parties-per- week threshold that would classify the trail as an [ldquo]open road.[rdquo])

The DRAFT Carrying Capacity Report for the Pacific Northwest National Scenic Trail recognizes grizzly bear recovery area management requirements as the Limiting Factor to visitor capacity; however, there are no parameters for capacity established or enforceable offered in the EA. The report states the USFS will, [ldquo]Continue monitoring visitor use levels within the Cabinet-Yaak and Selkirk Mountains grizzly bear recovery zones to determine if any of the trail stages are approaching the 20 parties per week threshold.

Establish trigger points and associated management actions.[rdquo]⁵³However, the EA does not reference any

established methodology or establish a methodology, or reference any historical visitation tracking information. There are no recommended management actions before or after the vaguely defined high intensity use trigger points that address impacts to grizzly bears. The simple mitigation measures offered focus on reducing risk to human trail users, not bears.

Carrying capacity of the PNT is intimately tied to open road densities in each BMU. Miles of open roads and [ldquo]closed[rdquo] roads with insufficient barriers will impact how many hikers are able to visit the trail. Conversely, the number of hikers visiting the trail will impact miles of open road in the BMU. Failure to monitor both metrics has already led to violations of road density standards.

Additional Unassessed Detrimental Impacts of the PNT Border Security

The CMP offers no mention or direction for border security issues. There is no assessment of border permeability issues or the additional burden that will be put on Border Patrol agents to cover a trail that for much of its length hugs the Canadian border. Increased trail traffic will require enhanced border security measures. There are locations on the trail where more adventurous hikers can literally hop and skip over the line into Canada and back.⁵⁴ In the more heavily forested sections, such transgressions may evade even the scrutiny of drones. Recreationists crossing the border illegally from Canada back into the United States are committing a federal crime, and risking a year in jail and a \$5,000 fine.⁵⁵

Consultation

Failure to include in document the absence of consultation with local county commissioners and other parties. Inaccurate representation of the only two public meetings that happened in Montana, both of which were overwhelmingly in favor of no trail.

[ldquo]No Trail[rdquo] Alternative

The EA fails to consider a [ldquo]No Trail[rdquo] Alternative. While it is true the trail has been Congressionally designated, it is clear within the Kootenai National Forest section of the trail, at least, and in the recovery area for Yaak grizzly bear population, the agencies[rsquo] (USFS and USFWS) continuing inability to satisfactorily comply with the management aspect of the enabling legislation and continued unwillingness or inability to monitor trail usage, which is a very significant component in thus-far unassessed cumulative impacts a very real and ecologically sound alternative would be the moratorium of a tempora; [ldquo]No Trail[rdquo] alternative until these cumulative effects can be measured in whole ([ldquo]cumulative[rdquo]) rather than in piece by piece part, such as the document herewith. Even as independent biologists from around North America point out the demerits of the existing route, the USFWS[rsquo] own biologist acknowledges that no trail at all is what[rsquo]s best for the Yaak grizzlies.⁵⁶ After 7-plus years of attempted collaboration with the agencies and hikers[rsquo] club and other affected parties and stakeholders, the Yaak Valley Forest Council is beginning to seriously examine this alternative and wonder why it is not suggested or addressed here. In no place of the (brief; one-paragraph) enabling legislation of the 1200- plus mile trail did Congress authorize or encourage the continued diminishment of any endangered species habitat, least of all the grizzly bear: beneath whose umbrella of habitat are sheltered also wolves, wolverine, boreal toads, long-toed and Couer d[rsquo]Alene salamanders, leopard frogs, and the rest of Montana[rsquo]s long list of sensitive species and species of concern and endangered and threatened species, fully 25% of which are found on this one national forest alone.

Travel Hazards and Public Safety

Failure to discuss current hazards for road users, particularly on U.S. Highway 37, where the legislated trail directs thru-hikers to hike on a high-speed international transit corridor;

Service failed to address the impacts of the current proposed route on public safety issues, including an increased strain on limited emergency services of a rural area. The route, as proposed, goes through areas of the Yaak with very little and sporadic fresh water sources and extremely restricted cell service. This, in conjunction with the likely increase of human bear interactions, can yield an uptick in emergency situations, and strain the volunteer search and rescue services available in the surrounding area.

The southern route is more accessible to search and rescue operations and would extend seasonal access for a substantially longer hiking season. The Southern Route is a non-substantial relocation that would address public

safety and grizzly population concerns.

Economic and Community Impacts

Failure to analyze economic impacts/opportunities of trail, another factor in assessing/analyzing [ldquo]fitted-ness[rdquo] of the current trail location, and one of the key directives of the National Trails System;

Failure to disclose support and volunteer opportunities from local businesses in Montana, particularly in the long-desired Libby-to-Troy corridor (outside of designated core grizzly habitat);

The PNT, as currently proposed, requires hikers to take a 14-mile detour on the Yaak highway to meet even the most modest re-provisioning needs. The Southern Route passes through two larger cities providing hikers with resupply options. Under Service[rsquo]s Optimal Location Review, the Southern Route is supported by numerous principles,⁵⁷ most importantly allowing for the trail to sustain the types and amounts of expected use and can be maintained to avoid unacceptable environmental costs.

Water Sources

Water sources[ndash]the limiting factor for human survival[ndash]are stated as being insignificant to trail management/existing route, even while planning to create human-made watering sources in the backcountry should it become [ldquo]necessary.[rdquo]

Climate Impacts

Failure to assess or acknowledge the cumulative impacts of trail visitation and changing climatic conditions on endemic TES species including loss of habitat security and forage availability-including huckleberries-for grizzly bears, potential for water loss in a changing climate, and a greater concentration of grizzlies in riparian areas.

Davis Fire

Failure to address the cumulative impacts of loss of habitat and breeding wetlands for amphibians due to wildfire.

Subdivisions

Failure to address two, potentially three, subdivisions in development stages in the Yaak valley.

Rerouting a National Scenic Trail

YVFC requests that the agency sincerely considers a minor reroute of the portion of the PNT that currently runs through the northern Yaak Valley out of the CYE[rsquo]s core grizzly bear habitat, or, lacking that, place a moratorium on thru-hiking in the Yaak region until such point as the grizzly population in this ecosystem has reached recovery as defined in the 1993 Grizzly Bear Recovery Plan.

During the scoping process, YVFC proposed an alternative route that sends the PNT thru-hikers south of the Yaak Valley, away from grizzly core recovery zones, and along a similarly beautiful, wild, and remote in character. The proposed Southern Route summits peaks with sweeping views and lookout towers, traverses cedar and hemlock forests, and accesses the larger better equipped towns of Libby and Troy. The Southern Route could bring economic benefits to these communities while reducing the likelihood of border patrol interactions.

Rerouting of a National Scenic Trail is allowable under 16 USC 1246(b): Administration and Development of National Trails System. Per the National Trails System Act, the National Trails System shall be [ldquo]designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.[rdquo]⁵⁸

Grizzly bear recovery is a pre-existing established use of the area.

Under the National Scenic Trails Act, the USFS has the authority to make this modest alteration in the Yaak portion of the 1200-mile-long trail. Non-substantial relocations, indicated as less than 10% of the trail in the CMP⁵⁹ may occur to promote sound management practices if the following conditions under 16 U.S. Code [sect] 1246(b) are met:

(b) Relocation of segment of national, scenic or historic, trail right-of-way; determination of necessity with official

having jurisdiction; necessity for Act of Congress

After publication of notice of the availability of appropriate maps or descriptions in the Federal Register, the Secretary charged with the administration of a national scenic or national historic trail may relocate segments of a national scenic or national historic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: Provided, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress. (emphasis added)⁶⁰

Non-Substantial relocations are under the purview of the Secretary of the managing agency. Up to 120 miles of the PNT can be relocated (using the 10% in the DCMP) without an Act of Congress. Only 76 miles of the 1156-mile proposed route, 7% of the total length, would pass through the CYGBRZ, rerouting this section of the trail falls within the non-substantial 10%. Failure to address sound grizzly bear management practices at the onset of route designation will have predictable and avoidable negative impacts to the struggling but recovering, ESA threatened, Yaak grizzly bear population.

Confrontations between PNT recreationists and grizzly bears, likely ending in bear mortality, is a threat to the recovery of Yaak grizzly bears. [Idquo]The timing, amount and types of human recreational use on hiking trails and roads has a strong bearing on the risk of grizzly bear-people encounters (as well as displacement of grizzly bears), just as would the estimated number of grizzly bears in the Yaak at full recovery magnify the encounter risk (and displacement) effect.[rdquo] [Idquo]The peak of PNT recreation use after build-out would coincide mostly with the Yaak grizzly bear summer season (June 16-Sept. 15) and to a lesser extent with the grizzly bear spring season (April 1-June 15) and the fall season (Sept. 16-Nov. 30). This is relevant in terms of the overlap of PNT seasonal recreation use with grizzly bear seasonal habitats and travel corridors and their relationship to grizzly bear encounter risk and habitat displacement[rdquo]⁶¹

Recreationist/grizzly bear conflict is of particular concern in the Yaak grizzly population. The most likely type of dangerous encounter would be defensive behavior by mother grizzly bears with cubs, bears critical to population recovery, due to surprise at close range.⁶² Statistics show females with young were involved in at least 74% of injurious encounters with hikers even though they comprise only 16-20% of grizzly bear population.⁶³ Avoiding key high quality habitats would reduce the risk of encounters leading to injury or death or recreationists and grizzly bears. Grizzly Bear management can be enhanced through identification of seasonally important grizzly feeding areas and travel routes, then rerouting visitor use or redesigning trails in dangerous areas. These management actions would thereby reduce sites of grizzly bear-human confrontations in the future.⁶⁴

Grizzlies and other animals can be displaced from needed resources by human activities on trails, often without the knowledge of recreationists. This [Idquo]unintentional harassment of animals and[hellip] entry into grizzly bear habitat can displace bears or, where bears habituate to humans, lead to encounters that eventually result in destruction of the bear.[rdquo]⁶⁵To minimize the risk to grizzly bears an EIS must be prepared that analyzes alternate routes that reduce displacement and encounter risk. Yet, no other Alternatives have been mapped for the present government review process.

The proposed northern route passes through high elevation mountain ranges suited to winter recreation. Winter recreation may impact denning grizzly bears and wolverine natal/maternal dens, another consideration the EA fails to address.

In addition to the ecological benefits of rerouting the trail to the south, there are economic benefits for the local community. A southern reroute would benefit local businesses in the cities of Libby and Troy. According to Headwaters Economics, an independent Montana- based research group, [Idquo]Trails can generate business impacts and create new jobs by attracting visitors, especially overnight visitors.[rdquo] Trails attract new

residents as well as visitors, increase property values, and improve public health.

The economic impact of a trail on a town is directly correlated to the town's distance from the trail and the amenities the town has to offer, including laundromats, restaurants, grocery stores, medical care, and access to public transportation. The towns of Troy and Libby are perfectly poised to benefit from the PNT. Over 30 local businesses in Libby and Troy support a southern reroute.

The purpose of any National Scenic Trail is to conserve the natural resources within the trail corridor. This includes not only protecting the natural beauty, but the habitat and its wild inhabitants. All possible steps and alternatives designed to avoid negative impacts to threatened grizzly bears must be taken. Rerouting the proposed trail out of the Yaak is a proactive step to preemptively mitigate reactions to future avoidable conflict, potentially death or injury to a human and the subsequent management action resulting in the death of a grizzly bear. With only 3 females with cubs of the year in the last survey,⁶⁶ the loss of even one female to the population would have a serious impact, threatening extinction of the population. Human encounter is a leading cause of grizzly bear mortality, either directly or through subsequent management actions.

We can protect ecosystems not only through our choices of where we locate recreational trails with their associated protections, but by our choices of where to not locate recreational trails. Grizzly Bear Recovery Zones should prioritize grizzly bear recovery over human recreation. A wild place without its wildlife is diminished scenery.

Loss of habitat due to human encroachment is displacing wildlife at record pace. There remain but few wild places for wildlife like grizzly bears to thrive. Much of that habitat is designated within the Grizzly Bear Recovery Zones. Surely, we can allow space away from human activity for other species to survive if not thrive. Suitable secure grizzly habitat away from population centers must be retained and prioritized, as already designated, for grizzly recovery.

In conclusion, all steps necessary to protect and conserve the Yaak grizzly bear population and other endemic endangered species⁶⁷ must be taken. Full analysis of impacts and consideration of a full range of alternatives is required by the ESA, NEPA and by the stated purpose of the trail. The Southern Route, and other alternate routes, should be given full consideration as alternatives in an Environmental Impact Statement. The current EA is inadequate. Further, the managing agency—the U.S. Forest Service—has full authority to modify the route in areas where the current location conflicts with grizzly bear recovery, hiker safety or results in resource damage. Re-routing out of designated core grizzly habitat in the Yaak is a clear need and on a 1200-mile-long trail fits well within the agency's authority.

The document we have reviewed is not a Comprehensive Management Plan. It is a comprehensive carte blanche for unmonitored recreation in the most sensitive habitat in the public lands treasury.

Attachment: Appendix A

Table of Friends of the Southern Route

Attachment: Appendix B

Potential Impacts of the Proposed Pacific Northwest National Scenic Trail Route on threatened grizzly bears and their recovery in the Yaak watershed area, and Montana

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