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October 2, 2023

North Fork Ranger District Attention: District Ranger Andrew Skowlund 12740 Highway 12 Orofino, ID 83544

Subject: Draft Supplemental Environmental Impact Statement, Clearwater National Forest Travel Planning

Dear Andrew Skowlund:

We are writing on behalf of the Idaho Conservation League (ICL), Great Burn Conservation Alliance (GBCA), and Wild Montana to comment on the Draft Supplemental Environmental Impact Statement (DSEIS) for the Clearwater Travel Management Plan.

ICL has been protecting Idaho[rsquo]s environment since 1973. Our mission is to create a conservation community and pragmatic, enduring solutions that protect and restore the air you breathe, the water you drink, and the land and wildlife you love. ICL represents over 26,000 members and advocates, and we protect these values through public education, outreach, advocacy and policy development.

GBCA is a 52-year-old organization that works to foster the connection between people and place to further conservation and stewardship in the Great Burn ecosystem. GBCA field staff and volunteers spend thousands of hours in the backcountry every year, restoring wildlife habitat, improving recreation opportunities and minimizing human impacts throughout our 1.9-million-acre wildland mission area. We are the only organization dedicated solely to the protection and stewardship of this area.

Since 1958, Wild Montana has been uniting and mobilizing people across Montana, creating and growing a conservation movement around a shared love of wild public lands and waters. Wild Montana and our more than 3,500 members are invested in the ecological integrity, wilderness values, and quiet recreation opportunities on public lands. Our members care deeply about adjacent Idaho wildlands and consider the Nez Perce-Clearwater as much a part of our wild backyard as the Lolo and Bitterroot National Forests.

Introduction

The Clearwater National Forest released a proposed action for the Clearwater Travel Plan (TMP) in November of 2007. A Draft Environmental Impact Statement (DEIS) was subsequently released for public comment in July of 2009. Three action alternatives were considered and analyzed including the [ldquo]Minimal Travel Management Rule Implementation Alternative[rdquo] (Alternative B), the [ldquo]Motorcycle Loop Trails and Wildlife Habitat Alternative[rdquo] (Alternative C), and the [ldquo]Wildlife and Recommended Wilderness Emphasis Alternative[rdquo] (Alternative D). The Forest Service received 545 comments on the DEIS, and in response to those comments, the agency developed a modified version of Alternative C, which included additional motorized trail opportunities.

In November 2011, the Forest Service issued a Record of Decision (ROD) approving Alternative C Modified. The 2011 ROD designated 2,961 miles of roads for public motorized travel, 749 miles of trails for motorized travel, 988 miles of trails for mountain biking, and over 1.3 million acres for over-snow vehicle use. With the exception of the Fish Lake Trail, all areas and routes in Recommended Wilderness Areas (RWAs) were closed to motorized

and mechanized travel to preserve the wilderness characteristics of the Great Burn (Hoodoo), Mallard-Larkins and Selway-Bitterroot Addition RWAs.

The Idaho State Snowmobile Association and the Blue Ribbon Coalition challenged the 2011 ROD in 2015 because they didn[rsquo]t like the closure of RWAs to motorized and mechanized travel. The motorized recreation groups agreed to dismiss their lawsuit when the Forest Service promised to revisit RWA boundaries and restrictions during forest plan revision.

Friends of the Clearwater also challenged the 2011 ROD, and in a 2015 ruling, the court found that the Forest Service violated the 1987 Clearwater Forest Plan by failing to account for motorized trail use in the elk habitat effectiveness (EHE) calculations presented in the 2011 Final Environmental Impact Statement (FEIS). The court also found that the Forest Service violated the Travel Management Rule by failing to apply the Rule[rsquo]s minimization criteria to its travel management designations.

In 2017, the Forest Service released a new ROD and a Supplemental Environmental Impact Statement (SEIS). Friends of the Clearwater again challenged the Forest Service, and in a 2022 ruling, the court found that the agency violated the 1987 Clearwater Forest Plan[rsquo]s requirement to maintain 100% EHE in management areas A3, B2, C1 and C6. The court also ruled that while a route-by-route application of the Travel Management Rule[rsquo]s minimization criteria is not necessarily required, the Forest Service must at least document how the minimization criteria were considered on a route-by-route basis.

In order to preserve the status quo, the Forest Service proposes in this second SEIS to amend the 1987 Clearwater Forest Plan and change the EHE standards for management areas A3, B2, C1 and C6 from 100% to 90%. The latest SEIS also documents how the Travel Management Rule[rsquo]s minimization criteria were considered on a route-by-route basis.

Meanwhile, the Nez Perce-Clearwater National Forest is in the process of writing an entirely new Forest Plan for the consolidated Nez Perce and Clearwater National Forests. A Draft Revised Forest Plan and Draft Environmental Impact Statement (DEIS) were released for public comment in 2019. Although a Final Revised Forest Plan has yet to be approved, the 2019 Draft signals that the Forest Service intends to do away with or greatly relax many of the protective standards of the 1987 Clearwater and Nez Perce Forest Plans, which benefit fish and wildlife. The 2019 Draft did not contain any requirements for elk habitat security or any other species for that matter. Instead, the 2019 Draft Revised Forest Plan contained only aspirational language to [ldquo]maintain or improve elk habitat use and provide nutritional resources sufficient to support productive elk populations[rdquo] by retaining an unknown quantity and distribution of areas [ldquo]at least 5000 acres in size[hellip]without motorized access.[rdquo]1

Additionally, the Recreation Opportunity Spectrum (ROS) allocations in Alternative Y of the Draft Revised Forest Plan suggest that the Forest Service intends to designate more motorized routes on the Clearwater National Forest after the new Forest Plan is finalized. Alternative Y allocates some of the existing non-motorized trail corridors to the [ldquo]semi-primitive motorized[rdquo] ROS setting 2 , suggesting that the Agency intends to designate some of the existing non-motorized trails for motorized use. Doing so would decrease habitat security for elk, grizzly bears and other species impacted by motorized access.

Elk

While we do not oppose the proposed Forest Plan amendments, we want to emphasize the need for protective standards for elk in the Revised Forest Plan. The Draft Revised Forest Plan acknowledges the importance of elk nutrition, but it downplays the importance of elk habitat security by omission of standards for elk habitat security or elk habitat effectiveness. This omission is despite the voluminous research demonstrating that motorized access affects the use of habitat by elk.

For example, Perry and Overly 3 estimated that roads reduced elk use up to [frac12] mile from the actual road in the Blue Mountains of Washington; elk avoided habitat in proximity to main forest roads the most and habitat near primitive roads the least. In some cases, elk use near roads was reduced by 95% relative to adjacent, similar habitats. Lyon 4 also confirmed that elk use consistently declined in areas near open roads across 3 large, non-contiguous western landscapes. As road densities increased above 2 miles of open road per square mile, habitat effectiveness (i.e., percent of expected use) declined rapidly (loss of 55-80% habitat effectiveness).

1 Draft Revised Forest Plan, page 66

2 Draft Revised Forest Plan, Map of Summer Recreation Opportunity Spectrum, Alternative Y North Half.

3 Perry, C., and R. Overly. 1977. Impact of roads on big game distribution in portions of the Blue Mountains of Washington, 1972-1973. Washington Game Department Report, Olympia, WA. 38 pp.

4 Lyon, L. J. 1983. Road density models describing habitat effectiveness for elk. Journal of Forestry 81:592-595.

Elk are also affected by off-highway vehicle (OHV) trails. In a study conducted in Oregon that examined elk responses to motorized off-highway vehicles (OHVs), mountain bikers, hikers, and horseback riders, elk were most disturbed by OHVs, followed by mountain bikers. 5 Elk responded by reducing foraging time and increasing movements immediately following exposure to disturbance treatments, relative to control elk that were not subject to disturbance. Preisler et al 6 also studied elk responses to experimental treatments involving OHV traffic exposure. They controlled for potentially confounding factors and demonstrated that elk reacted negatively to OHV traffic at distances up to 1,000 meters. They also found a high probability that elk would flee in response to OHV disturbance when the elk were near an OHV trail, even when the OHV was at a considerable distance.

While the availability of nutritious food sources is important to elk, they are less likely to utilize food sources in proximity to motorized routes. Lyon and Jensen 7 documented that elk use of clearcuts was clearly depressed in cuts in proximity to open roads compared to cuts that were further from open roads. Ciuti et al 8 found that elk reduced the time they devoted to feeding when they were closer to roads. Traffic volumes of 1 or more vehicles every 2 hours caused elk to be more vigilant. They noted that the highest level of vigilant behavior was associated with public lands where hunting and non-hunting recreational traffic produced a cumulative effect that strongly affected elk behavior. Interestingly, these authors found that human disturbance more strongly influenced elk behavior than did habitat or natural predators.

The proposed Forest Plan amendments are nothing more than a stop-gap measure to preserve the current travel plan until the Nez Perce-Clearwater National Forest approves a Revised Forest Plan. While the availability of nutritious forage should be an important component of the Revised Forest Plan, the available research strongly suggests that elk are less likely to utilize food sources within proximity of motorized routes. Therefore, it is essential that the Revised Forest Plan include limits on motorized access in areas capable of providing quality elk forage.

5 Naylor, L. M., M. J. Wisdom, and R. G. Anthony. 2009. Behavioral responses of North American elk to recreational activity. Journal of Wildlife Management 73:328-338.

6 Preisler, H. K., A. A. Ager, and M. J. Wisdom. 2006. Statistical methods for analyzing responses of wildlife to human disturbance. Journal of Applied Ecology 43:164-172.

7 Lyon, L. J., and C. E. Jensen. 1980. Management implications of elk and deer use of clearcuts in Montana. Journal of Wildlife Management 44:352-362.

8 Ciuti, S., J. M. Northrup, T. B. Muhly, S. Simi, M. Musiani, J. A. Pitt, and M. S. Boyce. 2012. Effects of humans on behavior of wildlife exceed those of natural predators in a landscape of fear. PLos ONE 7(11): e50611. doi:10.1371 / journal. pone. 0050611.

Grizzly Bears

The presence of grizzly bear in the Bitterroot Ecosystem makes necessary the careful consideration of management activities[rsquo] effects on the species. Grizzly bears were listed as a Threatened Species under the Endangered Species Act in 1975. The U.S. Fish and Wildlife Service[rsquo]s Grizzly Recovery Program designates six Recovery Zones for Grizzly Bear. These include the Bitterroot Ecosystem, which overlaps the Nez Perce-Clearwater National Forest. 9 The Clearwater Travel Management Plan DSEIS confirms the presence of grizzly bear in the Bitterroot Ecosystem and more specifically within the Nez Perce-Clearwater National Forest. 10 This acknowledgment aligns with broad recognition that grizzly bear are found in the area and are poised to return in greater numbers.

Like elk, grizzly bear are negatively impacted by roads, OHVs, and motorized travel 11 . Given these harmful effects, the protections of recommended wilderness benefit bears at an individual and species level. These benefits are confirmed in the SDEIS. 12 Although reinstating motorized access on the Fish Lake Trail would be detrimental to grizzly bear, the 2011 ROD[rsquo]s general prohibitions on motorized travel in RWAs supports species health and re-establishment in the Bitterroot Ecosystem. Therefore, we continue to support the balance of use established in the 2011 ROD.

Endangered Species Act Section 7 consultation is the obvious and requisite next step for the Forest Service in addressing the presence of grizzly bear in the Nez Perce-Clearwater National Forest. Because the presence of grizzly bear in the Bitterroot Ecosystem was not established by either the Fish and Wildlife Service or the Forest Service at the time of 2011 ROD, that decision did not incorporate an effects analysis for the species. Given the requirements of ESA Section 7, it is now necessary for the Forest Service to begin consultation with the Fish and Wildlife Service regarding the effects of the entire TMP on grizzly bear. As the action agency, the Forest Service is required to consult with the Fish and Wildlife Service when agency actions may affect a listed species. Further, the SDEIS states that assessment under Section 7 is appropriate. 13 We encourage this analysis, and urge the Forest Service to complete formal consultation with the Fish and Wildlife Service on these matters in a timely fashion. In doing so, the Forest Service will be (1) fulfilling the obligations it has set forth in the SDEIS, (2) meeting statutory requirements under Section 7, and (3) supporting effective and ecologically sound management of important grizzly bear habitat.

9 U.S. Fish and Wildlife Service. 2022. Grizzly Bear Recovery Program: 2022 Annual Report, page 12.

10 Clearwater National Forest Travel Planning: Draft Supplemental Environmental Impact Statement, page 3-9

11 U.S. Fish and WIldlife Service. 2011. Grizzly bear (Ursus arctos horribilis) 5-year review: Summary and evaluation

12 Clearwater National Forest Travel Planning: Draft Supplemental Environmental Impact Statement, page 3-4

13 Clearwater National Forest Travel Planning: Draft Supplemental Environmental Impact Statement, page 3-9

Wolverine

The Forest Service must update its analysis for wolverine. Since the approval of the 2011 ROD, additional research has been published concerning the effects of winter motorized recreation to wolverines. More recent habitat models have also become available. In particular, the Forest Service should consider the work of

Heinemeyer et al 14 who studied the responses of wolverines to backcountry winter recreation over six winters (2010[ndash]2015) in four study areas in Idaho, Wyoming, and Montana. They fitted GPS collars to 24 individual wolverines and acquired more than 54,000 GPS locations over 39 animal-years during winter (January[ndash]April). Simultaneously, they monitored winter recreation, collecting approximately 6,000 GPS tracks from over-snow vehicle users and backcountry skiers within the study areas. Wolverine and backcountry recreation data were integrated to assess patterns of wolverine habitat selection and evaluate the effect of backcountry recreation on wolverine habitat relationships. Heinemeyer at al found that wolverines avoided areas of both motorized and non-motorized winter recreation with off-road recreation eliciting a stronger response than road-based recreation. Moreover, female wolverines exhibited stronger avoidance of off-road motorized recreation and experienced higher indirect habitat loss than male wolverines. They also speculated that the potential for winter reaction to affect wolverines may increase under climate change as reduced snowpack concentrates wolverines and winter recreationists into smaller and smaller areas of persistent snow cover.

New habitat models that have become available include Inman et al 15 and a composite of Copeland et al 16 and Inman et al compiled by Idaho Fish and Game. 17 The model by Copeland et al used coarse-scale satellite data collected over a seven-year time period from 2000 to 2006 to classify areas of persistent spring snow in the northern hemisphere. Each pixel within the model is classified according to the number of years during the seven-year period where spring snow cover persisted until May 15th, which encompasses the end of the wolverine denning season. They found that wolverine dens in Scandinavia were most likely to be located in areas where spring snow persisted through May 15th in at least five years during the seven-year period.

The model created by Inman et al is a finer-scale model for the western United States. They delineated areas predicted to be maternal wolverine habitat suitable for use by reproductive females, primary wolverine habitat suitable for survival and use by resident adults, female dispersal habitat suitable for relatively brief female dispersal movements, and male dispersal habitat suitable for relatively brief male dispersal movements. This model is based on a resource selection function developed with wolverine telemetry locations from 2001 to 2010 in the Yellowstone area.

14 Heinemeyer, K., J. Squires, M Hebblewhite, J.J. O[rsquo]keefe, J.D. Holbrook , and J. Copeland. 2019. Wolverines in winter: Indirect habitat loss and functional responses to backcountry recreation. Ecosphere. 10(2): 1-23.

15 Inman, R. M., Packila, M. L., Inman, K. H., Mccue, A. J., White, G. C., Persson, J., . . . Sartorius, S. S. 2012. Spatial ecology of wolverines at the southern periphery of distribution. Journal of Wildlife Management. 76(4): 778-792

16 Copeland, J. P., Mckelvey, K. S., Aubry, K. B., Landra, A., Persson, J., Inman, R. M., . . . May, R. 2010. The bioclimatic envelope of the wolverine (Gulogulo): do climatic constraints limit its geographic distribution? Canadian Journal of Zoology. 88(3): 233-246.

17 IDFG. 2014. Management plan for the conservation of wolverines in Idaho. Boise, ID

The area modeled by Inman et al as providing primary habitat encompasses a broader range of elevations on the Nez Perce-Clearwater National Forests. In contrast, the areas modeled by Copeland et al as having persistent spring snow in at least five years out of seven, which are most associated with denning, are limited to the highest elevations along the Idaho-Montana border, the Gospel-Hump Wilderness, and the Selway-Bitterroot Wilderness. The areas of persistent spring snow modeled by Copeland et al are within the primary wolverine habitat modeled by Inman et al, which in turn is within the dispersal habitat modeled by Inman et al. While the Bighorn-Weitas Roadless Area encompasses the most overall wolverine habitat, the [ldquo]Great Burn[rdquo] or Hoodoo Roadless Area encompasses the most maternal denning habitat by far (35,727 acres). 18 In comparison, no single roadless area on the Forest other than the Great Burn encompasses more than 6,800 acres of maternal

denning habitat.

Both Idaho Fish and Game 19 and Schwartz et al 20 identify areas on the Nez Perce-Clearwater National Forests that are important for wolverine habitat connectivity and gene flow. The most important areas for connectivity on the Forest are along the Idaho-Montana border, including the [ldquo]Great Burn[rdquo] or Hoodoo Roadless Area, Meadow Creek-Upper North Fork Roadless Area, and Rawhide Roadless Area. 21

The EIS for the Clearwater Travel Plan must be updated to reflect the best available science concerning the effects of winter recreation to wolverine and the latest habitat models. Additionally, wolverine was not a candidate for listing under the Endangered Species Act when the 2011 ROD was approved. Since wolverine is now a candidate for listing, the Forest Service must consult with the Fish and Wildlife Service as required under Section 7 of the Endangered Species Act.

Conclusion

While none of the alternatives were perfect, The Idaho Conservation League, the Great Burn Conservation Alliance, and Wild Montana believe that the 2011 ROD struck an appropriate balance between competing motorized and non-motorized recreational uses. We also believe that Alternative C Modified as described in the 2011 ROD minimizes effects to wildlife as required by the Travel Management Rule. Nevertheless, the latest court ruling indicates that the Forest Service must either close motorized routes in management areas A3, B2, C1 and C6 in order to comply with the 1987 Clearwater Forest Plan or the agency must amend it.

While our organizations are not opposed to the proposed Forest Plan amendments, we remain concerned that the Forest Service intends to increase summer and winter motorized access in the future. The agency has not shown a commitment to enforcing the 2011 ROD. Instead, the Forest Service looks the other way whenever over-snow vehicle users and mountain bikers illegally ride in the Great Burn RWA. There[rsquo]s also the proposal to allocate some non-motorized trail corridors in roadless areas to a semi-primitive motorized ROS setting so that those trails can be designated for motorized use in the future.

In summary, we do not oppose the proposed Forest Plan Amendments because they will result in no changes to the 2011 Travel Plan, which we supported. However, we sincerely hope that the Forest Service will not use the Forest Plan revision process to pave the way for more motorized access in the future. We strongly encourage the agency to include protections for elk, grizzly bear, mountain goat, and wolverine in the Revised Forest Plan in the form of limits on motorized access. Any efforts to increase motorized access will prevent the attainment of elk and mountain goat population objectives and the recovery of grizzly bears and wolverines.

We hope that the forthcoming ROD will finally lay the Clearwater Travel Plan to rest for the foreseeable future. This would enable the Forest Service to complete Forest Plan revision and then turn its attention to the Nez Perce Travel Plan, which is long overdue.

18 Draft Environmental Impact Statement, Draft Revised Forest Plan, page 3.2.3.3 - 72.

19 Id.

20 Schwartz, M. K., Copeland, J. P., Anderson, N. J., Squires, J. R., Inman, R. M., McKelvey, K. S., . . . Cushman, S. A. 2009. Wolverine gene flow across a narrow climatic niche. Ecology. 90(11): 3222-3232.

21 Draft Environmental Impact Statement, Draft Revised Forest Plan, page 3.2.3.3 - 70.

Sincerely,

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