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Objection Reviewing Officer Northern Regional Office

U.S. Forest Service

26 Fort Missoula Road Missoula, MT 59804

Re: Objection to the revised Land Management Plan and Regional Forester[rsquo]s list of species of conservation concern for the Nez Perce-Clearwater National Forests.

Submitted electronically via: https://cara.fs2c.usda.gov/Public/CommentInput?Project=44089

January 26, 2024

To whom it may concern:

Pursuant to 36 CFR [sect] 219 Subpart B, I am submitting this objection to the revised Land Management Plan (LMP) and Regional Forester[rsquo]s list of species of conservation concern for the Nez Perce-Clearwater National Forests on behalf of the Idaho Conservation League (ICL). The Responsible Official who will approve the record of decision (ROD) for the Nez

Perce-Clearwater National Forests revised LMP is Cheryl Probert, Forest Supervisor for the Nez Perce-Clearwater National Forests, 1008 Highway 64, Kamiah, Idaho 83536, 208-935-4239.

The Responsible Official for the identification of the species of conservation concern for the Nez Perce-Clearwater National Forests is Leanne Marten, Northern Region Regional Forester, 26 Fort Missoula, Missoula, MT 59804.

Founded in 1973, the mission of ICL 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[rsquo]s seven strategic initiatives include tackling climate change, recovering Idaho[rsquo]s wild salmon and steelhead,

cleaning up the Snake River, protecting public land, restoring abundance and diversity of Idaho[rsquo]s wildlife, safeguarding North Idaho lakes and waters, and reducing pollution. The organization achieves these goals through public outreach and professional advocacy. With offices in Boise, McCall, Ketchum, and Sandpoint, the organization is a consistent, statewide voice for conservation in Idaho and represents more than 26,000 members and supporters. ICL[rsquo]s members and supporters care deeply about protecting and restoring the environment at local, state and national levels.

ICL has been involved in the Forest Service[rsquo]s efforts to revise the LMP for the Nez Perce and Clearwater National Forests since the beginning. We have comments in our files dating back to December of 2004, regarding the original Proposed Action. We also commented on the 2012

Proposed Action, the 2014 Proposed Action, the 2018 Framework for Alternative Development, and the 2020 Draft Environmental Impact Statement (DEIS).

We have numerous concerns with the Preferred Alternative, Final Environmental Impact Statement (FEIS), and Draft ROD as articulated below. While we appreciate the modest increase in the size of the Mallard-Larkins Recommended Wilderness and the addition of East Meadow Creek, we remain opposed to reductions in the Hoodoo RWA, which is also frequently referred to as the Great Burn. Changes to the boundary of the Great Great Burn will cause significant harm to the mountain goat herds and wolverines living in this landscape by opening huge portions of the area to what is currently prohibited snowmachine use. This change reverses decisions made in the 2012 Clearwater Travel Plan, which the Nez Perce-Clearwater National Forests have refused to enforce.

It is also difficult to understand the Forest Service[rsquo]s opposition to finding the North and South Fork Clearwater Rivers as not suitable for designation under the Wild and Scenic Rivers Act. These rivers have more outstandingly remarkable values than any other rivers and streams in the forest. A number of potential dam sites have been identified on both rivers, and although there may not be any proposals for dams or major water diversions at this time, the potential for such proposals to emerge during the life of the plan is high given the global push to reduce the use of fossil fuels and develop more sources of renewable energy.

Similarly, we also do not believe that the Preferred Alternative[rsquo]s [ldquo]coarse-filter[rdquo] plan components will provide the ecological conditions necessary to sustain or conserve viable populations of listed species and species of conservation concern. The allocation of Recreation Opportunity Spectrum (ROS) settings will result in an expansion of motorized access, which will negatively impact wolverine, grizzly bear and mountain goat in the absence of species-specific plan components that would otherwise provide protection for these wildlife.

Despite these concerns, ICL appreciates the changes that the Forest Service has made in response to prior comments. We look forward to working with the Forest Service to resolve our objections if possible. Proposed changes in summer ROS and winter ROS settings and recommended wilderness have also been submitted in the form of GIS data layers along with this objection.

Sincerely,

Brad Smith Conservation Director

Idaho Conservation League

Recommended wilderness
ICL is grateful that the Nez Perce-Clearwater National Forests (NPCNF) made a modest increase in the size of the Mallard-Larkins Recommended Wilderness Area (RWA) and added the East Meadow Creek Roadless Area to the list of RWAs. We look forward to discussing the boundaries of East Meadow Creek with the Forest Service in order to ensure that critical areas are added and the boundaries are manageable.

We also appreciate plan components that intend to prohibit non-conforming uses in RWAs (e.g. MA2-STD-RWILD-01 and -02 and MA2-SUIT-01, -03, -06, -07, -09, -11, -12, -13, -14, and -16),

although improvements to some of these plan components could be made to better ensure the protection of wilderness characteristics and the potential for these areas to be permanently added to the National Wilderness Preservation System (NWPS). As you know, Congress rarely designates wilderness in areas with conflicting uses. When Congress does act on a wilderness recommendation, portions of RWAs with non-wilderness uses are typically excluded in legislation (e.g. the Boulder-White Clouds). Therefore, it makes no sense to allow uses that are incompatible with wilderness in RWAs.

We remain opposed to changes to the Hoodoo RWA that reverse decisions made in the 2012 Clearwater Travel Plan. Changes to the Hoodoo RWA that legitimize illegal snowmobile and mountain bike use will greatly reduce the size of the RWA and cause significant harm to wolverines, mountain goats and other wildlife. The exclusion of the Stateline Trail corridor also severs the NPCNF[rsquo]s share of the Hoodoo RWA from the portion of the Hoodoo RWA managed by the Lolo National Forest and will bias the Lolo[rsquo]s revision process, a cumulative effect that is not discussed in the FEIS.

The NPCNF[rsquo]s Recommended Wilderness Inventory, Evaluation, and Analysis, documented in Appendix E of the FEIS, is also flawed, and results in a bias against recommending many of the 34 inventoried roadless areas on the Forest for wilderness designation. We encourage the Forest Service to revise the analysis and take a more objective view of roadless areas and their wilderness qualities.

While it is appropriate to consider the trade-offs associated with recommending or not recommending areas for wilderness in the formulation and analysis of alternatives under the National Environmental Policy Act (NEPA), it is inappropriate to suggest that some areas could not be managed for wilderness preservation in the wilderness

evaluation simply because there is a past history of motorized use, mechanized use, or timber harvest. The NPCNF[rsquo]s refusal to enforce the 2012 Clearwater Travel Plan should also not be grounds for concluding that it would be difficult to manage and enforce the boundaries of the Hoodoo RWA under the existing condition or Alternatives W and Z.

We look forward to discussing these and other issues in an objection resolution meeting.

Recommended Wilderness Inventory, Evaluation, and Analysis
The NPCNF[rsquo]s evaluation of roadless areas for potential inclusion in the NWPS is documented in Appendix E of the FEIS. This analysis falls short of the requirements outlined in the Forest Service Handbook and biases the Forest Service[rsquo]s decisions about which areas to recommend for wilderness designation.

The criteria for evaluating roadless areas for potential inclusion in the NWPS are described in Chapter 70 of the Forest Service Handbook, which include:

1. The degree to which the area generally appears to be affected primarily by the forces of nature, with the imprints of man[rsquo]s work substantially unnoticeable (apparent naturalness).
2. The degree to which the area has outstanding opportunities for solitude or for a primitive and unconfined type of recreation. The word [ldquo]or[rdquo] means that an area only has to possess one or the other. The area does not have to possess outstanding opportunities for both elements, nor does it need to have outstanding opportunities on every acre.
3. How an area less than 5,000 acres is of sufficient size to make its preservation and use in an unimpaired condition practicable.
4. The degree to which the area may contain ecological, geological, or other features of scientific, educational, scenic, or historical value. These values are not required to be present in an area for the area to be recommended for inclusion in the National Wilderness Preservation System, but their presence should be identified and evaluated where they exist.
5. The degree to which the area may be managed to preserve its wilderness characteristics.

(FSH 1909.12, Ch. 70, [sect] 72.1(1)-(5)).

Apparent naturalness
Table 2 lists the factors used by the NPCNF to assess apparent naturalness, their data sources, and measurement indices (Appendix E, page 5). Among others, the factors considered include level 1 and 2 roads (miles), fuels reduction in Community Protection Zones (acres), constructed fire lines (acres), and roadside hazard trees (acres). While the Forest Service Handbook provides that the agency may consider such [ldquo]improvements[rdquo] when evaluating roadless areas, a mere history of road construction or timber harvest is not enough to remove a roadless area from consideration for inclusion in the NWPS.

Section 2(c) of the Wilderness Act of 1964 states that wilderness areas should [ldquo]generally [appear] to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable[rdquo]. Indeed, there are numerous examples of wilderness areas throughout the country where areas that were formerly roaded or logged were included in a designated wilderness area because the wilderness characteristics were restored through passive or active means.

The Eastern Wilderness Act and the Forest Service Handbook reiterate that areas are eligible for wilderness designation if prior improvements, such as roads and timber harvest [ldquo]are not substantially noticeable[rdquo] (FSH 1909.12, Ch. 70, [sect] 71.22(b)). Despite the fact that these policies provide for the consideration of areas with a history of prior improvements, the NPCNF[rsquo]s evaluation failed to describe whether or not individual areas affected by historic road construction or logging have recovered to a state where they appear natural, and are thus eligible for potential inclusion in the NWPS.

For example, the evaluation for the Rackcliff-Gedney Roadless Area notes that 93 acres of timber harvest, 4.5 miles of fire line construction and 197 acres of roadside hazard tree removal have occurred in the roadless area (Appendix E, page 152). However, the analysis fails to [ldquo]provide full and fair discussion[rdquo] (See 40 CFR [sect] 1502.1) regarding the portions of the roadless area affected by these activities and whether they are naturally or unnaturally appearing, which is a violation of NEPA.

Other roadless areas affected by road construction, timber harvest, and fireline construction are listed in Table 3 (Appendix E, pages 8 and 9), but again, the written analysis fails to describe what condition the portions of the affected areas are in, and whether such improvements served as the basis for denying these roadless areas (or portions of them) further consideration as potential additions to the NWPS.

Opportunities for solitude or for a primitive and unconfined types of recreation
The factors used for assessing opportunities for solitude or primitive and unconfined recreation are listed in Table 4 on page 10 of Appendix E. These factors include existing summer Recreation Opportunity Spectrum (ROS) settings (i.e. Primitive (P), Semi-primitive

non-motorized (SPNM), Roaded natural (RN), and Rural (R)) for each roadless area and a narrative description of recreation opportunities in each roadless area.

At first glance, it is not immediately clear whether the ROS statistics provided for each of the individual roadless areas represent the existing condition or the Preferred Alternative because the document does not say. However, we were able to use ArcGIS Pro to verify that the ROS statistics do represent the existing summer condition. This should be clarified in Appendix E.

While use of the existing summer ROS settings is a factor that the Forest Service can and should consider in its evaluation of roadless areas and their wilderness characteristics, Appendix E falls short in its assessment of opportunities for solitude or primitive and unconfined types of recreation. First, Appendix E fails to consider the

existing winter ROS settings. The NPCNF must consider all times of the year, not just summer, when evaluating opportunities for solitude or primitive and unconfined types of recreation.

Second, the evaluation fails to consider the amount of use occurring in roadless areas. Roadless areas with SPM or RN ROS settings, for example, should not immediately be disqualified from consideration simply because a trail or area is currently open to motorized use.

There are trails and areas where hikers and equestrians would rarely encounter motorized recreationists (or other non-motorized travelers for that matter), despite the fact that the trail or area that they are using is legally open to motorized use.

The Bighorn-Weitas Roadless Area is a good example. There are several trails that are open to motorcycles within the Bighorn-Weitas Roadless Area. However, because motorcycle use is low, and the Bighorn-Weitas Roadless Area is one of the largest on the NPCNF, the opportunity for solitude is high.

The Forest Service may balk at the idea of including information about the amount of recreational use occurring in roadless areas in its evaluation. However, the agency has information and data in its possession to support such an analysis and provide a more objective view of opportunities for solitude. Not only does the NPCNF[rsquo]s recreation staff have knowledge to share about each of the roadless areas and their recreational uses, but the agency presumably has some information obtained through trail counters and other monitoring mechanisms. After all, agencies are required under NEPA to [ldquo][r]igorously explore and objectively evaluate all reasonable alternatives[rdquo] (40 CFR [sect] 1502.14(a)), but since this kind of information was not included in the evaluation, the assessment of opportunities for solitude or primitive and unconfined types of recreation falls short and results in a bias against recommending some roadless areas for wilderness designation.

Ecological, geological, or other features of scientific, educational, scenic, or historic value
ICL appreciates the fact that the evaluation considered underrepresented ecosystems in the NWPS (Dietz et al., 2015) and whitebark pine habitat (Landguth et al., 2017). As the Forest Service is aware, the presence of ecological, geological, or other features of scientific, educational, scenic, or historic value is not required for an [ldquo]area to be recommended for inclusion in the National Wilderness Preservation System, but their presence should be identified and evaluated where they exist[rdquo] (FSH 1909.12, Ch. 70, [sect] 72.1(4)(a)). Indeed, one of the primary reasons for preserving wilderness areas is to protect wildlife and their habitats.

While the use of these sources in the evaluation is much appreciated, Appendix E frequently fails to mention special status species that inhabit specific roadless areas, which is an important factor that may tip the scale in favor of recommending a roadless area for wilderness to protect that species or its habitat. For example, while the evaluation for the Hoodoo Roadless Areas mentions the presence of mountain goats, there is no acknowledgement whatsoever that the Hoodoo Roadless Area provides approximately half of the wolverine denning habitat on the Clearwater side of the Forest, that the roadless area is the location of recent grizzly bear sightings, and is crucial in terms of the connectivity that it provides between the Bitterroot Grizzly Bear Recovery

Area and the Northern Continental Divide, Cabinet-Yaak and Selkirk Recovery Areas. The FEIS similarly mentions mountain goats in the Hoodoo Roadless Area in passing (page 1659), but it also fails to mention that the area provides habitat for wolverine, lynx, and grizzly bear, which should have given the agency pause before deciding to shrink the Hoodoo RWA and expand OSV access that will be detrimental to these species.

Since the NPCNF failed to even mention some of these species in its recommended wilderness inventory, evaluation, and analysis process, a critical element was not considered in the decision to recommend or reject individual roadless areas for addition to the NWPS. The Forest Service also violated the 2012 Planning Rule[rsquo]s requirement to [ldquo]use the best available scientific information to inform the planning process[rdquo] (36 CFR [sect] 219.4). By failing to consider this information, the NPCNF[rsquo]s evaluation of roadless areas for potential inclusion in the NWPS falls short of the minimum requirements of the Forest Service Handbook, the 2012 Planning Rule, and NEPA.

Manageability
The NPCNF[rsquo]s analysis of how well individual roadless areas could be managed if added to the NWPS is particularly fraught with problems. When evaluating [ldquo]the degree to which the area may be managed to preserve its wilderness characteristics,[rdquo] the Forest Service must consider such factors as:

1. Shape and configuration of the area;
2. Legally established rights or uses within the area;
3. Specific Federal or State laws that may be relevant to availability of the area for wilderness or the ability to manage the area to protect wilderness characteristics;
4. The presence and amount of non-Federal land in the area; and
5. Management of adjacent lands. (FSH 1909.12, Ch. 70, [sect] 72.1(5)).

The factors considered in the NPCNF[rsquo]s analysis of manageability are listed in Table 9 of Appendix E (Page 20). One of the factors considered is the number of mining claims within a roadless area. On its own, the number of mining claims in a roadless area is an inappropriate metric for evaluating the manageability of a potential wilderness area. Since mining claims are easily filed and are often speculative in nature, the mere presence of mining claims should not be used to disqualify a roadless area from further consideration. In addition to established mining claims, the Forest Service should consider whether the claims encompass a valid mineral deposit AND the degree to which the claims have been [ldquo]improved[rdquo] or developed.

Appendix E indicates that there are a total of 318 mining claims in seven roadless areas on the forest (page 21). Eighty percent of these claims are located in the Gospel Hump and West Fork Crooked River Roadless Areas. The remaining claims are located in the Dixie Summit-Nut Hill, Hoodoo, Moose Mountain, Bighorn-Weitas and Mallard-Larkins Roadless Areas. What[rsquo]s unclear from the evaluation is whether the existence of mining claims in the roadless areas served as justification for disqualifying all or a portion of these roadless areas from further consideration.

For example, the Hoodoo Roadless Area (often referred to as the [ldquo]Great Burn[rdquo]) was recommended for wilderness designation in the 1987 Clearwater Forest Plan. The Preferred Alternative redraws the boundaries

of the RWA by removing portions of the roadless area

recommended for wilderness in the 1987 plan between Fish Lake and Hoodoo Pass and the upper reaches of Silver Creek, Cayuse Creek, and Fox Creek near Blacklead Mountain. While the planning documents are clear that the decision to remove these areas was influenced by the desire to open these areas to motorized use, it is unclear whether the presence of mining claims was also a factor. While there are claims in the Hoodoo Roadless Area near Fish Lake and Blacklead, these claims show only minimal signs of prospecting, suggesting that valid mineral deposits do not exist. Furthermore, because the claims show only minimal signs of prospecting, there have been insignificant impacts to wilderness character. There are also no roads or motorized trails accessing the majority of the claims, and as such there is no need or difficulty associated with enforcement of access restrictions.

Even more problematic is the NPCNF[rsquo]s consideration of a [ldquo]history of motorized use[rdquo] and [ldquo]emerging mountain bike use[rdquo]. While these factors may be relevant and appropriate to consider in the analysis of trade-offs between alternatives, they are not relevant to the issue of whether and to what extent an area is manageable as wilderness. This is particularly relevant to the Hoodoo Roadless Area. When the Forest Service approved the Clearwater Travel Management Plan in 2012, the agency restricted all motorized and mechanized use within the RWA (with the exception of Fish Lake Trail 419) in order to protect wilderness characteristics, provide opportunities for solitude and primitive forms of recreation, and preserve the possibility of future congressional designation. The Forest Service has since performed and about face, and proposes to open portions of the Hoodoo Roadless Area to non-wilderness uses and reduce the RWA boundary to accommodate them. The agency attempts to explain this change in heart by claiming that [ldquo][o]nce motorized uses are established in an area it is difficult to change recreational access through management.[rdquo] (Appendix E, page 22). In reality, it is the refusal of current NPCNF leadership to enforce the 2012 Travel Plan that is the problem. Only [ldquo][l]egally established[hellip]uses within the area[rdquo] should be considered in the evaluation.

Prior substantive comments on the Recommended Wilderness Inventory, Evaluation, and Analysis
* See pages 10-18 of our comments on the Draft LMP and DEIS.

Proposed remedies
* The evaluation of apparent naturalness should consider the degree to which [ldquo]improvements[rdquo] such as roads, firelines, and timber harvest have recovered and as a result, whether the improvements are substantially unnoticeable.
* In the evaluation of opportunities for solitude and primitive and unconfined recreation, the Forest Service must also consider existing winter ROS settings and the amounts and types of recreational uses occurring in individual roadless areas.
* The manageability analysis should be updated with additional information regarding mining claims, including whether the claims contain valid mineral deposits and to what degree the claims have been developed. Historic motorized use and emerging mountain bike use are inappropriate factors to include in the manageability analysis and should be removed from consideration.

* The evaluation of ecological, geological, or other features of scientific, educational, scenic, or historic value

should be updated to include information about the presence of special status species or their habitats.

Measurement indicators used for the NEPA analysis
The measurement indicators for the NPCNF[rsquo]s NEPA analysis similarly result in a bias against recommended wilderness. The indicators used for the NEPA analysis are listed on page 1651 of the FEIS, including:

* Changes in wheeled motorized opportunities compared with the existing condition
* Changes in motorized over-snow vehicle opportunities compared with the existing condition
* Changes in trail miles that allow mechanized transport compared with the existing condition
* Changes in amount of commercial use of permanent structures
* Acres of underrepresented ecological groups of the National Wilderness Preservation System

Changes in wheeled, over-snow and mechanized access
The use of changes in wheeled, over-snow and mechanized access result in a strong bias against alternatives that recommend additional areas for wilderness. There is no acknowledgement that recommending additional areas for wilderness will result in benefits to members of society that want to escape from the motorized and mechanized vehicles that surround and impact them on an almost daily basis. While it is appropriate to evaluate changes in motorized and mechanized access that would result from recommending additional areas as wilderness, the Forest Service must also give due consideration to the advantages of recommending additional areas for wilderness to those members of society who prefer quiet, non-motorized recreational opportunities. At a minimum, the FEIS should include indicators regarding changes in miles of trails open to hiking and stock use only, which would increase under alternatives that expand recommended wilderness on the NPCNF.

Additionally, mere statistics about the miles of wheeled vehicle access and acres of over-snow access affected by the alternatives does not paint a complete picture of the true impact. In order for the agency and the public to understand the true impact, it is necessary to take into account levels of use. Some roads, trails and areas that are legally open to wheeled access or

over-snow access are used frequently, while others are used moderately, a little, or not at all. Since this kind of information was not included in the FEIS, the impact of alternatives that recommend additional areas for wilderness is misrepresented and thus, biased against doing so.

The FEIS also fails to acknowledge in the recommended wilderness analysis that the Nez Perce side of the Forest does not have a travel management plan that complies with Subparts B and C of the Travel Management Rule (36 CFR [sect] 212.5 et seq. and 36 CFR [sect] 212.8 et seq.). It is

therefore inappropriate to use motorized access as an indicator for the NEPA analysis until the Forest has completed the travel management process. Failing to do so biases not only the LMP revision process, but also the travel planning process. Many routes and areas have no restrictions on motorized access simply because the existing condition on the Nez Perce side of the forest is an artifact of the Forest Service[rsquo]s policy of

[ldquo]open unless closed[rdquo] that predated the 2005 Travel Management Rule, which requires motorized use to be confined to designated routes and areas only.

This point is particularly relevant to the East and West Meadow Creek Roadless Areas. There are numerous trails and large portions of these two roadless areas where there are no restrictions on motorized and mechanized travel due to the lack of a travel management plan. However, the lack of travel restrictions does not reflect the reality on the ground. Other than a brief statement in the FEIS that a [ldquo]few of these trails are heavily used[rdquo] (page 1647), there is virtually no mention of the fact that many of the unrestricted trails and areas in Meadow Creek are not actually used for motorized or mechanized travel, and thus, recommending all or portions of these roadless areas would not substantially impact actual use. Some of the trails shown on maps in Meadow Creek do not even exist on the ground. Consequently, the use of these indicators in the analysis inflates the impact that recommending the East and West Meadow Creek Roadless Areas for wilderness would have on motorized and mechanized travel.

This mischaracterization of the true impact of recommending additional areas for wilderness on motorized and mechanized travel is pervasive throughout the analysis. For example, the NPCNF states that the wilderness recommendations in Alternative W would reduce wheeled motorized access by 285 miles and wheeled mechanized access by 648 miles (page 1656). The FEIS similarly states that Alternative W would result in a decrease of 639,514 acres of

over-snow vehicle access (page 1657) while failing to acknowledge that the majority of this terrain is not actually used by over-snow vehicle enthusiasts. But again, this unfairly leads the reader and the public to believe that alternatives that increase recommended wilderness will have a larger impact to motorized and mechanized recreation than the on-the-ground reality.

The Forest Service should be honest about the true impact of alternatives that increase recommended wilderness. The NPCNF[rsquo]s recreation staff have on-the-ground knowledge of which trails and areas are actually used for motorized and mechanized recreation and transport and whether those trails and areas are used frequently, moderately, or rarely. Unfortunately, the Forest Service has chosen to disregard this information and instead misrepresent the true impact of recommending additional areas for wilderness on motorized and mechanized access, and thus, the agency has created a bias against recommending additional areas for wilderness. The NPCNF must update the FEIS and at least attempt to represent the true impact of the alternatives for recommended wilderness, especially on the Nez Perce side of the Forest.

Prior substantive comments on measurement indicators for the recommended wilderness analysis
* See pages 12-13 of our comments on the Draft LMP and DEIS.

Proposed remedies
* The NEPA analysis for recommended wilderness must include changes in miles of trails open to foot and stock use only.
* As recommended in the section regarding the wilderness evaluation of opportunities for solitude or primitive and unconfined types of recreation, the NEPA analysis should also include indicators not only for the types of uses allowed in recommended wilderness areas under the action alternatives, but also the amount of use that actually

occurs.

Recommended Wilderness Areas

Hoodoo RWA (frequently referred to as the Great Burn)
Although we have many concerns about the Preferred Alternative, one of the most problematic is the NPCNF[rsquo]s proposal to eliminate critical portions of the Hoodoo RWA. Specifically, the area between Fish Lake and Hoodoo Pass was removed from the existing RWA boundary, as well as the upper reaches of Cayuse Creek, Silver Creek and Fox Creek, south of Blacklead Mountain. The purpose of eliminating these areas from the Hoodoo RWA is to provide legal OSV access. The NPCNF also proposes to eliminate the Stateline Trail 738 corridor along the Idaho-Montana border to provide legal mountain bike access, severing the Idaho side of the RWA from the Montana side.

With the exception of Fish Lake Trail 419 (which remains open to vehicles less than 40 inches in width), the Forest Service closed the entire Hoodoo RWA to motorized and mechanized access in the 2012 Clearwater Travel Plan. In the intervening years, new leadership assumed management of the consolidated Nez Perce and Clearwater National Forest. Since this transition, the NPCNF has refused to enforce the 2012 Clearwater Travel Plan and has looked the other way while OSV and mountain bike enthusiasts illegally access the portions of the Hoodoo RWA that the Forest Service now proposes to exclude from the proposed wilderness boundary.

These changes will not only impact existing non-motorized access, but they will also result in significant impacts to special status species as articulated through this objection. As noted in the FEIS, approximately 44 percent of the Hoodoo RWA consists of ecological types that are underrepresented in the NWPS (page 1676). There is a mountain goat herd in the area and there are [ldquo]large amounts of habitat[rdquo] for Canada lynx and wolverine (FEIS, page 1676). The Great Burn also provides critical [ldquo]connectivity to the Bitterroot [Grizzly Bear Recovery Area] from other ecosystems like the Northern Continental Divide, Cabinet Yaak, and Selkirk ecosystems[rdquo] (FEIS, page 1676). Opening these areas to OSV use will impact an already imperiled endemic mountain goat herd and displace female wolverines from some of the best maternal habitat on the Clearwater side of the forest.

The exclusion of Stateline Trail 738 severs the Nez Perce-Clearwater side of the RWA from the Lolo National Forest[rsquo]s share of the RWA, where there are currently an additional 89,530 acres recommended for wilderness (page 1681). Despite this change, the FEIS is entirely silent about

how the exclusion of the trail corridor will sever one side from the other. In terms of manageability, this will invite illegal mountain bike incursions into the connecting trails on both forests that remain in recommended wilderness unless the NPCNF actually makes an effort to educate the public about the RWA boundaries, post restrictions on connecting trails, and enforce travel restrictions. The exclusion of the Stateline Trail Corridor, taken with the expansion of OSV access, will surely influence the Lolo National Forest[rsquo]s LMP revision process, which is in its early stages. Despite NEPA[rsquo]s requirement to disclose information about how changes made to the Hoodoo RWA by the NPCNF will impact the Lolo[rsquo]s revision effort (See 40 CFR [sect] 1502.16), this was not addressed anywhere in the FEIS.

The NPCNF[rsquo]s rationale for downsizing the Hoodoo RWA to accommodate illegal over-snow vehicle and mountain bike use is also contradictory. The Forest Service justifies the removal of the portions of the RWA between Fish Lake and Hoodoo Pass and the Blacklead Area by claiming that [ldquo]incursions by[hellip]winter motorized sports enthusiasts has continued[rdquo] despite the 2012 Clearwater Travel Plan Decision (FEIS, page 1677). But then the agency goes on to say that [ldquo]boundary posting, information boards at trailheads, and focused enforcement will be essential to restrict this encroaching use and increase compliance[rdquo] with the new recommended wilderness boundary. The FEIS fails to mention the fact that current leadership on the Forest refuses to make any effort to educate members of the public about the 2012 Travel Management Plan or enforce it other than publishing the required over-snow vehicle use maps. It is clear that education does not work to enforce access restrictions: instead, the Forest Service must commit to enforcing such limitations through law enforcement efforts. Refusing to enforce existing law by acquiescing to illegal conduct has no basis in law or policy, and the Forest Service has cited none in the FEIS.

For reasons articulated here and throughout this objection, we adamantly oppose changes made to the Hoodoo RWA in the Preferred Alternative. Instead, the Forest Service should recommend the portion of the roadless area for wilderness delineated in Alternative Z.

East Meadow Creek RWA
ICL greatly appreciates the proposal to recommend a significant portion of the East Meadow Creek Roadless Area for wilderness designation. As pointed out in the FEIS, approximately 76 percent of the area consists of ecological types that are currently underrepresented in the NWPS (Page 1647). The roadless area also [ldquo]contains large amounts of habitat[rdquo] for lynx and wolverine, some habitat for fisher in the lower elevations of Meadow Creek and secure habitat adjacent to the Bitterroot Grizzly Bear Recovery Zone (Page 1675). The importance of Meadow Creek from a native cold water fisheries perspective cannot be overstated.

East Meadow Creek also provides outstanding opportunities for solitude and primitive or unconfined types of recreation, especially in conjunction with the adjacent Selway-Bitterroot Wilderness. The Meadow Creek Guard Station is managed as a recreation rental site, which offers a rare opportunity to stay at a historic backcountry ranger station that is only accessible by trail. From the lower elevations of Meadow Creek to the high alpine summit of Elk Mountain, East Meadow Creek also embodies nearly the full range of habitats and scenery on the NPCNF.

According to the Forest Service, this portion of the roadless area was excluded from the RWA because there are [ldquo]popular [OSV] play areas around Elk Mountain and in Bargamin and Running Creeks[rdquo] (FEIS, page 1675).

This rationale is troubling for a couple reasons. First, it is our understanding that a Forest Service employee who rides in some of these areas encouraged the planning team to exclude the eastern portion of the East Meadow Roadless Area from the RWA for self-interested reasons. This is a factor the Forest Service was not permitted to

consider when excluding this area from motorized access. Secondly, suggestions that these play areas are [ldquo]popular[rdquo] are suspicious because of the remoteness of East Meadow Creek and the fact that such assertions were never raised until now and there is no use data to support these assertions.

Notwithstanding the fact that there is a very limited amount of OSV use occurring in this portion of the East Meadow Creek Roadless Area, there are also important cultural and historical reasons for including it in the RWA. A portion of the Southern Nez Perce or Wise'iskit Trail crosses through Bargamin Creek[ndash]a resource that is rarely discussed in Appendix E or the FEIS. Although it is not as well known as its northern alternate (the Niim[iacute]ipuu or Lolo Trail), the southern route much more closely resembles its pre-settlement condition. Including the entire East Meadow Creek Roadless Area in the RWA as delineated in Alternative W would protect this important cultural and historic resource from degradation.

We also appreciate that a small portion of the West Meadow Creek Roadless Area was included in the East Meadow Creek RWA. This piece encompasses the trails that access the Meadow Creek Guard Station and would ensure a non-motorized and non-mechanized experience.

However, some of the trails that the boundary aligns with in this area actually do not exist on the ground despite the fact that they are illustrated on Forest Service Maps. Trails along which the boundary aligns but cannot be located on the ground include trail 608 and a portion of trail 668.

There are two options to improve the manageability of the RWA boundary in the vicinity of the Guard Station. The first option would be to align the East Meadow RWA boundary with Meadow Creek and allocate the portion of the West Meadow Creek Roadless Area bound by the East Meadow Creek Roadless Area, Forest Roads 285 and 468, and Trails 505 and 835 to the SPNM setting. The second option would be to add the portion of the West Meadow Creek Roadless Area to the RWA boundary as delineated in Alternative Z. ICL is open to either option. Our primary objective is to protect the interior of the watershed and its fisheries values from motorized access and have the Forest Service honor the travel management proposals that were negotiated by user groups before the Nez Perce Trail Management Planning process stalled in 2017.

West Meadow Creek
Meadow Creek is also one of the most important watersheds on the Nez Perce-Clearwater National Forest from a fisheries standpoint. The drainage is inhabited by spring/summer Chinook, steelhead, bull trout, red band trout, and westslope cutthroat trout. Westslope cutthroat trout in Meadow Creek exhibit some of the highest genetic heterogeneity of any known

westslope cutthroat trout population in the United States. During RARE II, the Idaho Fish and Game Commission insisted that protecting Meadow Creek was critical to the management and enhancement of Idaho[rsquo]s fish and game resources, writing, [ldquo]Wilderness classification for this roadless area[hellip]is paramount to the protection of water quality and aquatic ecosystems in the Selway River through the entire Selway-Bitterroot Wilderness.[rdquo]

The FEIS for the 1987 Nez Perce Forest Plan recognizes the uniqueness of the Meadow Creek drainage, stating [ldquo][hellip]a full range of aspects, elevations, and vegetative types is represented; and opportunities for solitude and primitive recreation are outstanding[rdquo] (page C-75). The 1987 FEIS also documented that [ldquo]Meadow Creek has more miles of significant fishery than any other roadless area on the Forest[rdquo] (C-92), and [ldquo](o)ne of the key attractions of this area is the extremely high water quality of Meadow Creek. It is one of the very few streams left on the Forest with very excellent water quality and a productive anadromous fishery[rdquo] (C-78). The 2004 Proposed Action for the Nez Perce Forest Plan Revision observes that [ldquo]Meadow Creek continues to be a stronghold for aquatic species due to high water quality and high quality fish habitat[rdquo] (page 50).

Meadow Creek also embodies important cultural and historical values. [ldquo]Meadow Creek is part of the aboriginal territory of the Nez Perce Tribe and is among the lands that have important hunting and fishing areas for the tribe. The present-day Green Mountain Trail #541 is believed to be one of the original routes of the Southern Nez Perce Trail, as well as Trails #502 and #581 in the Bargamin Creek drainage south of the recommended wilderness area.[rdquo] (FEIS, page 1647). The Forest Service executed an emergency closure order in the upper reaches of Meadow Creek in 2008 because the segment of the Southern Nez Perce Trail that passes through this area was being damaged by irresponsible off-road vehicle use, particularly in the meadows surrounding the Creek. This closure order will continue to remain in effect until a travel management plan is adopted on the Nez Perce side of the Forest.

The Forest Service excluded approximately 107,000 acres of the 115,973-acre West Meadow Creek Idaho Roadless Area from the Meadow Creek RWA, claiming that the area is popular for motorized recreation (FEIS, page 1672; Appendix E, page 207). While it is true that the trail system along the watershed divide between Meadow Creek and American River and Red River (Boundary Trail 835 and Divide Trail 505) are popular for ATV enthusiasts, the trails within the interior of the Meadow Creek are not well used.

Before the Nez Perce Travel Management Planning process stalled in 2017, ICL worked with motorized recreationists to negotiate a compromise for the West Meadow Creek Roadless Area. There is a five-mile section of Divide Trail 505 that is currently closed to motorized use. If reconstructed and designated for ATV travel, this five-mile section of trail would connect the Boundary Trail to the north with the section of the Divide Trail to the south, which are both open to ATV use currently. This would create a continuous ATV route from the Magruder Road all the way to Limber Luke Campground. In exchange for ICL[rsquo]s support of this proposal, motorized users agreed that the trails within the interior of Meadow Creek should be designated as

non-motorized. Unfortunately, the ROD was never approved.

Although the travel management process for the Nez Perce side of the Forest stalled out, there is an opportunity through revision of the LMP to honor some of those negotiations. As mentioned above, ICL[rsquo]s primary objective is to protect the fish and cultural values found in Meadow Creek. This could be accomplished by either allocating portion of the West Meadow Creek Roadless Area bound by the East Meadow Creek Roadless Area, Forest Roads 285 and 468, and Trails 505 and 835 to the SPNM setting or recommending this portion of the roadless area for wilderness as delineated in Alternative Z.

Prior substantive comments on recommended wilderness areas and boundaries
* See pages 18-30 of our comments on the Draft LMP and DEIS.

Proposed remedies
* Recommend the Hoodoo Roadless Area (Great Burn) for wilderness as delineated in Alternative Z.
* Recommend the East Meadow Creek Roadless Area for wilderness as delineated in Alternative W.
* Recommend the portion of the West Meadow Creek Roadless Area bound by the East Meadow Creek Roadless Area; trails 505 and 835; and roads 285, 443, and 468 or wilderness or allocate this portion of the roadless area to the SPNM ROS setting.

Plan components for recommended wilderness
ICL supports plan components that preserve the wilderness characteristics of recommended wilderness areas and protect their potential for inclusion in the NWPS through statutory designation. In particular, it is important not to allow uses of recommended wilderness areas that are incompatible with The Wilderness Act. This is important for two reasons. First, allowing incompatible uses would degrade wilderness character. Second, allowing incompatible uses of recommended wilderness areas would result in public opposition to subsequent congressional designation of those areas as wilderness.

Table 31 on pages 95-96 of the Forest Plan lists the uses that are [ldquo]suitable[rdquo] in RWAs under the Preferred Alternative. With the exception of MA2-SUIT-RWILD-02, which allows timber cutting in limited circumstance per the Idaho Roadless Rule, and MA2-SUIT-RWILD-17, which allows for the use of motorized equipment in RWAs for administrative purposes, the other plan components in the table are consistent with The Wilderness Act.

Plan components MA2-SUIT-RWILD-11, MA2-SUIT-RWILD-12, and MA2-SUIT-RWILD-13

prohibit public motorized and mechanized access, which is critical to protecting opportunities for solitude or primitive and unconfined types of recreation. These plan components also protect the potential for RWAs to be statutorily designated without impacting uses that are incompatible with wilderness. While these plan components do appear to achieve these goals, there also appears to be some conflicting direction with plan components MA2-STD-RWILD-01 and

MA2-STD-RWILD-02, which read:

* MA2-STD-RWILD-01. Summer recreation opportunities shall be compatible with the appropriate recreation opportunity spectrum classification of primitive or semi-primitive non-motorized.
* MA2-STD-RWILD-02. Winter recreation opportunities shall be compatible with the appropriate recreation opportunity spectrum classification of primitive or semi-primitive non-motorized.

(LMP, page 97).

The potential for conflicting management direction arises from the classification of RWAs under these standards and the Preferred Alternative as SPNM. The definition of the SPNM ROS Setting found on page 73 of the LMP indicates that mechanized use is allowed in areas classified as SPNM. In fact, the text states that [ldquo]Mechanized transport such as mountain bikes are often present.[rdquo] This conflicting direction creates uncertainty regarding what types of access will actually be allowed in RWAs. This uncertainty could be alleviated by allocating RWAs to the Primitive ROS setting and making it clear in the definition for this setting, that both motorized and mechanized uses are unsuitable.

Prior substantive comments on plan components for recommended wilderness
* See pages 8-10 of our comments on the Draft LMP and DEIS.

Proposed remedies
* Eliminate conflicting management direction for RWAs by striking the words [ldquo]or semi-primitive non-motorized[rdquo] from plan components MA2-STD-RWILD-01 and MA2-STD-RWILD-02 and allocating all RWAs to the Primitive ROS setting.

Wild and Scenic Rivers
In reviewing the LMP and Draft ROD, we do not believe the Forest Service has properly conducted their suitability determinations in accordance with the law and agency policy. We raise three primary issues in this section of our objection: 1) the removal of interim protections from eligible rivers, 2) the determination that the eligible segment of the North Fork Clearwater River is not suitable, and 3) the determination that the eligible segment of the South Fork Clearwater River is not suitable.

Interim protections for eligible rivers and streams
The Forest Service does not possess the legal authority to use suitability studies as a means to permanently release from interim protection and abandon rivers or river segments deemed by the agency to be [ldquo]unsuitable[rdquo] for designation under the Wild and Scenic Rivers Act (WSRA), either as part of or separate from the forest planning process. This is especially true where

those rivers have already been found eligible for designation under the Act.

Section 5(d)(1) of the WSRA states that, [ldquo][i]n all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas[.][rdquo] (16 USC [sect] 1276(d)(1)). The Act itself does not define what a [ldquo]potential national wild, scenic and recreational[rdquo] river is, but federal case law suggests that the phrase means rivers that may warrant designation under the Act, as opposed to rivers the Forest Service may wish to exclude from further consideration. See, e.g., Ctr. for Biological Diversity v. Veneman, 335 F.3d 849, 854

(9th Cir. 2003), opinion withdrawn and superseded on reh'g, 394 F.3d 1108 (9th Cir. 2005) (construing 16 USC [sect] 1276(d)(1) in the context of rivers that the Forest Service had [ldquo]determine[d] to be potentially eligible for inclusion in the national wild and scenic rivers systems[rdquo]).

Consistent with Section 5(d)(1) of the WSRA, the Forest Service[rsquo]s own 2012 Planning Rule imposes obligations on the agency to consider the eligibility of rivers for inclusion, and does not authorize [ldquo]non-suitability[rdquo] determinations as part of forest planning. First, the 2012 Planning Rule requires the agency, as part of the forest planning process, to:

[i]dentify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented and there are no changed circumstances that warrant additional review.

(36 CFR [sect] 219.7(c)(2)(vi)).

The focus of the 2012 Planning Rule is the identification of eligible rivers; the rule says nothing about identification of rivers deemed suitable (or not) for designation. This stands in sharp contrast to the immediately preceding subsection of the rule, which instructs the Forest Service to [ldquo][i]dentify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation.[rdquo] (36 CFR [sect] 219.7(c)(2)(v))(emphasis added). Had the Forest Service intended for its Regions to identify the suitability of rivers as part of forest planning, it would have stated so explicitly[mdash]as it did with respect to recommended wilderness.

The 2012 Planning Rule also requires new or revised forest plans [ldquo]to provide for[rdquo] the protection of [ldquo]designated wild and scenic rivers as well as management of rivers found eligible or determined suitable for the National Wild and Scenic River system to protect the values that provide the basis for their suitability for inclusion in the system.[rdquo] (36 CFR [sect] 219.10(b)(v)). Thus, rivers [ldquo]found eligible[rdquo] must be protected, just as rivers [ldquo]determined suitable[rdquo] for inclusion in the National Wild and Scenic River system must be protected by a revised forest plan.

The Forest Service Handbook makes clear that because Congress is the ultimate decider on Wild and Scenic River designation, rivers found by the agency to be eligible should be managed so as to preserve their eligibility characteristics until Congress makes its decision. (See FSH 1909.12, Ch. 80[ndash]Wild and Scenic Rivers, at 26[ndash]27 and the planning rule at 36 CFR 219.10,

which provides for interim management of Forest Service-identified eligible or suitable rivers or segments, to protect their values prior to a congressional decision whether to designate them as part of the National System).

However, despite the law and agency policy regarding this topic, the NPCNF states in their Draft ROD that all 76 rivers deemed eligible but not suitable (out of 88 eligible rivers total) would not be afforded interim protections:

The remaining 76 rivers found eligible but not suitable will be managed under the forestwide and applicable management area or geographic area plan components but will not be managed under the interim protection measures for the life of this plan.

(Draft ROD, page 36).

However, there are no changed conditions or other factual circumstances that might render any of those 76 other rivers no longer eligible for designation or to warrant the removal of interim protections. Streams found eligible in previous plans and studies were eligible then, and they remain eligible today. Accordingly, under the WSRA and the 2012 Planning Rule, the Forest Plan must provide for their interim protection.

Protecting eligible streams regardless of suitability findings is inherently logical. Suitability is based on a myriad of factors, many of which can change rapidly and quickly become inaccurate. For example, the [ldquo]support or opposition to designation[rdquo] suitability factor can change quickly with each election and with each shift in public awareness and opinion. Likewise, the threat of hydropower development could change quickly as national and state policy changes to address the climate crisis. Eligible and suitable rivers receive the same protections in forest plans and the same consideration in Congress.

In conclusion, both the WSRA and the 2012 Planning Rule require the Forest Service to identify eligible wild and scenic rivers as part of the forest planning process, and to provide for the management of those eligible rivers so as to [ldquo]protect the values that provide the basis for their suitability for inclusion in the system.[rdquo] (36 CFR [sect] 219.7(c)(2)(vi)). They do not, however, authorize the use of either forest plans or so-called [ldquo]suitability studies[rdquo] as a means to strip interim protections from eligible rivers.

Prior comments on wild and scenic rivers
* See pages 30-44 of our comments on the Draft LMP and DEIS.

Proposed remedies
* In the Final ROD, the Forest Service should provide interim protections for all 88 rivers found to be eligible for inclusion in the Wild and Scenic Rivers System, regardless of their suitability determination.

Suitability determinations

North Fork Clearwater River
Of all the eligible rivers and streams within the planning area, the North Fork Clearwater River is the worthiest candidate for WSR designation. The Forest Service identified more outstandingly remarkable values (ORVs) associated with the North Fork than any other stream or river evaluated by the planning team. Identified river-related values include recreation, scenic, cultural resources, cultural importance to the Nez Perce Tribe, fish, wildlife, and botany. As noted by the Forest Service, the North Fork is a distinctive and remarkably scenic river canyon with [ldquo]cliffs, large boulders forming rapids, the juxtaposition of white water and smooth, reflective water, and a variety of vegetation, trees, shrubs and grasslands along their length[rdquo] (DEIS, page F-9). The Black Canyon reach with its granite boulders, pools, cedar trees, diverse

mountain-side vegetation patterns, and recreational opportunities is particularly exceptional. The North Fork also provides for numerous and diverse recreational opportunities. By failing to determine that the eligible portion of North Fork Clearwater River is suitable for wild and scenic river designation in the LMP and Draft ROD, the

Forest Service acted arbitrarily, capriciously, and contrary to law and agency policy.

The Forest Service also violated the 2012 Planning Rule and the Administrative Procedure Act by failing to use the best available scientific information regarding wild and scenic river suitability. The rule requires the agency to [ldquo]use the best available scientific information to inform the planning process required by this subpart. In doing so, the responsible official shall determine what information is the most accurate, reliable, and relevant to the issues being considered.[rdquo] (36 CFR [sect] 219.3).

The Forest Service[rsquo]s determination that the eligible portion of North Fork Clearwater River is not suitable for inclusion in the Wild and Scenic Rivers System is not adequately substantiated. Per the LMP, Draft ROD, Appendix F of the FEIS, the Forest Service provides the following reasons as to why this river segment was not found to be suitable (ICL commentary below):

1. Minimal potential for hydropower development

The Forest Service makes this statement without providing adequate justification. Given that the life of this forest plan is expected to be 15-30 years, the agency cannot reasonably foresee whether or not hydropower development will occur on this river corridor. There are a multitude of factors that could affect this potential in the next 15-30 years, including but not limited to: political administration changes, new federal climate policies/laws, electric utility decisions, etc. In fact, one could reasonably argue that hydroelectric development could increase in the coming decades given the heightened concern over fossil fuels and the need to switch over to more renewable forms of energy. What we do know for certain is that the North Fork Clearwater has been evaluated for hydropower development before, with a number of feasible sites identified (Heitz et al., 1980). Per the Idaho Department of Water Resources North Fork Clearwater Basin Component of the Comprehensive State Water Plan: [ldquo]The upper North Fork Clearwater

River (above slack water of Dworshak reservoir) and its tributaries have substantial hydroelectric potential. In an inventory report done for IDWR by the University of Idaho's Water and Energy Resources Research Institute, there have been twenty six separate potential hydroelectric sites identified in the upper basin with a total capacity of 3006.2 megawatts.[rdquo] (Heitz et al., 1980)

Lastly, to claim that the Comprehensive State Water Plans protect eligible rivers and streams from dams and water diversions is simply inaccurate. A non-federal entity could merely bypass the state and apply for a license from FERC to construct a dam or other project works on federal lands. Furthermore, the Comprehensive State Water Plans can be easily changed at any time. These plans are not subject to NEPA, and the State of Idaho does not have an equivalent statute. We refer the Forest Service to a more extensive discussion of this point in our 2020 DEIS comments.

The Forest Service[rsquo]s claim that WSR protections are not necessary for this river segment due to low potential hydropower development is entirely speculative and inconsistent with law and agency policy.

1. Interim WSR protections would adversely affect important resources

The Forest Service states that [ldquo]prohibitions on actions outside of the river corridor would adversely affect important resources such as coastal disjunct plant communities, elk habitat, and more[rdquo] (Draft ROD, Appendix I-41).

One of the outstandingly remarkable values for which the North Fork Clearwater River was found eligible for was botany, specifically the [ldquo]extraordinary assemblage of coastal disjunct and endemic plant and animal taxa and the unique vegetation types found in the area[rdquo] (FEIS Appendix F, page 43). The Forest Service argues that an affirmative suitability finding would interfere with the agency[rsquo]s ability to restore and protect coastal disjunct species. However, the agency does not provide sufficient justification for this statement. The Forest Service claims that [ldquo]options limited by the interim protection measures will be needed to keep this sensitive [coastal disjunct ecosystem] on the landscape in the face of climate change[rdquo] (Draft ROD, page 35). Yet, the agency does not describe the types of management actions that the Forest Service would take to restore and protect these species, nor does it describe how interim protections would preclude those actions.

In fact, by law, a WSR designation requires the managing agency to take actions to fully protect and enhance the ORVs associated with the designated river segment (and this applies to interim protections for eligible and suitable rivers as well). Given that one of the ORVs for the North Fork Clearwater is a Botany ORV specific to the coastal disjunct plant community, one would reasonably expect that the interim protections for this river segment to benefit that ORV, as opposed to the Forest Service[rsquo]s unsubstantiated argument that those protections would do more harm than good. Thus, this argument

against WSR suitability for the North Fork Clearwater is inconsistent with law and agency policy.

1. Limits management activities to improve forest health, enhance wildlife and fish habitat, and achieve desired future conditions

The Forest Service expresses the concern that if the North Fork Clearwater were to be found suitable, it could limit or foreclose the agency[rsquo]s ability to manage vegetation, improve forest health and enhance wildlife habitat. This argument is invalid because the Forest Service Handbook provides that vegetation management is permissible in scenic and recreational river corridors:

Scenic and Recreational Rivers. A range of vegetation management and timber harvest practices are allowed, if these practices are designed to protect users, or protect, restore, or enhance the river environment, including the

long-term scenic character. (FSH 1909.12, Ch. 80, [sect] 84.3(9)(b)).

Throughout their analysis, the Forest Service gives undue focus to the potential loss of timber base[mdash]as an example, [ldquo]experience has shown, timber harvest would be extremely limited by these management objectives on the approximately 25,000 acres within the designated corridor [for the North Fork Clearwater River][rdquo] (FEIS, Appendix F, page 44). This statement is misleading and inaccurately and unnecessarily exaggerates the level of restriction put on agency timber and fuels management activities. Based on the Forest Service[rsquo]s own guidance, it is clear that WSR interim protections should not preclude the vegetation management activities needed to protect and enhance the values of this river corridor. Rather, those very same interim protections would provide the Forest Service with more tools to ensure that fish and wildlife habitat is protected and enhanced over time.

Furthermore, while the North Fork Clearwater basin encompasses over 800,000 acres and is deserving of landscape scale restoration, the eligible river corridor in question, concerning management direction compatible with the Wild and Scenic Rivers Act, is just over 25,000 acres or roughly 3% of the total drainage acreage. While designation requires that management activities be conducted in a thoughtful and intentional manner, it is inaccurate to assume that the desired management activities intended to return the drainage, as well as the river corridor, to desired conditions or manage climatic change would be [ldquo]foreclosed[rdquo] as a result of designation. The fact that protecting the river[rsquo]s values may add a layer of complexity when designing projects is not a valid reason to find rivers unsuitable. The Forest Service wrongly interprets how WSR interim protections would impact their management prescriptions within this corridor, and the relatively small percentage of the drainage that these considerations would apply to.

The Forest Service[rsquo]s overall conclusion that the benefits of designation do not exceed the benefits of non-designation is fundamentally flawed and based on a false premise. The backwards logic used by the Forest Service to make the case that the North Fork Clearwater would actually be better off from an environmental/ecological standpoint without the interim protections provided by a suitability determination is arbitrary, capricious, and contrary to law and agency policy.

The North Fork Clearwater River is eminently worthy of inclusion in the Wild and Scenic Rivers System. The NPCNF should not preclude a Congressional decision on this matter by inappropriately determining this river segment to be unsuitable in this revised forest plan using backwards logic and without reasonable justification.

South Fork Clearwater River

The South Fork Clearwater River is second only to the North Fork Clearwater River in terms of the number of ORVs identified by the planning team and is also worthy of wild and scenic protections. Among other values, the South Fork provides migration, spawning and rearing habitat for B-run steelhead, chinook salmon, westslope cutthroat trout, and bull trout. The river is designated as critical habitat for steelhead and bull trout, which are protected under the Endangered Species Act. The South Fork[rsquo]s fisheries were also identified as culturally important to the Nez Perce Tribe.

By failing to determine the North Fork Clearwater River is suitable for wild and scenic river designation in the Draft ROD and Forest Plan for Nez Perce-Clearwater National Forest, the Forest Service acted arbitrarily, capriciously, and contrary to law and agency policy. The Forest Service also violated the 2012 Planning Rule and the Administrative Procedure Act by failing to use the best available scientific information regarding wild and scenic river suitability.

Per the Draft ROD, Forest Plan, and FEIS Appendix F, the Forest Service provides the following reasons as to why this river segment is not found to be suitable (ICL commentary below):

1. Minimal potential for hydropower development

According to the Draft ROD, there is [ldquo]little to no threat of dams or other hydroelectric development in the Clearwater River basin[hellip]nothing to indicate that any such proposal would come forward during the life of this Land Management Plan.[rdquo]

The Forest Service makes this statement without providing adequate justification. Given that the life of this forest plan is expected to be 15-30 years, the agency cannot reasonably foresee whether or not hydropower development will occur on this river corridor. There are a multitude of factors that could affect this potential in the next 15-30 years, including but not limited to: political administration changes, new federal climate policies/laws, electric utility decisions, etc. In fact, one could reasonably argue that hydroelectric development could increase in the coming decades given the heightened concern over fossil fuels and the need to switch over to more renewable forms of energy.

What we do know for certain is that the South Fork Clearwater has been evaluated for hydropower development before, with a number of feasible sites identified (Heitz et al. 1980). Per the Idaho Department of Water Resources South Fork Clearwater Basin Component of the Comprehensive State Water Plan: [ldquo]Numerous hydropower sites have been studied in the South Fork Clearwater Basin by the U.S. Army Corps of Engineers, the Bureau of Reclamation, and the Idaho Water and Energy Resources Research Institute, University of Idaho[hellip].These studies indicate that about 135-315 megawatts of power could have been developed for the economic, environmental and other conditions of that time.[rdquo] There are at least eleven potential dam sites on the South Fork (Heitz et al., 1980).

As discussed previously in the context of the North Fork Clearwater River, to claim that the Comprehensive State Water Plans protect eligible rivers and streams from dams and water diversions is simply inaccurate. We refer the Forest Service to a more extensive discussion of this point in our 2020 DEIS comments.

The Forest Service[rsquo]s claim that WSR protections are not necessary for this river segment due to low

potential hydropower development is pure speculation and inconsistent with law and agency policy.

1. Limits ability to implement other ecological restoration activities

The Forest Service expresses the concern that if the South Fork Clearwater were to be found suitable, it could limit or foreclose the agency[rsquo]s ability to implement other ecological restoration activities within and beyond the river corridor. This argument is invalid because the Forest Service Handbook provides that vegetation management is permissible in scenic and recreational river corridors:

Scenic and Recreational Rivers. A range of vegetation management and timber harvest practices are allowed, if these practices are designed to protect users, or protect, restore, or enhance the river environment, including the

long-term scenic character. (FSH 1909.12, Ch. 80, [sect] 84.3(9)(b)).

Throughout their analysis, the Forest Service gives undue focus to the potential loss of timber base, referencing the potential loss of about 6,000 acres of harvest along the South Fork Clearwater river corridor and further stating, [ldquo]restrictions on timber harvest may impede the ability to manage winter habitat to benefit big game species.[rdquo] (Appendix F, page 181). These statements are misleading and inaccurately and unnecessarily exaggerates the level of restriction put on agency timber and fuels management activities. Based on the Forest Service[rsquo]s own guidance, it is clear that WSR interim protections should not preclude the vegetation management activities needed to protect and enhance the values of this river corridor. Rather, those very same interim protections

would provide the Forest Service with more tools to ensure that the river corridor and its key values are protected and enhanced over time.

1. Limits ability to maintain State Highway 14, manage slides, and access and maintain the primary power line

In the FEIS, the Forest Service implies that a suitability designation for the South Fork Clearwater would impede the ability of the agency and other entities to maintain State Highway 14, manage landslides across the road, and access and maintain the Avista electrical power distribution line. However, these types of activities are indeed allowed in recreational Wild and Scenic corridors and a suitability designation here would not change that. For example, the Lochsa Wild and Scenic River runs along U.S. Highway 12 through a corridor prone to landslides and avalanches that receives significantly more traffic than State Highway 14, and the highway can be managed appropriately. Thus, we do not find this to be a valid reason for precluding a suitability finding for the South Fork Clearwater.

The Forest Service[rsquo]s overall conclusion that the benefits of designation do not exceed the benefits of non-designation is fundamentally flawed and based on a false premise. The backwards logic used by the Forest

Service to make the case that the South Fork Clearwater would actually be better off from an environmental/ecological standpoint without the interim protections provided by a suitability determination is arbitrary, capricious, and contrary to law and agency policy.

The South Fork Clearwater River is eminently worthy of inclusion in the Wild and Scenic Rivers System. The NPCNF should not preclude a Congressional decision on this matter by inappropriately determining this river segment to be not suitable in this revised forest plan using backwards logic and without reasonable justification.

For the aforementioned reasons, the Forest Service must revise its LMP, Draft ROD, and FEIS for the NPCNF to provide interim protections for all rivers or river segments found by the agency to be eligible for inclusion in the Wild and Scenic Rivers system, and determine that both the eligible segments of the North Fork and South Fork of the Clearwater River are suitable for inclusion in the Wild and Scenic Rivers system. ICL supports the existing river segments found to be suitable in the Draft ROD as continuing to be found as suitable in the Final ROD.

Prior comments on wild and scenic rivers
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* See pages 30-44 of our comments on the Draft LMP and DEIS.

Proposed remedies
*
* The Forest Service should make a determination in the Final ROD that the entire eligible portion of the North Fork Clearwater River is suitable for inclusion in the Wild and Scenic Rivers System.

*
* The Forest Service should make a determination in the Final ROD that the entire eligible portion of the South Fork Clearwater River is suitable for inclusion in the Wild and Scenic Rivers System.

Recreation Opportunity Spectrum (ROS)
Standard FW-STD-REC-01 states that [ldquo][c]onstruction and reconstruction of recreation facilities and trails shall be compatible with the appropriate recreation opportunity spectrum class and other applicable resource management plans, such as wilderness, recreation corridor, river management, scenic byway, or trail plans,[rdquo] (LMP, page 76). While ROS allocations can be a useful way to specify which forms of public access may be permitted and where, the planning team must ensure that the final ROS allocations do not conflict with other management objectives. If not done carefully, ROS allocations may conflict with management objectives for RWAs, fish and wildlife, cultural resources, and historic resources. For example, the Forest Service should not allocate areas to SPM, RN, or R settings where there is a need to limit or restrict motorized use to meet wildlife habitat security objectives for grizzly bear, elk, wolverine, mountain goat, and other species known to suffer adverse effects or impacts through exposure to motorized travel.

In our comments on the Draft LMP and DEIS, we noted that it was essential for the ROS to address mechanized travel (e.g. mountain bikes). The NPCNF responded by explicitly allowing mechanized transport in the SPNM and SPM settings (LMP, page 73). However, the Forest Service did not heed our suggestion to modify the definition for the Primitive ROS setting so that it expressly prohibits mechanized travel, which is desirable in both designated wilderness and RWAs. The LMP states that:

Site specific decisions about where or what motorized or non-motorized recreational activities may occur are not made in this Plan. These decisions are made through travel management planning decisions or other site-specific decisions that address non-motorized and mechanized uses made before and after this Plan.

(page 74).

Although we assume that the intent of the referenced statement is to provide assurances that the Forest Service is not making travel management decisions through the ROS process, we believe that by relying on ROS setting designations to provide general management guidance, the Forest Service is failing to fully describe accurate management prescriptions. For example, the 2023 Forest Plan Primitive ROS class is explicitly and solely used for designated wilderness, which by law (The Wilderness Act of 1964,16 USC [sect][sect] 1131-1136, as amended, Section 4(c)) prohibits motorized and mechanized use. The Act states that, [ldquo]no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, (emphasis added) and no structure or installation within any such area,[rdquo] (Section 4(c)). We argue that the Forest Service should modify the Primitive ROS definition to ensure

that at least one of the ROS settings is off-limits to both motorized and mechanized travel and remains consistent with the wilderness setting it is most closely associated with. We suggest modifying the definition of the Primitive ROS setting as follows:

This setting supports large, remote, wild, and predominantly unmodified landscapes. There is no motorized or mechanized activity and little probability of seeing other people. Primitive settings are managed for quiet solitude away from roads, people, and development. Here are few, if any, facilities or developments. Most of the primitive settings coincide with designated wilderness boundaries and recommended wilderness areas.

If the Nez Perce-Clearwater National Forests wish to establish the ROS system as a viable travel management tool, then the Forest is best served by ensuring that ROS class definitions meet and support the management areas to which they are assigned. By failing to explicitly prohibit mechanized transportation and mountain bike use within the Primitive ROS, the Forest Service opens the door to ambiguity, speculation, and interpretation of the LMP by a less discerning or compliant public. This is particularly problematic given the Forests[rsquo] poor enforcement of existing motorized use restrictions.

A similar inconsistency is found in the SPNM ROS classification in regards to the exclusion of e-bikes within the designation. Forest Service guidance makes it clear that electronically powered bicycles, commonly referred to as [ldquo]e-bikes[rdquo], are considered motorized transportation (FSM 7700, Ch. 7705). We suggest that the Forest Service remedy this omission by modifying the SPNM definition so that it expressly prohibits e-bikes.

Summer ROS

In addition to addressing the conflicting management direction found in plan components for RWAs and the ROS, the Forest Service should change the summer ROS settings for recommended wilderness from SPNM to Primitive. The LMP indicates that all motorized and mechanized equipment and transport is allowable for administrative uses only, and other motorized/mechanized uses by the public outside of an administrative exception are not suitable (page 94). To be clear, ICL supports ROS restrictions applying to public use only, and we believe the Administrative use of vehicles within Primitive and SPNM settings is appropriate as long as travel and related activities remain consistent with the Idaho Roadless Rule.

However, the current categorization of RWAs as SPNM does not fully provide the protection they deserve. For example, not only could members of the public interpret the classification as allowing mechanized travel via mountain bikes in recommended wilderness, but the failure to exclude mountain bikes from the Primitive ROS definition combined with the additional failure to exclude e-bikes from the SPNM definition opens the door for both regular mechanized mountain bike use AND e-bike use in recommended wilderness areas, uses that clearly conflict with the goals of protecting wilderness characteristics and providing opportunities for primitive or unconfined types of recreation. Based on these lines of reasoning, we suggest the Forest

Service change the summer ROS settings for recommended wilderness from SPNM to Primitive.

As we discussed in preceding sections of this objection, we remain concerned that the Forest Service has chosen to effectively reduce the size of the Hoodoo RWA (Great Burn) by some 40,000 acres. The FEIS cites historical OSV use for its justification (FEIS, page 1414). However, the analysis appears to fail to consider that with increased anthropomorphized pressures and demands also come increased pressures and demands on wildlife, which the proposed ROS designation does not take into account. These 40,000 acres are critical for connectivity and ensuring the sustainability of special status species such as mountain goat, wolverine, and grizzly bear. In order to remedy this conflicting management direction, ICL suggests that the Forest Service reinstate all of the Great Burn Roadless Area as Recommended Wilderness, revisit the ROS classification and designate the entire Great Burn Roadless Area as Primitive, with the exception of Fish Lake Trail 419, which we suggest classifying in the SPM category.

We are also concerned about the SPNM ROS classification for the corridor along Stateline Trail 738. We believe that the trail corridor should be included in the Great Burn RWA and have a corresponding Primitive ROS designation. The existing SPNM ROS class allows for mechanized travel, which clearly conflicts with RWA management, both on the Nez Perce-Clearwater and Lolo National Forests. Including Stateline Trail 738 in the

SPNM class severs the Nez

Perce-Clearwater side of the RWA from the Lolo portion, making it more challenging for the two forests to adequately manage travel and resources and creating a venue for unauthorized trail making and riding within the recommended wilderness.

The summer ROS classifications for other roadless areas should be revisited as well, especially if the NPCNF is unwilling to delineate elk or grizzly bear management units, and place limits on motorized access in those units. For example, the Moose Mountain Roadless Area should at least be classified as SPNM in order to provide security for grizzly bear and elk. Further, there are currently no motorized routes within the Moose Mountain Roadless Area, making this roadless area polygon perfectly suited for the SPNM classification. Wildlife connectivity is increasingly important to maintain biodiversity, especially with increasing recreation demands, land and habitat fragmentation, and the adverse effects associated with climate change.

The portions of the Bighorn-Weitas Roadless Area east of Cook Mountain and Trail 167 should also be classified as SPNM to provide habitat security for grizzly bears and elk, with the exception of the existing motorized trail corridors. The Bighorn-Weitas Roadless Area is critical to preserving migration corridors, elk security, and facilitating the recovery of grizzly bears in nearby grizzly recovery areas. The portion of West Meadow Creek Roadless Area bounded by the East Meadow Creek Roadless Area, Forest Roads 285 and 468, and Trails 505 and 835 should also be reclassified as recommended wilderness or SPNM. The portion of the

Mallard-Larkins Roadless Area outside of recommended wilderness, with the exception of existing motorized trail corridors, should also be reclassified as SPNM.

We also identified two classifications that we believe were likely mapping errors or errors made during the ROS classification process. First, the Rapid River Wild and Scenic corridor should be designated as Primitive as the regulations implementing the Hells Canyon National Recreation Area Act do not allow mechanized travel, including mountain bikes, in the Rapid Wild and Scenic River corridor. (36 CFR [sect] 292.44(b)(2)). Further, an ROS classification change to Primitive would be consistent with recent decisions on the Payette National Forest regarding travel management in the upper Rapid River Wild and Scenic corridor (Forest Service, 2023); (Forest Service, 2021). Second, the Roaded Natural ROS designation along Road 250 in Black Canyon along the North Fork Clearwater River is depicted on the Summer ROS map (LMP, page 38) on the opposite side of the river as the road. The Forest Service should correct this cartographic error by moving the colored RN designation to the correct side of the river and correct any textual references in the LMP and FEIS.

Winter ROS

The majority of our Winter ROS concerns center on habitat connectivity between designated wilderness areas, specifically the Frank Church River of No Return Wilderness, the

Gospel-Hump Wilderness, and the Selway Bitterroot Wilderness, and Inventoried Roadless Areas and Recommended Wilderness Areas in North Idaho. In fact, the LMP highlights the importance of this connectivity for wildlife:

The Nez Perce-Clearwater serves a unique national role, providing vast, contiguous wildland areas, including the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return wilderness areas with regional linkages in the Hells Canyon Wilderness area and Idaho Roadless Rule areas, such as the Great Burn (hoodoo) and Mallard-Larkins (emphasis added).

(Page 6).

We believe that the Forest Service is compromising this connectivity and its [ldquo]unique national role[rdquo] by removing portions of the Great Burn (Hoodoo) Roadless Area from recommended wilderness, roughly 40,000 acres, which under the proposed plan has an ROS classification of Semi-Primitive Motorized, rather than the Primitive designation the area richly deserves. These dramatic changes in management policy and direction are directly tied to illegal OSV use within the Great Burn (Hoodoo) Recommended Wilderness Area and the Forest Service[rsquo]s failure to either enforce or uphold the 2012 Travel Management Plan. We urge the Forest Service to revisit the following ROS classification settings and base ROS designations on ecological data and needs, such as wildlife connectivity and security, rather than on illegal intrusions and outdated use patterns that lead to a further fragmented landscape. Therefore, we suggest that the Forest Service designate the entire Great Burn Roadless Area as Recommended Wilderness, and as with the summer ROS settings, all recommended wilderness areas should be allocated to the Primitive ROS theme. We believe these changes to the ROS settings are appropriate and necessary as the currently proposed settings of SPNM in RWAs allows for

mechanized travel, which is incompatible with wilderness management direction and plan components for recommended wilderness.

While we support a Summer ROS classification of the Fish Lake Trail 419 as Semi-Primitive Motorized, we believe that maintaining this ROS setting year-round and through the winter season would unnecessarily adversely affect and impact wolverine security and connectivity. Therefore, we suggest that the Forest Service make the appropriate adjustments to reflect a Primitive Winter ROS theme for Fish Lake Trail 419.

Two additional areas are also of concern regarding wildlife security, maintaining and protecting migration corridors, and providing for an unfragmented, connected ecosystem. First, the portion of the West Meadow Creek Roadless Area bounded by the East Meadow Creek Roadless Area, Forest Roads 285 and 468, and Trails 505 and 835 should be classified as Semi-Primitive

Non-Motorized. Further, we believe the Forest Service should allocate the Meadow

Creek-Upper North Fork Roadless Area to the SPNM category in order to provide connectivity for wolverines between the Mallard-Larkins and the Great Burn Recommended Wilderness Areas.

Prior substantive comments on the Recreation Opportunity Spectrum

* See pages 45-47 of our comments on the Draft LMP and DEIS.

Proposed remedies
* Modify the definition for the Primitive ROS setting so that both motorized and mechanized travel are prohibited.
* Modify the definition for the Semi-Primitive Non-Motorized ROS setting so that e-bikes are expressly prohibited.
* Change summer and winter ROS classifications in RWAs from SPNM to Primitive.
* As proposed earlier in this objection, eliminate conflicting management direction for RWAs by striking the words [ldquo]or semi-primitive non-motorized[rdquo] from plan components MA2-STD-RWILD-01 and MA2-STD-RWILD-02.
* With the exception of the Fish Lake Trail corridor, the Forest Service should recommend the entire Great Burn Roadless Area for wilderness, and change the winter and summer ROS settings to Primitive.
* Change the summer and winter ROS settings for the Moose Mountain Roadless Area to SPNM to provide security for grizzly bear and elk.
* Change the summer and winter ROS settings for the portion of the Bighorn-Weitas Roadless Area east of Cook Mountain and Trail 167 to SPNM to preserve connectivity, migration corridors, and wildlife security.
* Change the summer and winter ROS settings for the portion of the Mallard-Larkins Roadless Area outside of recommended wilderness, with the exception of existing motorized trail corridors as SPNM to provide wildlife security and habitat connectivity.

* Change the winter and summer ROD settings for the Rapid River Wild and Scenic Corridor to Primitive as the regulations governing and implementing the Hells Canyon National Recreation Area Act do not allow mechanized travel, including mountain bikes.
* Correct a presumed cartographic error that depicts the Roaded Natural ROS setting along Road 250 in Black Canyon along the North Fork Clearwater River, currently shown as on the opposite side of the river as the road.
* Recommend the portion of the West Meadow Creek Roadless Area bound by the East Meadow Creek Roadless Area; trails 505 and 835; and roads 285, 443, and 468 or wilderness or allocate this portion of the roadless area to the SPNM ROS setting in order to protect fisheries, wildlife and provide non-motorized recreational opportunities.
* Change the winter ROS setting for the Meadow Creek-Upper North Fork Roadless Area to SPNM in order to provide connectivity for wolverines between the Mallard-Larkins and the Great Burn Recommended Wilderness Areas

Wildlife
The 2012 Planning Rule employs a [ldquo]complementary ecosystem and species-specific approach to maintaining the diversity of plant and animal communities and the persistence of native species in the plan area[rdquo] (36 CFR [sect] 219.9). This approach consists of [ldquo]coarse filter[rdquo] and [ldquo]fine filter[rdquo] plan components. Coarse filter plan components are ecosystem plan components designed to [ldquo]to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area[rdquo] (36 CFR [sect] 219.9(a)). The rule assumes that managing for the natural range of ecological conditions within a planning area will meet the needs of most species in the planning area.

Sometimes course-filter plan components will not provide for the needs of an individual species. Threats or stressors may exist that are not related to the physical conditions of their habitat. For example, species may be displaced or experience indirect habitat loss due to motorized access. When the ecosystem plan components are insufficient to [ldquo]contribute to the recovery of federally listed threatened and endangered species, conserve

proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area[rdquo], then the responsible official is required to develop species-specific plan components for such species (36 CFR [sect] 219.9(b)). Species-specific plan components are [ldquo]fine filter[rdquo] plan components.

The LMP relies almost exclusively on course-filter plan components to provide for wildlife species within the planning area. Throughout the FEIS, the NPCNF claims that species-specific plan components are generally unwarranted because of the allocations of designated wilderness, recommended wilderness, roadless areas, and Primitive and SPNM ROS settings in the LMP. The lack of standards for wildlife conspicuously aligns with the goals of the LMP to increase motorized access, timber harvest and other activities. The public is told not to worry, however, because the plan does not fund, authorize or carry-out any activity on its own. We are told that any actions that are approved under the new LMP will be subject to site-specific environmental analysis and potentially consultation with the Fish and Wildlife Service and

National Marine Fisheries Service. We disagree. The lack of standards and species-specific plan components is a significant concern that must be rectified as outlined below.

Wolverine

The FEIS does a pretty good job summarizing the ecology of wolverine and the key stressors affecting the species. Citing Inman et al. (2013), the Forest Service notes [ldquo]that, in general, wolverines are distributed in areas of higher elevation where there is steeper terrain, more snow, fewer roads, and less human activity and in areas closer to high-elevation talus, tree cover, and snow cover persisting to April 1.[rdquo] (FEIS, page 959). According to the agency, the [ldquo]majority of wolverine habitat in the planning area occurs within designated wilderness, recommended wilderness, or Idaho Roadless Rule Areas.[rdquo] (FEIS, page 952). Maps of wolverine habitat included in the FEIS illustrate this point (e.g. Figure 88, page 955).

Timber harvest and forest management activities do not appear to be a significant threat to wolverine conservation within the planning area. However, emerging research summarized in the FEIS suggests that winter recreation, including both dispersed motorized and dispersed non-motorized winter recreation affects wolverines. Citing Kortello et al. (2019), the Forest Service states that [ldquo]Protected areas were strongly and positively related to wolverine presence in the top-ranked models and the primary difference between protected areas and the surrounding landscapes in winter is lower human use[rdquo] (FEIS, page 957). Citing Heinemeyer et al. (2019, the Forest Service notes that research [ldquo]suggests indirect habitat loss, particularly to females, could be of concern in areas with higher recreation levels. Potential for backcountry winter recreation to affect wolverines may increase under climate change if the reduced

snowpack concentrates winter recreationists and wolverines in the remaining areas of persistent snow cover.[rdquo] (FEIS, page 961). In particular, the analysis highlights the importance of minimizing recreation and human disturbance in maternal wolverine habitat [ldquo]because it indicates the effects to wolverine reproduction.[rdquo] (FEIS, page 952). As such, the analysis rightly focuses almost exclusively on the impacts of recreational access to wolverines under the alternatives.

Despite the Forest Service[rsquo]s excellent summary of wolverine-related research describing the threat posed by winter recreation, the NPCNF puzzlingly dismisses the need for species-specific plan components to guard against this threat. As modeled by Inman et al. (2013), there are approximately 753,576 acres of maternal habitat, 1,334,238 acres of primary habitat, and 3,024,135 acres of female dispersal habitat within the planning area (FEIS, page 951). The agency claims that species-specific plan components for wolverine are unnecessary because [ldquo]most of the wolverine habitat falls within either designated wilderness or Idaho Roadless Rule areas.[rdquo] (FEIS, page 967). However, only half (51.3%) of the maternal wolverine habitat on the NPCNF is located in designated wilderness areas or recommended wilderness areas under the Preferred Alternative (FEIS, page 969), and the impact of recreation on wolverines is highly dependent on the allocation of recommended wilderness areas and ROS settings under the alternatives.

This point is particularly important on the Clearwater side of the Forest, where the majority of the wolverine habitat is outside of designated wilderness. As such, the Plan[rsquo]s ability to provide for the conservation of wolverine is highly dependent on the allocation of ROS settings on the north half of the planning area. Unfortunately, the Preferred Alternative includes the second least amount of maternal wolverine habitat (FEIS, page 970) in areas allocated to recommended wilderness or the Primitive and SPNM Winter ROS settings.

Since the FEIS does not breakdown the differences between the Nez Perce side of the Forest (where the vast majority of maternal habitat is in designated wilderness) and the Clearwater side of the Forest (where the majority of maternal habitat is outside designated wilderness), we used ArcGIS Pro to conduct our own analysis, comparing the Preferred Alternative and the No Action Alternative. Our analysis indicates that there are approximately 193,600 fewer acres of maternal wolverine habitat included in the Primitive and SPNM Winter ROS settings on the Clearwater side of the NPCNF under the Preferred Alternative than under the No Action Alternative. This is a massive reduction in acres of maternal wolverine habitat allocated to Winter ROS settings that prohibit winter motorized access, and consequently, on their own, plan components for the ROS and recommended wilderness cannot adequately ameliorate this threat.

Moreover, the Preferred Alternative would open approximately 13,747 acres of primary wolverine habitat and 12,131 acres of maternal wolverine habitat to over-snow vehicle use in the Hoodoo RWA (FEIS, page 971) despite the fact the fact that Schwartz et al. (2009) predicted that wolverine habitat [ldquo]connectivity was highest in the plan area along the

Idaho-Montana border, [linking wolverine habitats in] central Idaho to those in the Bob Marshall Wilderness and Glacier National Park in Montana and through them on to Canada.[rdquo] (FEIS, page 965). The Forest Service acknowledges that [ldquo]Specific effects from this change are that future travel planning projects might open these areas to winter motorized uses, and if so, wolverines could experience disturbance and displacement because of winter motorized uses[rdquo] (FEIS, page 973), but then freely concedes critical areas within this connectivity zone to snowmobile users who have been illegally riding in the Great Burn since 2012.

Also, other roadless areas that provide connectivity for wolverines were not recommended for wilderness in the Preferred Alternative and were allocated to winter motorized ROS settings. The Forest Service claims that allocations [ldquo]of recommended wilderness in the Preferred Alternative were in part informed and influenced by the distribution of wolverine habitat.[rdquo] (FEIS, page 972). According to Schwartz et al. (2009) and Idaho

Department of Fish and Game 2014), the roadless areas that provide the best connectivity for wolverine are the Hoodoo, Meadow Creek-Upper North Fork, Rawhide, North Fork Spruce-White Sand and Sneakfoot Meadows Roadless Areas (FEIS, page 973). Yet the only one of these roadless areas recommended for wilderness in the preferred alternative is the Hoodoo Roadless Area, which was reduced in size to provide additional snowmobile access in high elevation areas with quality wolverine habitat.

The FEIS notes that the Fish and Wildlife Service withdrew a proposed rule to list wolverine under the Endangered Species Act in October 2020 (page 949). We recognize that listing

decisions are outside of the Forest Service[rsquo]s purview, but on the same day that the Draft ROD and FEIS were published, the Fish and Wildlife Service announced a final decision to list wolverine in the contiguous U.S. as a [ldquo]threatened[rdquo] species (U.S. Fish and Wildlife Service, 2023). As such, the Forest Service is required under Section 7(a)(1) of the Endangered Species Act to carry out [ldquo]programs for the conservation[rdquo] of wolverine. The agency is similarly required by the 2012 Planning Rule (36 CFR [sect] 219.9(b)) to determine if coarse-filter plan components contribute to the recovery of wolverine, and if not, the agency must adopt species-specific plan components to provide the ecological conditions that contribute to the recovery of the species.

The US Fish and Wildlife Service[rsquo]s (2023) Species Status Assessment Addendum (SSAA) for wolverine notes that 96% of modeled wolverine habitat is located on federal lands, the majority of which are managed by the Forest Service. In the the SSAA, the Fish and Wildlife Service suggests that course-filter plan components will [ldquo]undoubtedly provide some conservation benefits to wolverines[hellip][h]owever quantifying these benefits outside of wilderness areas is challenging given the variability in Forest Plan standards and conservation measures across the range of the wolverine.[rdquo]

The Forest Service[rsquo]s assertion that the course-filter plan components will provide for the conservation of wolverine within the plan area is arbitrary because the Forest Service has provided no information to support the agency[rsquo]s claim that the allocations of recommended wilderness and ROS settings will address the threat proposed by winter motorized recreation within the plan area. Species-specific plan components are needed to eliminate or minimize the winter recreation within maternal wolverine habitat in areas not protected by Primitive or SPNM Winter ROS settings. On their own, the course-filter components of the LMP do not contribute to the recovery of wolverine within the plan area, and thus, the NPCNF must adopt

species-specific plan components that minimize or eliminate disturbance caused by winter recreation in maternal wolverine habitat. Such components will be critical when making subsequent travel management planning decisions.

Prior substantive comments on wolverine
* See pages 50-54 of our comments on the Draft LMP and DEIS.

Proposed remedies

* Update the analysis in the FEIS to reflect the lack of protections for maternal wolverine habitat on the Clearwater side of the Forest under the Preferred Alternative.
* Adopt the following plan components for wolverine (or plan components that have the same affect):

* Desired condition. Human-caused disturbances do not affect species such as mountain goat, wolverine, and grizzly bear at a frequency or scale that prevents wildlife populations from attaining desired distribution and abundance in the planning area.
* Desired condition. Winter recreation activities are managed to avoid or minimize indirect loss of wolverine maternal denning habitat. Wolverine habitat

connectivity along the Bitterroot Divide is maintained to ensure genetic interchange with neighboring populations.

*
* Standard. Over-snow vehicle use is prohibited in wolverine maternal denning habitat from February 15th to May 15th.
* Guideline. Winter recreation activities along the Bitterroot Divide should be limited to designated routes to minimize displacement of wolverines.

Grizzly bear
The Bitterroot Grizzly Bear Recovery Area is one of six recovery zones in the contiguous U.S. and one of two unoccupied recovery areas. A proposal to establish an experimental, nonessential population in the Bitterroot under Section 10(j) of the Endangered Species Act was approved in 2000 but was never implemented. The establishment of an experimental, nonessential population would have occurred by capturing grizzly bears in occupied ecosystems and releasing them in the Bitterroot. Additionally, the 10(j) rule would have enabled the State of Idaho to take a lead role in managing the experimental, nonessential population. However, due to political pressures, that plan was never funded. Instead, the Fish and Wildlife Service unofficially opted for natural recovery through the migration of grizzlies from other ecosystems into the Bitterroot.

In order for natural recovery to occur, connectivity between the Bitterroot Recovery Area and occupied recovery areas must be provided. Motorized access is one of the key stressors to grizzlies, and therefore access management is key to providing connectivity. Otherwise, grizzly bears will not naturally migrate into the Bitterroot and establish a population on their own. As stated in the FEIS [ldquo]the Nez Perce-Clearwater has the distinctive role and contribution of providing ecological conditions for grizzly bears to recolonize the Bitterroot Recovery Zone and maintain the ecological conditions to allow for migration, dispersal, and genetic interchange between grizzly bear recovery zones[rdquo] (FEIS, page 994). Approximately 73.6 percent of secure areas larger than 10,000 acres in the planning area are concentrated in designated wilderness areas (FEIS, page 1108). Since the Bitterroot Recovery Area almost entirely aligns with the Selway-Bitterroot and Frank Church-River of No Return Wilderness Areas, that means that most of the existing secure acreage is within the recovery zone. This is important because recovery will not occur unless there is also sufficient secure habitat in the areas that link the Bitterroot Recovery Area to occupied recovery areas. In particular, the North Fork Ranger District and the upper end of the Lochsa Ranger District are critical to providing connectivity to the Northern Continental Divide, Cabinet-Yaak, and Selkirk Recovery Zones.

Section 7(a)(1) of the Endangered Species Act requires federal agencies such as the Forest Service to carry [ldquo]out programs for the conservation of endangered species and threatened species[rdquo]. This statutory requirement is echoed in the 2012 Planning Rule, which requires the NPCNF to adopt species-specific plan components that [ldquo]contribute to the recovery of federally listed threatened and endangered species[rdquo] when coarse-filter plan components are [ldquo]insufficient to provide [the] ecological conditions[rdquo] necessary to achieve this goal. (36 CFR [sect] 219.9(b)).

Finally, the Forest Service Manual directs the NPCNF to:

1. Cooperate with state agencies, the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, and other agencies and groups to carry out active programs to conserve the grizzly bear over the long term.
2. Implement Forest Service commitments for the conservation of grizzly bears and their habitat through coordinated planning and management.
3. Provide appropriate protection for individual grizzly bears that roam outside of delineated recovery zones and primary conservation areas. Work with the states to identify the areas where management for grizzly bears is biologically suitable and socially acceptable and coordinate management of nuisance bears.
4. Establish and implement uniform planning and management procedures concerning grizzly bears and their habitat. These should include cumulative effects analysis processes, public information and education, sanitation, and management of unnatural foods, and coordinated management of motorized access.
5. Establish and implement communication, education, assistance, and land management programs to eliminate preventable mortality of grizzly bears and minimize grizzly-human conflicts.
6. Conduct multiple-use management of grizzly bear habitat in a manner that is compatible with the goal of grizzly bear conservation.
7. Periodically monitor and report on habitat and population conditions and trends at appropriate spatial and temporal scales.

(FSM 2600, Ch. 2676).

The Draft LMP contained no species-specific plan components for grizzly bear whatsoever. Between draft and final, the NPCNF made a rather meager effort to respond to concerns about this omission by drafting three desired conditions (which are aspirational in nature and do not actually require management action or protection), including:

*
* FW-DC-WL-06. The grizzly bear Bitterroot Recovery Zone provides the ecological conditions to support recolonization of grizzly bears. Land Management Plan land use allocations provide connectivity to allow secure passage from occupied habitat to the Bitterroot Recovery Zone.
* FW-DC-WL-07. The risk of grizzly bear-human conflict is reduced through awareness. The public, Forest Service employees, contractors, volunteers, and permittees are knowledgeable of conflict prevention strategies through education and interpretation.
* FW-DC-WL-08. Within occupied grizzly bear habitat, developed recreation sites, administrative sites, and

dispersed recreation sites where garbage disposal services are provided, facilities are equipped with necessary infrastructure so that food, garbage, and other attractants can be made inaccessible to grizzly bears to reduce the potential of human-bear conflict.

(LMP, page 62).

There are still no standards or guidelines specific to grizzly bears. The NPCNF contends that other fine-filter plan components and coarse filter plan components are sufficient to provide connectivity between the Bitterroot Recovery Area and occupied recovery areas. For example, the FEIS repeatedly references guideline MA2-GDL-WL-05, which actually appears to be an incorrect reference to standard MA2-STD-WL-01 or desired condition MA2-DC-WLMU-02, as listed below:

MA2-STD-WL-01. New NFS motorized trails open to the public should not be authorized in Idaho Roadless Areas unless there are adjacent areas of 5,000 acres without open motorized system routes. This standard does not apply to:

*
*
* Community Protection Zones (CPZs) as defined by the Idaho Roadless Rule.
* Areas with existing motorized access that are currently less than 5,000 acres.
* Existing trails that are relocated or reconstructed to mitigate negative impacts to ecological resources.

(LMP, page 63).

MA2-DC-WLMU-02. Areas at least 5,000 acres in size exist without motorized access open to the public to maintain habitat use by elk.

(LMP, page 65).

The Forest Service also frequently references suitability components for recommended wilderness areas and ROS settings when arguing that coarse-filter plan components are sufficient to provide for connectivity. However, the Forest Service[rsquo]s attempt to justify why standards prescribing minimum core habitat requirements and even goals or objectives related to the adoption and implementation of food storage rules is unpersuasive.

Citing a number of sources, the Forest Service acknowledges that managing motorized access is essential to grizzly bear recovery efforts (FEIS, pages 1006-1008). As such, the majority of the analysis is devoted to this issue. Since the Bitterroot Ecosystem is presently unoccupied and lacks the kind of scientific research developed in occupied areas, the Forest Service had no choice but to borrow available research from ecosystems that are still occupied by grizzlies.

In occupied recovery areas, there is a critical focus on providing core habitat to promote recovery. As such, the analysis in the FEIS uses core habitat as an effects indicator. The NPCNF used the definition of core habitat from the Greater Yellowstone Ecosystem for this analysis. All motorized roads and trails were combined into a single GIS layer. These routes were buffered by 0.31 miles (500 meters). Lands beyond these buffers were included in core habitat calculations (FEIS, pages 1030 and 1031). HUC 10 or 5th code watersheds were then used as the scale at which to evaluate secure habitat because the size of these watersheds is most consistent with the size of female grizzly bear home ranges. The analysis also breaks down the amount of core habitat by land allocation categories, such as management areas, roadless areas, designated wilderness, recommended wilderness, and ROS settings.

Research by Mace et al. (1996) and Proctor et al. (2019) showed that female grizzly bears selected home ranges with at least 56 percent core habitat. The NPCNF argues that this [ldquo]this information does not justify a specific threshold towards which to manage because the amount of secure habitat is a continuous variable that occurs on a spectrum of ranges across a variety of landscape conditions[rdquo] and [ldquo]no site-specific information on grizzly bear use[rdquo] in the plan area exists (FEIS, page 1007). However, the Forest Service does acknowledge that the 56 percent core habitat threshold represents [ldquo]conditions in a landscape managed for multiple uses (timber harvest, roads and recreation) under which female grizzly bears were successful at produce (sic) surviving cubs into sub-adulthood.[rdquo] (FEIS, page 1007). It is also important to note that this threshold is applied to all of the occupied recovery areas and has proven to contribute to the growth of grizzly populations in those occupied ecosystems and achieve demographic recovery goals for the Northern Continental Divide and Yellowstone Ecosystems. Therefore, it is reasonable to assume that if a minimum of 56 percent core habitat were maintained in connectivity zones, then the ecological conditions necessary to provide for natural migration of grizzly bears into the Bitterroot would exist.

Table 254 lists the HUC 10 watersheds in the planning area and the percentage of core habitat in each (FEIS, pages 1035-1036). Not all watersheds are equal from a connectivity perspective. Of special interest are HUC 10 watersheds in the north half of the planning area near the

Idaho-Montana border, where connectivity to the Northern Continental Divide, Cabinet-Yaak and Selkirk Recovery Zones is critical. These HUC 10 watersheds and existing core habitat percentages include Cayuse Creek (69%), Colt Killed Creek (89%), Crooked Fork Creek (48%), Fourth of July Creek-North Fork Clearwater River (66%), Kelly Creek (88%), Lake Creek-North Fork Clearwater River (63%), Middle Lochsa River (82%), Moose Creek1 (not listed), Quartz Creek-North Fork Clearwater River (46%), Skull Creek (82%), Upper Lochsa River (44%), Warm Springs Creek (100%), Washington Creek-North Fork Clearwater River (40%), and Weitas Creek (63%). While most of these watersheds exceed 56 percent core habitat, there is no guarantee that core habitat will remain at or above this percentage due to the lack of plan components requiring minimum core habitat in connectivity areas, coupled with the ROS allocations in the Preferred Alternative.

Unfortunately, the NPCNF repeatedly argues that there is no need for minimum core requirements in connectivity areas because of the adoption of the Idaho Roadless Rule and the limitations that the rule places on road construction and maintenance in roadless areas (FEIS, page 1014). Although the rule does significantly restrict new road construction and road maintenance in roadless areas, it does not limit the construction, maintenance, and designation of motorized trails or motorized OSV use. In fact, the Preferred Alternative proposes to expand motorized trail access in many roadless areas (as reflected by the allocation of the SPM ROS setting), including the southern lobe of the Mallard-Larkins Roadless Area, the Moose Mountain Roadless Area, the Pot Mountain Roadless Area, the western two-thirds of Bighorn-Weitas Roadless Area, the eastern half of the Lochsa Face Roadless Area, and the northern half of the

1 This HUC 10 watershed is not listed in Table 254. The Moose Creek watershed that is listed appears to be the Moose Creek watershed that is a tributary to the Selway River.

North Fork Spruce-White Sand Roadless Area. The ROS settings create the potential for core habitat reductions in all of the HUC 10 watersheds listed in the previous paragraph by paving the way for the construction and designation of additional motorized trails. It is also important not to forget that the Idaho Roadless Rule places no limits on road and trail construction or maintenance outside of roadless areas, where motorized access management for the benefit of elk and grizzly bears is also desirable.

The NPCNF acknowledges that the [ldquo]amount of secure habitat in [Management Area 2 (which includes roadless areas),] would be expected to decline some due to development of future motorized trails, though the amount and location is unknown at this time.[rdquo] (page 1071). This uncertainty is exactly why minimum core habitat requirements are necessary in connectivity areas. Without a requirement to ensure minimum amounts of secure or core habitat at a home range or watershed scale, there is no cap on the amount of motorized trails that could be designated or constructed within areas that are vital for connectivity.

The Forest Service claims that [ldquo]In a worst-case scenario, a portion of the secure habitats in motorized settings in Management Area 2 larger than 10,000 acres could be reduced in size down as small as 5,000 acres. However, these habitats should still remain with low motorized route density overall and would still remain permeable to grizzly bears.[rdquo] (FEIS, page 1108).

Despite this admission, the Forest Service failed to analyze the [ldquo]worst-case scenario[rdquo] in the FEIS, provide any data to support this claim, and disclose how much core habitat would remain in each of the HUC 10 watersheds, which is a violation of NEPA. (40 CFR [sect] 1502.14(a)). If the agency is so certain that the roadless, recommended wilderness, and ROS allocations will provide sufficient core habitat in connectivity areas,

then why is the Forest Service so opposed to minimum core habitat requirements? It[rsquo]s not as if we are asking for minimum core requirements to be implemented across the entire planning area. All we are asking is for the NPCNF to adopt minimum core habitat requirements in the specific HUC 10 watersheds listed above. Recognizing that the checkerboard ownership pattern in the upper Lochsa may preclude the possibility of achieving 56 percent core in two or three of those watersheds, we are even open to lower standards in those locations.

The NPCNF also did not develop plan components to address food storage requirements. There are 55 developed campgrounds, 53 dispersed camping facilities, 12 picnic sites, 16 lookouts or cabins, and 40 trailhead facilities in the NPCNF (FEIS, page 1030). Instead of laying out measures to bear-proof these facilities and implement a food storage order, the Forest Service instead proposes to take a reactive approach and wait for an incident to occur before adopting and implementing food storage. Black bears are common across the planning area, so regardless of grizzly bear occupancy, there is reason to move forward with food storage now.

In summary, we agree that designated wilderness areas provide the ecological conditions necessary for grizzly bears IN the Bitterroot Recovery Zone. Outside of the recovery zone, roadless areas and the Preferred Alternatives allocation of RWAs and ROS settings provide no assurances the the revised LMP provides the ecological conditions necessary to protect connectivity between the Bitterroot Recovery Zone and the Northern Continental Divide,

Cabinet-Yaak, and Selkirk Recovery Zones. Since the plan to reintroduce grizzly bears to the Bitterroot Recovery Zone through translocations has never been funded or implemented, recovery will likely only occur through natural immigration of grizzlies from occupied areas.

Therefore, the NPCNF must ensure that connectivity is maintained with other ecosystems. Unfortunately, none of the plan components ensure minimum core habitat within the watersheds that make up the connectivity areas. Instead, the Preferred Alternative proposed to expand motorized access through its allocation of ROS settings. For these reasons, the LMP violates the Endangered Species Act, National Forest Management Act, 2012 Planning Rule, and Forest Service Manual.

Prior substantive comments on grizzly bear
* See pages 48-50 of our comments on the Draft LMP and DEIS.

Proposed remedies
* Update the grizzly bear analysis and disclose the amount of core habitat that would remain in each HUC 10 watershed as a result of the LMP[rsquo]s allocation of ROS settings.
* Adopt minimum standards for core grizzly bear habitat in HUC 10 watersheds that provide connectivity between the Bitterroot Recovery Zone and the Northern Continental Divide, Cabinet-Yaak, and Selkirk Recovery Zones, including the Cayuse Creek, Colt Killed Creek, Crooked Fork Creek, Fourth of July Creek-North Fork Clearwater River, Kelly Creek, Lake Creek-North Fork Clearwater River, Middle Lochsa River, Moose Creek, Quartz Creek-North Fork Clearwater River, Skull Creek, Upper Lochsa River, Warm Springs Creek, Washington Creek-North Fork Clearwater River, and Weitas Creek watersheds. The minimum amount of core habitat should be 56 percent, with the possible exception of the Crooked Fork Creek, Upper Lochsa River, and Colt Creek

watersheds, where private land ownership may justify a lower minimum.
* Adopt goals or objectives to to implement a food storage order within 5-10 years of the approval of the LMP.

Mountain goat
Mountain goats are endemic to the NPCNF (FEIS, page 1206). The mountain goat population in the planning area is composed of disjointed metapopulations. The three primary metapopulations in the NPCNF include those inhabiting the Salmon River Breaks, the Mallard Larkins RWA and the Hoodoo Roadless Area (FEIS, page 1208). Other smaller metapopulations occur in the Pot Mountain, Moose Mountain, Bighorn-Weitas, North Lochsa Slope, and Lochsa Face Roadless Areas.

The 2012 Planning Rule[rsquo]s complementary ecosystem and species-specific approach requires each national forest to identify species of conservation concern (SCC) and adopt

species-specific plan components for those species when coarse-filter plan components are [ldquo]insufficient to provide [the] ecological conditions[rdquo] necessary to maintain viable populations of SCC. (36 CFR [sect] 219.9(b)). The 2012 Planning Rule defines SCC as:

[hellip]a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species[rsquo] capability to persist over the long-term in the plan area.

(36 CFR [sect] 219.9(c)).

Despite calls made by ICL and others to list mountain goats as an SCC for the NPCNF, the Regional Forest declined to do so. The Regional Forester[rsquo]s rationale for excluding mountain goats from the NPCNF[rsquo]s SCC list is documented in a spreadsheet that is posted to the Forest Service[rsquo]s Northern Region website:

No substantial concern. Most habitat is in designated wilderness or Idaho roadless areas, removed from stressors associated with motorized use and vegetation management. Overhunting was identified as contributing to declines decades ago, but this stressor has been corrected. Although reliable population estimates are lacking, the most recent minimum counts in three of the plan area's [population management units] appear to have sufficient abundance and distribution to support long-term persistence.

This rationale, however, is contradicted by information in the FEIS, which notes that mountain goat populations have declined in the planning area and are absent from many areas of the NPCNF where they were historically present (FEIS, page 1206). Additionally, [ldquo]Many of the historic mountain goat hunting areas in the Clearwater region are currently closed to hunting because of low population levels or the loss of mountain goats

entirely from previously occupied ranges.[rdquo] (FEIS, page 1206). The FEIS summarizes population trends in the Black Snow, Lochsa-Selway, and Lower Salmon Population Management Units (PMUs) as follows:

* Black Snow PMU. Idaho Fish and Game counted 128 mountain goats in 2017. However, the eastern side of this PMU [ldquo]showed a substantial decline from the previous survey.[rdquo] Increased OSV access is a concern in the Game Management Units (GMUs) 9 and 10, which include the Hoodoo Roadless Area. Surveys documented OSV tracks in areas historically used by mountain goats in the Hoodoo RWA. Less than twenty goats were counted in these areas, whereas past surveys counted more than one hundred mountain goats.
* Lochsa-Selway PMU. The Lochsa population declined from 85 goats in 1987 to 48 goats in 1996. The Lochsa population has not been surveyed since. A survey completed in 1994 counted 151 mountain goats in the Selway population, whereas a 2014 survey counted only 19 goats. Hunting has not been allowed in this PMU since the 1980s as the population has [ldquo]continued to decline[rdquo].
* Lower Salmon PMU. Idaho Fish and Game counted 49 mountain goats on the north side of the Salmon River, which is the side of the river within the planning area. However, no surveys have occurred on the north side of the river since then. Surveys conducted outside of the planning area on the south side of Salmon River and the South Fork

Salmon Rivers in 1982 resulted in a count of 134 mountain goats. In 1994, only 36 goats were counted in this area.

(pages 1209-1211).

The rationale for excluding mountain goats from the SCC list is also contradicted by projected trends in the distribution of winter range. Idaho[rsquo]s mountain goat management plan (Idaho Department of Fish and Game, 2019) identified climate change as the primary threat to mountain goats. This plan predicts a 0.9 to 1.6 meter decrease in winter snow accumulation in the Black Snow, Lochsa-Selway, and Lower Salmon Population Management Units (PMUs).

The plan also predicts a 4.2 to 4.3 degree temperature increase in these PMUs.

Given these population trends, projected decreases in winter range as a result of climate change, and the necessity of hunting closures, it is puzzling to understand how the Regional Forester could rationally conclude that the mountain goat population in the planning area [ldquo]appear[s] to have sufficient abundance and distribution to support long-term persistence.[rdquo] The Regional Forester dismissed the need for an SCC listing by arguing that [ldquo]most populations occur in wilderness, recommended wilderness, or Idaho Roadless Rule areas, which results in a lack of threats.[rdquo] (FEIS, page 1206). While it is true that mountain goats in designated wilderness areas are protected from motorized access, goats in the Moose Mountain, Pot Mountain, and Bighorn-Weitas Roadless Areas remain vulnerable to OSV use because these roadless areas are allocated to the SPM winter ROS setting in the Preferred Alternative, and OSV use has been identified as a stressor for these wildlife. Indeed, the NPCNF proposes to expand areas for OSV use in the Hoodoo Roadless Area where the sharpest population declines have occurred, acerbating rather than mitigating a known stressor.

The NPCNF attempts to dismiss concerns about the impact that expanding OSV use in the Hoodoo Roadless Area will have on mountain goats by stating that [ldquo]areas of concentrated use by mountain goats were included in [the reduced recommended wilderness boundary] and would not be suitable for summer nor winter motorized uses.[rdquo] (FEIS, page 1235). This argument is unconvincing. The mountain goat location data provided by Idaho Fish and Game includes a total of 58 observations in the Hoodoo Roadless Area. Five of these locations were documented on April 5, 1987; 15 were documented on May 7, 1991; 13 were documented on February 4,

2010; 18 were documented on June 25, 2010; and 7 were documented on May 11, 2017. The observations from June 25, 2010 are not exactly relevant because these observations occurred well after the conclusion of the snowmobiling season, and at best, the observations from May 7, 1991 and May 11, 2017 occurred during the tail end of the snowmobiling season.

Setting aside the timing of these observations for a moment, it[rsquo]s important to acknowledge that the majority (38) of the sightings occurred in 2010 or later, after OSV use has become established in the Great Burn. As such, the use of winter range by mountain goats during these years likely reflects the selection of habitats where OSV use was not occurring or was rarely occurring. Not only do these locations represent a herd that had already experienced displacement, but they also represent a herd that was in decline. Since the Preferred Alternative

is based on this data, it does not provide the ecological conditions necessary to recover the herd to a point where the population is stable and harvestable.

The NPCNF further attempts to quiet concerns about mountain goats by stating that the LMP and Draft ROD do not authorize any travel management decisions, and that the authorization of OSV use in any portion of the Hoodoo Roadless Area will require a subsequent environmental analysis and decision document (FEIS, page 1250). Nevertheless, the Forest Service has already shown its true intentions by reducing the size of the Hoodoo RWA and allocating the terrain removed from the RWA boundary to the SPM winter ROS setting. Claiming that the Preferred Alternative [ldquo]strikes a balance between the protection of mountain goat populations and winter recreational use[rdquo] (FEIS, page 1250) is insulting to wildlife advocates because the Preferred Alternative legitimizes the illegal OSV use in the Hoodoo RWA that contributed to the decline of mountain goats in the first place. The planning rule places an obligation on the Forest Service to reduce stressors to wildlife, not cede ground to illegal uses that compromise wildlife viability. In order to ensure a fair and objective travel management planning process after adoption of the LMP, the NPCNF should have included plan components limiting OSV disturbance in mountain goat winter range to limit stressors consistent with its NFMA obligations.

As with wolverine, the Forest Service has provided no information to support the claim that enough of the planning area is allocated to designated wilderness, recommended wilderness, or the Primitive and SPNM winter ROS settings to provide for healthy and harvestable mountain goat populations by shielding them from OSV use. In fact, the FEIS doesn[rsquo]t even disclose the acreage of mountain goat winter range in these areas. Instead, the NPCNF arbitrarily claims that sufficient habitat is protected by designated wilderness, recommended

wilderness, and SPNM ROS settings without providing scientific support for its allegations. Without supporting evidence or scientific information, the NPCNF cannot claim that allowing OSV use in the Pot Mountain, Moose Mountain, and Bighorn-Weitas Roadless Areas and expanding OSV use in portions of the Hoodoo Roadless Area will provide for the conservation of endemic mountain goat populations. Since the Forest Service has failed to support its conclusion with scientific information, the agency has violated both NEPA, NFMA, and the 2012 Planning Rule.

Prior substantive comments on mountain goat
* See pages 65-76 of our comments on the Draft LMP and DEIS.

Proposed remedies
* The Regional Forester should list mountain goats as an SCC for the Nez Perce-Clearwater National Forest.
* The Nez Perce-Clearwater National Forest should adopt the following plan components for mountain goat (or plan components that have the same affect):

* Desired condition. Human-caused disturbances do not affect species such as mountain goat, wolverine, and grizzly bear at a frequency or scale that prevents

wildlife populations from attaining desired distribution and abundance in the planning area.

*
* Desired condition. Mountain goats are not harassed or displaced from known winter concentration areas or kidding areas due to human activities.
* Standard. Over-snow vehicle use is prohibited in mountain goat winter range.
* Standard. Helicopter-supported guiding operations are prohibited in mountain goat winter range.