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Comments: Please accept the attached objection on behalf of Wild Montana. We look forward to the resolution meeting. Thank you.

Region One, Objection Review Officer

U.S. Forest Service, Northern Regional Office 26 Fort Missoula Road

Missoula, MT 59804

Re: Nez Perce-Clearwater Land Management Plan Objection

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

January 29, 2024

Pursuant to 36 C.F.R. 219 Subpart B, Wild Montana (formerly Montana Wilderness Association) submits this objection to portions of the Draft Record of Decision (DROD), 2023 Draft Final Forest Plan, and the Final Environmental Impact Statement (FEIS) for the Nez Perce-Clearwater National Forest.

I. Description of Objecting Party and Standing

Since 1958, Wild Montana has been uniting and mobilizing people across Montana, creating and growing a conservation movement around a shared love of wild public lands and waters. We work at the local level, building trust, fostering collaboration, and forging agreements for protecting the wild, enhancing public land access, and helping communities thrive. Wild Montana routinely engages in public land-use planning processes, as well as local projects such as habitat restoration and timber harvest proposals, recreational infrastructure planning, oil and gas lease sales, and land acquisitions. Wild Montana and our thousands of members and tens of thousands of supporters are invested in the ecological integrity and quiet recreation opportunities on public lands across Montana, as well as the impact of climate change on Montana's wild places.

Our members also have a vested interest in the adjacent wildlands of the Nez

Perce-Clearwater National Forest in Idaho. We travel over the border to visit the Nez Perce-Clearwater to spend time with our loved ones; pass down skills and knowledge to the next generation; harvest game through fair chase backcountry hunting and fishing; and find solace, recreation, refuge, and spiritual connection. Our membership in Mineral, Missoula, and Ravalli Counties consider the Nez Perce-Clearwater as much a part of our wildland backyards as the Lolo and Bitterroot National Forests, and the wild

character of roadless areas and designated Wilderness on the Nez Perce-Clearwater attract our members from more distant counties, as well as Americans from all over the country. Wild Montana and our members are also committed to advocating for the important habitat found in the Hoodoo Roadless Areas that wildlife use without consideration for state boundaries.

Wild Montana has participated in the Nez Perce-Clearwater forest planning process since it began in 2012. We have provided written comments at multiple stages of the planning process, including the Assessment, Chapter 70 Wilderness Inventory and Evaluation, Proposed Action/Scoping, and the Draft Plan and Draft Environmental Impact Statement. The issues raised in our objections herein are based on these previously submitted comments because we believe that the Forest Service has not adequately addressed the concerns we raised in the previous stages of the forest plan revision process. Our objections address landscape-wide standards and processes and site-specific concerns primarily for the Hoodoo Roadless Area.

II. Lead Objector

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III. Summary of Objections

Wild Montana raises the following objections to the Draft Final Plan, Preferred Alternative.

- * Objection 01: By improperly excluding critical areas of the Hoodoo Roadless Area from Wilderness recommendation, the Forest Services acted arbitrarily, capriciously, and contrary to law and agency policy.
- * Objection 02: The Forest Service needs to include clear and durable forest-wide standards for recommended wilderness management.
- * Objection 03: The Forest Service must include stronger wildlife standards to provide for habitat preservation and species viability.
- * Objection 04: The Forest Service improperly applied the Wild & Scenic Rivers suitability evaluation.
- * Objection 05: The Forest Service should add additional forest-wide standards for recreation management.

IV. Objection 01: By improperly excluding critical areas of the Hoodoo Roadless Area from Wilderness recommendation, the Forest Services acted arbitrarily, capriciously, and contrary to law and agency policy.

Wild Montana strongly objects to the Forest Service's exclusion of key areas of the Hoodoo Roadless Area, including areas previously recommended, from its recommended wilderness designation. We have consistently raised the recommended wilderness issues contained in this objection in our extensive comments on the Draft Plan and DEIS, Proposed Action, and the Wilderness Evaluation.¹ However, due to the fact that the DEIS did not contain a Preferred Alternative, the DROD, Draft Final Plan, and FEIS have presented new information and rationales related to recommended wilderness, which has required us to newly address the issues in this objection.

While we appreciate that the preferred alternative would expand the Mallard-Larkins Recommended Wilderness Area and add the East Meadow Creek Recommended Wilderness Area, our objection is focused on the Hoodoo Roadless Area and the rationale for changing the recommended wilderness management boundaries.

The 252,000-acre Hoodoo Roadless Area is jointly managed by the Nez

Perce-Clearwater (Idaho) and Lolo (Montana) National Forests. Both forests currently manage this roadless area largely as recommended wilderness. These recommended wilderness areas are contiguous, and there are 47 shared miles of boundary between the Montana and Idaho Hoodoo Roadless Areas. The Hoodoo Roadless Area (also known as the Great Burn) is not only superlative in size, but it also contains exceptionally wild country that provides outstanding opportunities for both wildlife and quiet recreation. The Hoodoo Roadless Area received one of the highest wilderness ratings of any area managed by the Forest Service during the RARE Analysis processes, and the Forest Service has been recommending that Congress designate the area as Wilderness since the 1970s. Portions of the Great Burn Proposed Wilderness have been included in more than twenty legislative proposals, including one that went to President Reagan's desk in 1988 and was pocket-vetoed.

The vastness, wilderness character quality, and wildlife habitat values are critical elements that make the Hoodoo

area one of the most outstanding examples of deserving recommended wilderness in our region. As we have held since our 2014 scoping comments, [Idquo][a]ny reduction to existing Recommended Wilderness Boundaries will result in the irretrievable loss of long-standing administratively protected areas[hellip][rdquo]2

In a January 2024 Facebook post, the official Nez Perce-Clearwater National Forest account posted about the proposed recommended wilderness boundaries for the Hoodoo Roadless Area. The post stated, [Idquo][t]he revised boundary was designed to improve manageability of the recommended area, provide connection to and consistency with the adjacent recommended wilderness area on the Lolo National Forest, increase protection of undisturbed wildlife habitat and connectivity for long-ranging species, and provide ecological diversity within the recommended area."3 We contend the proposed change in boundaries is in direct opposition to each of these stated goals. In making the decision to change the recommended wilderness boundaries in the Hoodoo Roadless Area, the Forest Service fails to provide sufficient rationale and analysis of the impacts in violation of the National Environmental Policy Act (NEPA) and the 2012 Planning Rule. The Nez Perce-Clearwater National Forest is required to take a [Idquo]hard look[rdquo] at environmental consequences of the proposed action and the analysis must be based on best available science.4

A. The Wilderness Evaluation does not support this decision in violation of Forest Service policy.

The Forest Service must base the decision to recommend areas as Wilderness on the Wilderness Inventory and Evaluation Process. The Draft Final Plan and the decision to change the boundaries of the Hoodoo Roadless Area is contrary to the findings of the Wilderness Evaluation and is not supported by best available science.

The Wilderness Evaluation criteria are: (1) apparent naturalness, or 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; (2) outstanding opportunities for solitude or for a primitive and unconfined type of recreation in at least some portion of the unit; (3) whether an area less than 5,000 acres is of sufficient size to make practicable its preservation and use in an unimpaired condition; and (4) the degree to which the area may contain ecological, geological, or other features of scientific, educational, scenic, or historical value.5 The Chapter 70 directives add a fifth evaluation criterion: the degree to which the area may be managed to preserve its wilderness characteristics, based on the geographic shape and configuration of the area and any governing legal requirements.6 Because the wilderness recommendations must be [Idquo]based on the analysis disclosed in the applicable NEPA document and input received during public participation opportunities,[rdquo] and the analysis must be based in part on the evaluation, it is critical that the evaluation criteria are properly applied.7

As we pointed to in our DEIS comments, the Recommended Wilderness Inventory, Evaluation, and Analysis performed as part of the Forest Planning process found for the Hoodoo Roadless Area that: the area retains a high degree of natural integrity and appearance; human activities have resulted in relatively minor and isolated impacts; vegetation in 73% of the roadless area is within the natural range of variation; the vastness of the area...along with its rectangular shape extending approximately 40 miles north-south provides excellent opportunity for solitude; external influences of sight and sound are minimal; the size and diversity of the area, the variety of vegetative types and landforms, the abundance of wildlife, streams, and lakes all contribute to virtually unlimited primitive settings for recreation; approximately 42% of the area consists of ecological types that are currently underrepresented; the Hoodoo is one of the three roadless areas on the Nez Perce-Clearwater where

mountain goats are known to exist. These are unusual in the area and are scenic and wild to view; the water quality in the

Hoodoo Roadless Area is generally high; the area shares boundaries with mostly other roadless areas (58%) and front country (42%); there are no adjacent private lands; the management of boundaries shared by other roadless areas is generally not challenging, since management is similar; and there are no grazing allotments overlap with the area.⁸

All of these findings, as well as other points that will be raised throughout this objection, suggest that the Hoodoo Roadless Area meets and exceeds requirements deserving of recommended wilderness management. In the final recommendation for the area moving forward in analysis, the Forest Service states that [ldquo]snowmobiling and summer motorized use occurs either within the recommended area or adjacent to it. This use would reduce the opportunity for solitude for visitors in proximity to the activity[rdquo] even though the analysis goes on to state that [ldquo]natural integrity, apparent naturalness and opportunity for solitude and primitive and unconfined recreation are high in a majority of the area.[rdquo]⁹

The portion of the Hoodoo Roadless Area that was recommended wilderness in the 1987 Forest Plan, was legally closed to motorized and mechanized use during the subsequent travel planning processes (with the exception of the Fish Lake Trail).¹⁰ Therefore, in the Preferred Alternative, the Forest Service appears to be excluding recommended wilderness areas in the Hoodoo due to illegal snowmobile trespass and the improper consideration of outside sights and sounds.

The Forest Service may only consider [ldquo]legally established[hellip] uses within the area[rdquo] in the Wilderness Evaluation process.¹¹ In this evaluation and the FEIS, the Nez Perce-Clearwater cannot consider current illegal over-snow vehicle use occurring because the Forest Service refused to enforce the 2012 Travel Plan.

Also, outside sights and sounds are relevant to the evaluation of opportunities for solitude only to the extent they are [ldquo]pervasive and influence a visitor[rsquo]s opportunity for solitude[rdquo] throughout the unit.¹² The assertion that outside snowmobile use would reduce the opportunity for solitude is an assertion not supported by empirical data or models of noise attenuation. Many designated wilderness areas are closely boarded by high-traffic roads. If Congress saw it fit to use highways as Wilderness boundaries, we do not see how, in the absence of data, the Forest Service can justify the claim that adjacent motorized use can create a pervasive loss of wilderness values across a large, rugged, roadless area. The Forest Service bears a high burden to show that outside sights or sounds are in fact pervasive and limit a visitor[rsquo]s opportunity to experience solitude throughout the unit. Even where the Forest Service can meet that high burden, the area may still merit wilderness recommendation if it possesses outstanding opportunities for primitive and unconfined recreation. The Forest Service must demonstrate how or why the presence of motorized uses degrades both opportunities for solitude and primitive and unconfined recreation types throughout the entire unit. The analysis in the Wilderness Inventory and Evaluation does not make the requisite showing how existing motorized uses would affect a visitor[rsquo]s ability to experience solitude throughout the unit, taking into account factors such as topography, presence of

screening, and distance from impacts.¹³

For the Hoodoo Roadless Area, the Forest Service improperly disqualified parts of the unit due to the consideration of illegally established uses and outside sights and sounds concerns. Therefore, the justification for not carrying forward the area to continued recommended wilderness designation is flawed.

B. The analysis relied on improper measurement indicators.

During the DEIS phase, we provided additional examples of measurement indicators the Nez Perce-Clearwater should include in their analysis of recommended wilderness.¹⁴ None of these were incorporated into the FEIS, and the FEIS still does not adequately address or measure the benefits associated with recommended wilderness. Thus, the FEIS analysis appears to be heavily biased toward alternatives with recommended wilderness areas that minimize conflicts with motorized and mechanized recreation, rather than alternatives with recommended wilderness areas that maximize wilderness character and protection. The measurement indicators used in the FEIS are as follows:¹⁵

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

Four out of the five indicators are weighted towards non-wilderness values. The analysis should be equalized by including a robust set of indicators that consider changes to wilderness values. This should include indicators that measure impacts to naturalness and outstanding opportunities for solitude or primitive recreation. The indicators should measure the negative effects on wilderness values and wilderness character if an area is not recommended or if certain management actions or uses are allowed.

The Forest Service's failure to take a "hard look" at the ecological benefits of recommended wilderness is in violation of NEPA.¹⁶ The Forest Service must meaningfully analyze all impacts, including the ecological benefits of recommended wilderness areas. The required hard look encompasses effects that are "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative."¹⁷ The recommended wilderness section of the FEIS says very little about the wilderness characteristics of any of the considered areas.¹⁸ That data is only located in the Wilderness Inventory, Evaluation, and Analysis in Appendix E instead of incorporating the analysis into the FEIS and discussion of each alternative. The Forest Service must incorporate best available science into their analysis regarding the benefits

of wilderness and wilderness recommendation.19

C. The Preferred Alternative is inconsistent with the Forest Service analysis conducted for the Forest Plan Assessment and Travel Plan.

The Draft Final Plan, DROD, and FEIS are in contradiction to the analysis and conclusion made in the recent Clearwater Travel Plan decision and the Forest Plan's Need for Change.

The 2012 Clearwater Travel plan and subsequent 2017 Record of Decision (ROD) regarding recommended wilderness management, made it clear that the Nez Perce-Clearwater was committed to preserving wilderness character and prohibiting nonconforming uses in the 1987 Hoodoo Roadless Area Recommended Wilderness.

The Need for Change in the Nez Perce-Clearwater Forest Plan DROD vaguely states that there is a need to revise the 1987 Forest Plans to "provide for ecological, social, and economic sustainability in an integrated manner. Additionally, the plans need to be revised to better consider multiple uses and ecosystem services desired by local, regional, and national publics."20 The DROD, FEIS, and Draft Final Plan do not enumerate the reasoning why there was a need for the Forest Service to change their management of the Hoodoo Roadless Area since the recent 2012 Clearwater Travel Plan decision and subsequent 2017 ROD for the Clearwater National Forest Travel Planning for Recommended Wilderness Areas. There is insufficient analysis and discussion as to why the conditions of the forest and on the ground management have changed since these decisions were signed so the forest plan needed to take a drastically different management approach. The 2017 decision made it clear that opening up parts of the 1987 recommended wilderness in the Hoodoo Roadless Area would make it difficult for the Forest Service to regulate the amount and areas of use effectively.21

The 2012 Clearwater Travel Plan stated that the non-recommended wilderness areas of the Inventoried Roadless Areas on the forest would "remain open to snowmobiling so there will continue to be opportunities for over-snow motorized recreation in back-country areas."22 As we referred to in our DEIS comments, a 2018 study used in the Forest Service's analysis for this forest plan revision shows that 2.6% of the forest's users engage in snowmobiling, that the activity was expected to show low growth, and that only 6% of locals and 11% of rural locals indicated there are too few opportunities for snow machine use.23

This local survey conducted by USFS Region 1 to determine the preferences for motorized and mechanized access to federal public lands showed that 61% of local respondents indicated there are adequate or too many

accessible sites for snow machine use; additionally, 32% of respondents indicated they didn't know whether there were too many or too few sites available. 51% of local respondents indicated there are adequate or too many accessible sites for mountain biking, and 40% indicated they didn't know whether there were adequate sites.²⁴ Although the survey reflected data from across the entire footprint of the Nez Perce-Clearwater National Forest, and not just the communities adjacent to the Hoodoo Roadless Area, the high numbers indicating that there is currently adequate winter motorized and mountain biking suggests that there is not a high demand or need to reduce recommended wilderness acreage for the Hoodoo Roadless Area. This begs the question of what data the Forest Service is relying on to justify the proposed Preferred Alternative's management of the Hoodoo Roadless Area.

Furthermore, the FEIS analysis inadequately represents the needs and interest in quiet recreation opportunities and instead provides inflated analysis discussing the benefits of motorized recreation based upon speculation, not best available science. In January 2021, Missoula County provided a letter to Supervisor Probert sharing that, "[n]on-motorized recreation significantly contributes to Missoula County's tourism economy, which accounted for more than \$284 million in expenditures from nonresidents in our county last year. The popularity and value of the Great Burn and nearby Wild and Scenic River resources benefit local businesses such as river outfitters, fishing guides, recreation gear shops and public lands cartography businesses."²⁵ While the economic benefits of outfitting and guiding in recommended wilderness was referenced in the FEIS, the Forest Service does not discuss the economic benefits of nonmotorized recreation. Instead, the Forest Service acknowledges that the "[p]lan and Preferred Alternative favor more access for recreational and economic purposes."²⁶

Part of the rationale in the Clearwater National Forest's Travel Plan for Recommended Wilderness Areas for closing areas to motorized use was impacts to wilderness character and manageability.²⁷ The ROD, which was signed by Forest Supervisor Cheryl Probert, stated that "[c]ontinuing to allow unregulated motorized recreation in RWAs [recommended wilderness areas] would negatively impact naturalness, primitive character, opportunities for solitude, and wolverine[.] As motorized use continues to grow, such impacts would become more pronounced and the wilderness character of the areas as existed in 1987, when they were recommended for designation, would not be protected and the potential for future wilderness designation would be reduced.

Impacts of such uses to wildlife (particularly wolverine) and trail resources would also be expected to increase. Because these areas are large and remote, the Forest Service does not have the ability to effectively regulate the amount of use if they remained open[.]²⁸

Illegal over-snow vehicle use has persisted since the Clearwater's travel planning decisions, and the Forest Service has not properly managed the 1987 recommended wilderness or provided enforcement. Subsequently, in this planning process, the Forest Service has decided to simply open up the areas where they were not enforcing their previous decisions. As the Forest Service acknowledged in the 2017 decision, the area is large and rugged, and if snowmobiling is allowed, it would be difficult and cost-prohibitive for the Forest Service to control and enforce. The decision to change the recommended wilderness boundaries in the Hoodoo Roadless Areas provides no assurances that the Forest Service will enforce the new boundaries since there is no track record of effective enforcement. Or if the Forest Service continues to allow further and further illegal encroachment into the recommended wilderness, this process sets the precedent that the next time this plan is revised, the Forest Service could use the fact that they created unenforceable boundaries as a reason to open more of the Hoodoo Roadless Area to further nonconforming uses. Conversations with Nez Perce-Clearwater

staff at the public meetings held for this planning process suggest that law enforcement availability in this area is inadequate to manage illegal trespass, especially given that boundaries will not be marked and will not be entirely clear to users. By rewarding those who have illegally trespassed despite clear direction from the Clearwater Forest Plan, this planning process is not setting up the Forest Service to effectively manage future difficult management challenges.

Furthermore, regarding mechanized use, the Travel Plan asserted that there [ldquo]is little mountain bike use within the areas recommended for wilderness by the forest[rsquo]s plan[hellip] the remaining areas of the forest will provide a wide variety of bicycle opportunities of varying challenge and in a variety of settings.[rdquo]29

The Forest Plan FEIS and DROD do not provide any justification for why the Nez

Perce-Clearwater must change the recommended wilderness boundaries in the Hoodoo Roadless Area to provide for more winter motorized and mechanized use opportunities, in contrary to their previous findings. This forest plan revision process kicked off in 2014, and there is no evidence showing that between when the 2017 Recommended Wilderness Travel Plan was released and when this 2023 Draft Final Plan came out there were substantial changes on the ground justifying the Forest Service reversing their position.

D. The Preferred Alternative presents manageability and cross-boundary issues.

The Lolo National Forest Plan and Travel Plan provide clear guidance regarding motorized use and wilderness characteristic management on the Montana-side of the Hoodoo Roadless Area, which is managed as MA12 (recommended Wilderness). The Nez Perce-Clearwater Preferred Alternative would allow for winter motorized use and mechanized use along the Lolo-Nez Perce-Clearwater forest boundary. These effects could include, but are not limited to, impacts on soundscape caused by winter motorized use, inability to enforce boundaries, as well as ecological impacts to wildlife populations that freely move from the Idaho to Montana portions of this roadless area and back. For example, sensitive mountain goat populations in the Hoodoo Roadless Area frequent both the Montana and Idaho sides of this roadless area. Idaho-side nonconforming uses are likely to have implications for the health of this trans-state population of mountain goats.

The Nez Perce-Clearwater has a non-discretionary duty, per the USFS Planning Handbook and 2012 Planning Rule, to assess the broader landscape in which this plan will be implemented, which we also discussed extensively in our DEIS comments.³⁰

USFS Planning Handbook:

The intent behind identifying designated areas in plans and recommending additional areas for designation is to

[hellip] Recommend areas where doing so would help carry out the distinctive role and contributions of the plan area in the broader landscape or contribute to achieving desired conditions for the plan area.³¹

2012 Planning Rule

Ensure planning takes place in the context of the larger landscape by taking an [lsquo]all-lands approach.[rsquo]³²

"Ecological and social systems are not confined within NFS unit boundaries... the responsible official will consider the landscape-scale context for management and will look across boundaries throughout the assessment, plan development/revision, and monitoring phases of the planning process.³³

The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity, taking into account:

[hellip](ii) Contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area.³⁴

The released FEIS does not fulfill the Nez Perce-Clearwater[rsquo]s substantive duty to comply with these aspects of the 2012 Planning Rule and Planning Handbook.

In the Clearwater[rsquo]s recent travel planning decision, the Forest Service stated that their reasoning in prohibiting nonconforming uses in recommended wilderness is to create consistency across forest boundaries.³⁵ Regarding over-snow vehicle use, the travel planning ROD stated that [ldquo][u]nlike summer use, winter use is an area-based, rather than route-based, opportunity for motorized vehicles; therefore, expanding the evaluation area beyond the Forest boundary is prudent. The results of this evaluation show that on the Lolo National Forest, the adjacent portion of the Great Burn roadless area has been restricted for many years to over-snow vehicles. Eliminating over-snow vehicle use in the Great Burn area will result in consistent management practices across the boundary between these National Forests.[rdquo]³⁶

Part of the rationale in the FEIS provided for not carrying forward areas of the Hoodoo Roadless Area as recommended wilderness, is that the established motorized use will [ldquo]present boundary management challenges to prevent trespass into the recommended area.[rdquo]³⁷ The FEIS Recommended Wilderness Inventory, Evaluation, and Analysis for the Hoodoo Roadless explicitly states that the [ldquo]management of boundaries shared by other roadless areas is generally not challenging, since management is similar.[rdquo]³⁸ This forest plan, however, undermines this entire assumption for the Nez Perce-Clearwater and Lolo National

Forests. The Lolo National Forest is initiating scoping for their forest planning process on January 31, 2024, which will include the draft wilderness inventory and evaluation. By changing the management for one half of the contiguous Hoodoo Roadless Area, the Nez Perce-Clearwater National Forest is potentially hamstringing the Lolo National Forest in their management. Continuing to manage the Nez Perce-Clearwater side of the Hoodoo Roadless Area as recommended wilderness would allow boundary consistency to remain [ldquo]not challenging, since management is similar.[rdquo]

Furthermore, the Draft Final Plan would provide for a 150-foot corridor excluded from recommended wilderness for the Stateline (Divide) Trail #738. The Forest Service must clarify how the 150 feet will be calculated to ensure this does not include a portion of the Lolo National Forest. The Nez Perce-Clearwater must not authorize decisions that would occur on the Lolo National Forest. This corridor would effectively sever the Nez Perce-Clearwater[rsquo]s Recommended Wilderness Area and the Lolo[rsquo]s Recommended Wilderness Area, and would invite illegal mountain bike use incursions into connective trails that remain in recommended wilderness areas. This can create manageability issues, even if we assume the Nez Perce-Clearwater will make the necessary effort to educate the public about recommended wilderness boundaries and management prescriptions, post restrictions on connecting trails, and enforce travel restrictions.

Moreover, the Stateline Trail has been maintained for stock and foot-users, and the FEIS does not address how this trail would need to be rebuilt to be safe for mountain bike use. A recent Missoulian article stated that the trail is in [ldquo]deteriorating condition.[rdquo]³⁹ As Wild Montana has raised with the Lolo National Forest, the current trail contains dangerous corners and poor site lines that increase the chances of a fast-moving bike running into a mountain goat or a slow-moving backpacker.⁴⁰ This is especially notable given that the Stateline above the Heart Lake trail is a popular destination for families with children. The Nez Perce-Clearwater FEIS also does not acknowledge or address that the most common use of the Stateline Trail by mountain bikers currently is as a loop route that descends into the Heart Lake basin on the Lolo National Forest or from the Hoodoo trailhead out to the Clearwater Crossing trailhead.

E. This decision impacts plant and animal species in violation of the National Environmental Policy Act, Endangered Species Act, and the 2012 Planning Rule.

The decision to change the recommended wilderness boundaries for the Hoodoo Roadless Area will negatively impact plant and animal species, including the sensitive mountain goat and threatened wolverine and whitebark pine. The Forest Service[rsquo]s FEIS and DROD do not adequately analyze the direct, indirect, and cumulative impacts on species from human disturbance, specifically winter recreational opportunities. The FEIS fails to take a hard look at, and carefully consider, the overall cumulative effect on each species. Cumulative impacts are [ldquo]the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.[rdquo]⁴¹ Cumulative impacts can result from [ldquo]individually minor but collectively significant actions taking place over a period of time.[rdquo]⁴² Moreover, the rationale the Forest Service provides for the Preferred Alternative is not consistent with the scientific analysis regarding these potential impacts, and therefore, the decision is not based on best available science.

In our DEIS comments, we raised concerns regarding mountain goats and wolverine, however, we are also

objecting based on new information regarding mountain goats, given their addition to the Lolo National Forest's Species of Conservation Concern list and the recent Endangered Species Act listing of the wolverine and whitebark pine.⁴³

The DROD states that a key element of the plan is the "[d]eliberate identification of motorized vehicle suitability to provide for habitat connectivity of wide-ranging species and species sensitive to winter motorized use, including grizzly bear, wolverine, elk, fisher and more, while considering how critical those uses are to rural community social and economic sustainability."⁴⁴ In the FEIS, the Forest Service more explicitly states that the Preferred Alternative would "[f]avor more access for recreational and economic purposes. The wildlife species that are sensitive to motorized uses or are accessed more easily by motorized access will not do as well relatively speaking than if the motorized system favored fewer roads and less human access."⁴⁵ We would contend that the Forest Service has illegally prioritized motorized vehicle suitability over the habitat needs of the species.

1. Mountain Goats

The Hoodoo Roadless Area is one of three roadless areas on the Nez Perce-Clearwater National Forest where mountain goats are known to exist. Idaho recognizes mountain goats as a Species of Greatest Conservation Need, Priority Tier 3, in the Idaho State Wildlife Action Plan of 2017.⁴⁶ Tier 3 species are considered "[r]are or uncommon, but not yet imperiled," and may face emerging threats or declining trends range-wide.⁴⁷ The Forest Service asserts that the plan's Preferred Alternative "[s]trikes a balance between the protection of mountain goat populations and winter motorized use."⁴⁸ We strongly disagree with this statement and would argue that the Forest Service is instead legitimizing illegal over-snow vehicle use that has been occurring in the existing Hoodoo Recommended Wilderness Area without protecting necessary mountain goat habitat.

In October 2023, the Regional Forester added mountain goats (*Oreamnos americanus*) to the Lolo National Forest's Species of Conservation Concern (SCC) list. SCC are defined as "[h]ellip)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' capability to persist over the long-term in the plan area."⁴⁹ In our DEIS comments, we explained extensively why scientific evidence shows there is substantial concern for the mountain goat species' ability to persist in the long term in the plan area, especially the Hoodoo Roadless Area.⁵⁰ We did not explicitly request that mountain goats be added to the SCC list, however, the recent listing of the mountain goat as an SCC for the Lolo National Forest constitutes new information we did not have in 2020.

The Blacklead and Stateline mountain goat herds utilize habitat on both the Idaho and Montana sides of the roadless area. This is frequently observed by recreationists, and has been observed by Wild Montana staff during field visits to the area. The FEIS depicts mountain goat observations from overflights conducted by Idaho Fish & Game biologists.⁵¹ Although this data ends at the Montana border, observation dots are distinctly

clustered at the border, indicating Blacklead goats are utilizing habitat on the Montana and Idaho border without regard for state boundaries.

The rationale provided for adding mountain goats as a Lolo SCC is as follows, "[a]ll herds within the plan area have demonstrated or are suspected to have population declines. Populations within the plan area are small and isolated and likely have limited connectivity to other populations due to habitat arrangements within the larger landscape. Although the specific cause of the population decline is unknown, multiple threats to the species exist within the plan area, and when coupled with the inherently small populations within the plan area indicate there is substantial concern for the species."⁵² This SCC decision was made by the Regional Forester, Leanne Marten.

On the adjacent forest, the Nez Perce-Clearwater, this Draft Final Plan does not consider mountain goats as an SCC and furthermore does not contain plan components to ensure the viability of the species into the future.⁵³ For the Nez Perce-Clearwater's SCC decision, the Regional decisionmaker determined that SCC status was not warranted for mountain goats because "[m]ost habitat is in designated wilderness or Idaho roadless areas, removed from stressors associated with motorized use and vegetation management."⁵⁴ Additionally, the FEIS states that "[f]ew plan components are directed towards mountain goats, as most habitats are inaccessible to anthropogenic threats and are protected in many ways by restrictions in wilderness, recommended wilderness, or roadless areas."⁵⁵ This rationale does not take into account the reality of the plan decision which is proposing to change the underlying assumption about habitat removed from areas with motorized use. Although the Hoodoo Roadless Area is an inventoried roadless area parcel, the change of recommended wilderness boundaries would mean that the stressor of winter motorized use would be allowed into mountain goat habitat areas.

The Forest Service Handbook explicitly states that SCC should be considered for "[s]pecies identified as species of conservation concern in adjoining National Forest System plan areas (including plan areas across regional boundaries)."⁵⁶ The Nez Perce-Clearwater and Lolo National Forests are not only within the same region, but the species at issue exists in one contiguous roadless area spanning the two forests.

As we raised in our DEIS comments, several of the Hoodoo mountain goat herds have experienced significant declines in recent decades, and this includes the Hoodoo Roadless Area Blacklead Herd.⁵⁷ The FEIS states that for all of the mountain goat populations across the Nez Perce-Clearwater National Forest, the "[m]ost acute decline based on limited survey efforts is within the Blacklead subpopulation within the Hoodoo Recommended Wilderness Area, where the Idaho Department of Fish and Game has documented sharp declines in mountain goat numbers."⁵⁸ Illegal over-snow vehicle use regularly occurs near Blacklead Mountain and Williams Peak, which is within the identified Blacklead herd winter range.⁵⁹ The FEIS describes that in 2017, Clay Hickey flew over the Hoodoo Roadless Area and reported snowmobile tracks near historic mountain goat areas and counted "[l]ess than twenty individuals where past winter counts were in the low hundreds."⁶⁰ This evidence is highly suggestive that illegal winter motorized use in the Hoodoo Roadless Area has had significant negative impacts on the Blacklead mountain goat herd, which may be pushing that herd very quickly towards extirpation primarily due to human disturbance.

Mountain goat habitat is broadly characterized by steep, rugged, and high-elevation terrain within subalpine to alpine regions.⁶¹ The species prefers habitat close to [Idquo]escape terrain,[rdquo] such as cliffs, which allow individuals to avoid predation and disturbance.⁶² Habitat is also selected based on heat load, which accounts for incoming sunlight, and influences both forage productivity and snow depth.⁶³ Given the limited availability of suitable habitat, mountain goat populations undergo short altitudinal migrations to accommodate seasonal resource variation.⁶⁴ Habitat becomes even more limited in the winter when snow accumulation and harsh weather conditions concentrate mountain goat populations into ranges 2-50% the size of those occupied in the summer.⁶⁵ In the Rocky Mountains, preferred mountain goat winter habitat and feeding areas are located within 200m-wide ridgetop corridors that provide access to escape terrain.⁶⁶ Mountain goats face increased energy expenditures and physiological stress in the winter, making their winter habitat critical to population success. Preferred winter habitat is limited and isolated, leaving mountain goats vulnerable to direct threats as well as indirect threats that cause them to abandon high-quality habitat.⁶⁷ Changes in spatial distribution, such as avoiding and/or fleeing areas of natural or anthropogenic disturbance, lead to increased energy expenditures at a time when forage resources are limited. Limited resource availability and harsh winter conditions result in nutritional deficiencies, increased starvation risk, and high juvenile mortality.⁶⁸ Vulnerability to direct and indirect threats also occurs as a result of the small size and reproductive isolation of many populations. Undisturbed, high-quality winter habitat is critical to mitigating these threats

and maintaining over-winter survival rates and population size.⁶⁹ The Nez Perce-Clearwater FEIS acknowledges the importance of protecting mountain goat winter habitat, [Idquo]winter range is important to the long-term survival of mountain goats and should be identified and managed to reduce disturbance to mountain goats,[rdquo] yet the decision to allow winter motorized use in the Hoodoo Roadless Area is in direct contradiction with this acknowledgment.⁷⁰

Mountain goats are highly sensitive to both motorized and nonmotorized recreational disturbance and demonstrate behavioral changes (increased vigilance and decreased foraging time), reduced reproductive success, and changes in spatial distribution (reducing presence in or abandoning desired habitat).⁷¹ These impacts are particularly acute in the winter, when resources and expendable energy are limited, as well as when disturbance occurs near nursery groups.⁷² Unpredictable disturbances that occur at high-intensity, like that of motorized vehicles, are most detrimental to mountain goats and elicit moderate-to-strong negative physiological and functional responses in exposed animals.⁷³

Historically, mountain goat populations faced limited disturbance from winter motorized recreation such as snowmobiling, as until the 1990s machines lacked the capability to access remote areas frequented by mountain goats. Technological advances, the introduction of snow bike technology, and decreased snowpack availability are now leading to increased competition between mountain goats and motorized recreationists for the same areas, particularly along ridge-tops used by mountain goats for winter feeding and also favored by snowmobilers and snowbikers for the access to highline views.⁷⁴ Studies on general ungulate populations demonstrate that snowmobiles can cause increased flight response, habitat loss, and mortality.⁷⁵ Several studies have documented the negative impacts of helicopter disturbance on mountain goat populations, as well as that of non-aircraft disturbance. Both aircraft and non-aircraft disturbance can reduce effective habitat, lower forage and resting rates, and impact seasonal habitat use.⁷⁶

Mountain goats are particularly vulnerable to the potential negative impacts of snowmobile disturbance, as

research indicates that ungulates become increasingly sensitive, rather than habituated, to long-term and repeated disturbance. Given the accessibility of snowmobiles to rugged terrain and the frequent unpredictable, high-intensity disturbance resulting from this access, expansion of snowmobiling activity into critical mountain goat winter range is likely to reduce habitat availability and quality, produce increased energy expenditures, and reduce reproductive success.⁷⁷ Mountain goat populations are small and isolated, making them vulnerable to and often unable to recover from population declines.⁷⁸

To reduce the impacts of winter motorized recreation on mountain goat populations, existing management plans recommend maintaining at least a 500-meter line-of-sight setback from the animals while in open areas and maintaining a distance large enough to prevent disturbance.⁷⁹ Given the relatively narrow ridgeline corridors occupied by mountain goat populations during winter months, difficulties arise in enforcing these guidelines. In British Columbia, land management administrators use both visual surveys and habitat modeling to define three habitat categories - [ldquo]occupied[rdquo], [ldquo]high relative probability of occupation[rdquo], and [ldquo]low suitability[rdquo]. Recreation in areas identified as occupied or highly likely occupied by mountain goats, particularly during the winter, are placed under use-restrictions to limit disturbance and its potential negative impacts. This process is adaptive and responsive to both changes in mountain goat distribution and recreation type.⁸⁰ Adopting management principles of this kind in the Hoodoo Roadless Area is not possible, both from implementation, education, and enforcement standpoints. At the February 2020 St. Regis DEIS public meeting, Nez Perce-Clearwater recreation staffer, Kearsten Edwards shared that in recent years winter law enforcement in the Hoodoo Pass area has consisted of one to two days on the ground and possibly one overflight.⁸¹ This level of oversight is not adequate to implement the type of management described above, nor is it currently adequate to enforce illegal use and boundaries, as evidenced by tracks seen by Idaho Fish & Game on overflights, the level of snowmobile use our staff have seen while visiting the area in winter, as well as the observations of Great Burn Conservation Alliance members on winter overflights they have financed for a number of years.

The modeling and analysis provided by the FEIS regarding mountain goats and winter recreation is woefully deficient and does not account for the skill levels of riders using this area, nor the new capabilities of snow bikes.⁸² Even though the FEIS[rsquo]s model for the overlap between potential snowmobile use and winter mountain goat habitat is insufficient, the Preferred Alternative[rsquo]s boundaries for recommended wilderness in the Hoodoo Roadless Area were changed to allow for snowmobiling in sensitive areas around Blacklead Mountain and Williams Peak. The FEIS explicitly states that [ldquo]...the boundaries were altered to accommodate recreation.[rdquo]⁸³ The Forest Service attempts to rationalize the decision by incorrectly stating that [ldquo]areas of concentrated use by mountain goats were included in recommended wilderness and would not be suitable for summer nor winter motorized use. This strikes a balance in providing for both desires of winter recreation users and protection of mountain goat populations.[rdquo]⁸⁴ We strongly disagree. The Forest Service further attempts to justify the Preferred Alternative by stating that the authorization of over-snow vehicle use in any portion of the Hoodoo Roadless Area will require a subsequent travel planning environmental analysis and decision document, even though the Forest Service has repeatedly stated its intention to open these areas to over-snow vehicle use.⁸⁵ The fact that there must be subsequent travel planning does not undercut the Forest Service[rsquo]s obligations in this forest planning effort. The FEIS does not adequately consider any of the potential impacts on mountain goats from this decision in direct violation of their NEPA analysis requirements. The FEIS is also in conflict with management direction provided by the Regional Forester to manage these same herds, i.e. the same individual animals, on the Lolo National Forest as an SCC.

2. Wolverine

Over-snow vehicle use around Blacklead Mountain and Hoodoo Pass will overlap with wolverine habitat as well. As we explained in our DEIS comments, wolverine habitat is present across the forest, but the Hoodoo Roadless Area provides unique, high-quality habitat worthy of special consideration.⁸⁶

The day after this phase of the Nez Perce-Clearwater Forest Plan was released, wolverines were listed as threatened under the Endangered Species Act (ESA). Since this is new information since 2020, we did not previously directly raise the issue of ESA compliance, however, we did discuss at length the impacts of the decision on wolverine. This listing means that the Forest Service must aid in the conservation of the wolverine and ensure that all activities, like revision of this forest plan, are not likely to jeopardize the continued existence of the wolverine or destroy or adversely modify designated critical habitat.⁸⁷

The Forest Service in conjunction with U.S. Fish and Wildlife Service, must ensure this forest plan decision, which would open modeled wolverine habitat up to over-snow vehicle use, would not jeopardize the wolverine. Under the ESA, [“]conservation[”] means [“]to use and the use of all methods and procedures which are necessary to bring any endangered species . . . to the point at which the measures provided pursuant to [the ESA] are no longer necessary.[”]⁸⁸ Thus, [“]the ESA was enacted not merely to forestall the extinction of species[], but to allow a species to recover to the point where it may be delisted.[”]⁸⁹ This federal agency obligation is an affirmative duty. The Forest Service must show that opening up areas of the Hoodoo Roadless Area to snowmobile use would not jeopardize the existence of wolverine. Wolverine habitat is present across the forest, but the Great Burn provides unique, high-quality habitat. The FEIS stated that, [“]areas that had a higher probability of use in modeled wolverine habitat include the area near Lolo Pass.[”]⁹⁰

Habitat needs and constraints become even narrower when assessing wolverine maternal denning needs. Heinemeyer et al. showed that female wolverines exhibited stronger avoidance of off-road motorized winter recreation, and wolverines of both sexes avoided areas of both motorized and nonmotorized winter recreation.⁹¹ The FEIS acknowledges this body of scientific research stating the study [“]suggested stronger negative responses to winter recreation than previous publications suggested.[”]⁹² Furthermore, the FEIS acknowledged research that has shown that forest roads used by snow machines in Canada were strongly negatively correlated with wolverine distribution.⁹³

The FEIS analyzes that the Preferred Alternative change in recommended wilderness boundaries for the Hoodoo Roadless Area would result in a loss of approximately 13,747 acres in primary wolverine habitat and 12,131 fewer acres of maternal habitat compared to the No Action Alternative.⁹⁴ The Forest Service justifies this decision by stating that [“]while they will no longer be recommended wilderness, they will be managed as Idaho Roadless Rule Wildland Recreation theme, the most restrictive theme of the Idaho Roadless Rule.[”]⁹⁵ This analysis, however, does not take into account that under the Preferred Alternative, motorized use and mechanized use would expand into these wolverine habitat areas. The Idaho Roadless Rule does not provide adequate protections for species negatively affected by winter motorized use.

The plan also does not adequately discuss the significance of wolverine habitat loss attributable to climate change. It has been predicted that between 2030 and 2059 suitable habitat in the contiguous U.S. for wolverine will decrease by 31%, and that for Idaho specifically, habitat will decrease by 43%. These estimates further predict that habitat in the contiguous U.S. and Idaho will decrease by 63% and 78% respectively.⁹⁶ Climate change will reduce wolverine habitat, while simultaneously restricting winter recreationists to these areas that maintain persistent snowpack. This overlap will impact maternal denning success and lead to habitat loss and population declines.

In the Great Burn, protecting wolverine habitat and populations will only be productive if this area is also designated off-limits to over-snow motorized and mechanized use. We look forward to seeing the biological opinion for this forest plan revision once the Forest Service has completed consultation with the U.S. Fish and Wildlife Service. Although the U.S. Fish & Wildlife Service has one year to designate critical habitat, the Nez Perce-Clearwater should not be designating areas as suitable for over-snow vehicle use that will likely be critical habitat due to the presence of maternal and primary habitat.

The Forest Service and U.S. Fish and Wildlife Service have conducted enough analysis and modeling to know where these high importance areas on the forest may occur, and the data brought forward in the DEIS suggests that these areas are in the Hoodoo Roadless Area, and quite specifically overlap with the areas the FEIS would open to over-snow motorized use.

FEIS also discusses that connectivity of wolverine habitat is [ldquo]highest in the plan area along the Idaho-Montana border[rdquo] and is essential for linking habitats in [ldquo]central Idaho to those in the Bob Marshall Wilderness and Glacier National Park in Montana and through them on to Canada.[rdquo]⁹⁷ The FEIS continues by stating that [ldquo]specific effects of 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]⁹⁸ Even with this ample evidence in front of the agency and analysis in the FEIS, the Forest Service is proposing to open this critical maternal denning habitat and connectivity corridor to over-snow motorized use.

3. Whitebark Pine

Since our DEIS comments in 2020, whitebark pine has been officially listed as a threatened species under the Endangered Species.⁹⁹ In the Forest Service's Biological Assessment for the Nez Perce-Clearwater Forest Plan, the Forest Service discusses that in [ldquo]some areas winter recreation also provides a threat to existing trees as a portion of the trees that protrude above the snow may be damaged by motorized vehicles.[rdquo]¹⁰⁰ The Biological Assessment also discusses the threat of climate change to whitebark pine and encourages adaptation strategies and establishing refugia.¹⁰¹

Data collected by Winter Wildlands Alliance showed that between 1983 and 1995, snowmobiles damaged between 12 and 720 trees per acre across approximately 72,393 surveyed acres on the Hebgen Ranger District of the Gallatin National Forest.¹⁰² On the Kootenai National Forest, north of the Great Burn in Montana, the Over-Snow Motorized Use Travel Plan scoping documentation extensively acknowledged that adverse effects to whitebark pine may result from running over tree parts present above the snow layer, breaking limbs, abrasion of branches, and leader growth.¹⁰³

In the Final Forest Plan and FEIS, the Forest Service must acknowledge that climate change will negatively affect whitebark pine, and evaluate the compounded negative effect caused by the concentration of over-snow vehicle use at higher elevations as climate change progresses. The Hoodoo Roadless Area warrants consideration as a whitebark pine refugia as contemplated in the Biological Assessment, and at minimum, this plan needs to contain measurement indicators and minimization measures for whitebark pine.

Remedy Requested for Objection 01:

The Forest Service must revise the FEIS and Forest Plan so that the final decision is based on best available scientific information. The FEIS and measurement indicators should incorporate the benefits of wilderness and wilderness character, and the Forest Service must limit winter over-snow vehicle suitability in areas with known stands of whitebark pine, maternal and primary wolverine denning habitat, and sensitive mountain goat herds. In order to comply with Forest Service policy, the ESA, NFMA, and the agency's own NEPA analysis, the Nez Perce-Clearwater should recommend the entire 151,874 acre Hoodoo Roadless Area as Wilderness.

V. Objection 02: The Forest Service needs to include clear and durable forest-wide standards for recommended wilderness management.

Wild Montana objects to the lack of sufficient forest-wide standards for recommended wilderness management that would effectively preclude nonconforming uses. As we have raised since scoping, recommended wilderness areas must be managed for social and ecological characteristics that preserve and enhance wilderness character over time, as required by the 2012 Planning Rule, Forest Service guidance, and caselaw.¹⁰⁴ Furthermore, the final plan must adopt clear standards for the proper management of recommended wilderness areas and mechanisms by which those standards can be immediately implemented. Public land managers are responsible for managing recommended wilderness areas to preserve wilderness character and their potential for future inclusion into the National Wilderness Preservation System.

The 2015 Forest Service Manual planning directives address the management of recommended wilderness areas.¹⁰⁵ Those directives state:

Any area recommended for wilderness or wilderness study designation is not available for any use or activity that may reduce the wilderness potential of an area.

It is important to note that this Manual direction replaced the previous 1923.03 direction, which stated that:

[ldquo]Any inventoried roadless area recommended for wilderness or designated wilderness study is not available for any use or activity that may reduce the wilderness potential of the area. Activities currently permitted may continue pending designation, if the activities do not compromise the wilderness values of the area.[rdquo]

Furthermore, the Forest Service Handbook¹⁰⁶ states:

When developing plan components for recommended wilderness areas, the responsible official has discretion to implement a range of management options. All plan components applicable to a recommended area must protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation. In addition, the plan may include one or more plan components for recommended wilderness areas that:

1. Enhance the ecological and social characteristics that provide the basis for wilderness designations;
2. Continue existing uses, only if such uses do not prevent the protection and maintenance of the social and ecological characteristics that provide the basis for wilderness designation;
3. Alter existing uses, subject to valid existing rights; or
4. Eliminate existing uses, except those uses subject to valid existing rights.[rdquo]

The Handbook reiterates the direction given in the 2012 Planning Rule by stating all plan components [ldquo]must[rdquo], not may, [ldquo]protect and maintain the social and ecological characteristics that provide the basis for wilderness designation[rdquo]. The Handbook also restates the Forest Service[rsquo]s authority to [ldquo]alter[rdquo] or [ldquo]eliminate existing uses[rdquo] in the maintenance of those characteristics.

A. The Draft Final Plan[rsquo]s recommended wilderness standards are insufficient.

While we support the Final Plan[rsquo]s suitability components designating recommended wilderness as

unsuitable for motorized and mechanized transport, we object to the ambiguous and insufficient standards for recommended wilderness that exclusively rely on the Recreation Opportunity Spectrum (ROS). The Draft Final Plan currently contains

two forest-wide plan standards regarding recommended wilderness management which are:

* 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.

These proposed standards fail to adequately create a future condition that allows recommended wilderness areas to retain their social wilderness characteristics and opportunity for future inclusion in the National Wilderness Preservation System. By tiering the recommended wilderness standard to the ROS classifications, the Forest Service is not putting into place clear and enforceable standards. The standards need to address an adequate range of issues to guide future managers on how to approach projects and activities that may affect wilderness character. For example, in addition to recreation opportunities, the standards should address development activities like commercial utility corridors, energy or utility structures, recreation events, developed recreation sites, road construction, timber harvest, and communication sites, as in other recently revised forest plans in Region 1. The 2012 Planning Rule specifically provides, "[t]he plan must include plan components, including standards and guidelines, to provide for ... management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation."¹⁰⁷ The suitability components summarized in the table should be included as standards to ensure enforceability since those components are not referenced in a plan standards.

Additionally, the proposed recommended wilderness standards include references to both "[semi-primitive nonmotorized]" and "[primitive]" ROS classifications. The ROS classification of semi-primitive nonmotorized is silent on mechanized use and could create confusion if the standards are not clarified.

B. The Forest Service should ensure nonconforming uses are prohibited in recommended wilderness areas

Without explicit recommended wilderness management standards to back up the suitability table components, there are no assurances that motorized and mechanized uses will, in fact, be banned in recommended wilderness areas. As we mentioned in our DEIS comments, the Forest Service should not consider allowing nonconforming uses in recommended wilderness, as this is contrary to regional policy and precedent.¹⁰⁸ The direction in the 2012 Planning Rule instructs the USFS to [ldquo]protect and maintain the ecological and social characteristics [hellip] for wilderness designation[rdquo] and we strongly urge the Nez Perce-Clearwater to manage both the ecological and social characteristics of recommended wilderness areas in a manner that is consistent with the Forest Service[rsquo]s recommendations and prohibits uses that are nonconforming to the Wilderness Act.

Forest Service policy clearly expresses that mechanized and motorized uses are not compatible with recommended wilderness areas, and urges managers not to include such recreation in these areas.

As discussed at length in our DEIS comments, motorized and mechanized transport can diminish an area[rsquo]s [ldquo]primeval character[rdquo], its [ldquo]outstanding opportunities for solitude or a primitive and unconfined type of recreation[rdquo], as well as its ecological values, and it is essential that FEIS adequately address and analyze these potential diminishments.¹⁰⁹ Visitors to wilderness, whether designated or recommended, expect to find high levels of naturalness, solitude, and access to remote experiences via primitive recreation.

Uses that do not conform to the intent and purpose of wilderness affect this experience.

The diminishment of social and ecological characteristics can lead future

decision-makers to reduce, or even eliminate, recommended wilderness areas in future planning processes.

The Nez Perce-Clearwater National Forest recently addressed the issue of nonconforming uses in recommended wilderness in the Clearwater National Forest Travel Planning for Recommended Wilderness Areas ROD.¹¹⁰ The findings of this ROD lead to the conclusion that the Forest Service could not allow nonconforming uses within the recommended wilderness because of the obligation to protect and maintain the wilderness suitability of recommended wilderness areas. Indeed, the ROD which was signed by Forest Supervisor Cheryl Probert stated that [ldquo][c]ontinuing to allow unregulated motorized recreation in RWAs [recommended wilderness areas] would negatively impact naturalness, primitive character, opportunities for solitude, and wolverine[hellip] As motorized use continues to grow, such impacts would become more pronounced and the wilderness character of the areas as existed in 1987, when they were recommended for designation, would not be protected and potential for future wilderness designation would be reduced. Impacts of such uses to wildlife (particularly wolverine) and trail resources would also be expected to increase. Because these areas are large and remote, the Forest Service does not have the ability to effectively regulate the amount of use if they remained open[hellip][rdquo]¹¹¹

Every National Forest in Region 1 includes recommended wilderness standards that prohibit nonconforming uses. We strongly encourage the Nez Perce-Clearwater to follow the lead of these other Region 1 Forests. We previously provided these examples that illustrate how management decisions to allow nonconforming uses in recommended wilderness areas have led to losses in acreage in subsequent forest planning processes, reducing

the potential for future Wilderness designation for those areas.¹¹² We want to provide these examples again to demonstrate why strong standards for recommended wilderness that do not allow nonconforming uses are essential. By allowing nonconforming uses to persist and establish, and by failing to manage these areas in a manner consistent with National Forest policy, these decisions failed to protect and maintain ecological and social characteristics for wilderness designation.

1. Beaverhead Deerlodge National Forest, Mt. Jefferson Recommended Wilderness:

In 1990, the Beaverhead Deerlodge National Forest created the 4,474 acre Mt. Jefferson Recommended Wilderness Area in the Hellroaring Creek drainage, the ultimate headwaters of the Missouri River. Although small, the Mt. Jefferson Recommended Wilderness Area was adjacent to the 23,054 acre Centennials Recommended Wilderness Area, managed by the Bureau of Land Management (BLM), for a combined total of approximately 28,000 acres. The previous Beaverhead Deerlodge National Forest Plan allowed snowmobiling in Recommended Wilderness Areas. When snowmobiling technology improved in the 1990s, Mt. Jefferson became a publicized snowmobile destination, accessed primarily from the Idaho side. Attempts by the Madison District Ranger to close the Recommended Wilderness Areas to snowmobiles were overruled by the Forest Supervisor. In contrast, snowmobiling was prohibited in the adjacent BLM Centennials Recommended Wilderness Area. In 2002, the responsible BLM field manager wrote a letter to the Beaverhead Deerlodge National Forest requesting the closure of the Forest Service portion of the Recommended Wilderness Area in order to curtail illegal trespass. His request was ignored. When the Beaverhead Deerlodge National Forest revised its Forest Plan in 2009, the already small Mt. Jefferson Recommended Wilderness Area was cleaved in half: 2,000 acres in the upper reaches of the Hellroaring Creek drainage were stripped of Recommended Wilderness Area status, leaving only a 2,000 acre Recommended Wilderness Area in the lower reaches of the valley.

This example addresses the issue of illegal trespass in adjacent public lands when nonconforming uses are allowed. This is very relevant to decision-making for the Nez Perce-Clearwater given the adjacent Hoodoo Roadless Area acres managed by the Lolo National Forest as recommended wilderness. Illegal trespass by nonconforming uses on the Lolo is expected to be an issue if management of the Nez Perce-Clearwater National Forest goes forward with the Preferred Alternative as discussed in Objection 1.

1. Beaverhead Deerlodge National Forest, West Big Hole Recommended Wilderness:

Approximately 56,000 acres of the 130,000 acre West Big Hole Inventoried Roadless Area, on the east slope of the Beaverhead Range was an recommended wilderness area in the Beaverhead Deerlodge National Forest's 1980s-era Forest Plan. Crowned by 10,620ft Homer Youngs Peak, the West Big Hole is a key link in the chain of wild areas that connect the Greater Yellowstone Ecosystem with central Idaho wildlands, including the Frank Church-River of No Return and Selway-Bitterroot Wildernesses. The previous Beaverhead Deerlodge National Forest Forest Plan allowed snowmobiling in Recommended Wilderness Areas, and when snowmobile technology improved in the 1990s, the West Big Hole became a popular high-marking playground. As a result, when the Beaverhead Deerlodge National Forest released its revised Forest Plan in 2009, the West Big Hole Recommended Wilderness Area was eliminated.

Winter motorized technology continues to improve. In recent decades snow bikes have become a readily available and popular technology. Snow bike riders can access more densely forested and steeper terrain than snowmobiles. These capabilities have potential impacts on winter habitat security for sensitive species such as wolverines and mountain goats as discussed elsewhere in this objection.

1. Beaverhead Deerlodge National Forest, Anaconda-Pintler Wilderness Recommended Inclusions (Sullivan and Tenmile Creek):

The 1980s Beaverhead Deerlodge National Forest Plan included Sullivan and Tenmile Creeks as Recommended Wilderness Area additions to the Anaconda-Pintler Wilderness. At the southeastern end of the Anaconda Range, these drainages harbor ancient, gnarled, 800-year-old subalpine larches that are among the oldest trees in Montana. Just like the West Big Hole and Mt. Jefferson, snowmobiles were allowed in this recommended wilderness area. When technology improved enough to allow access into this rugged high country, recreation became popular enough that the Beaverhead Deerlodge National Forest removed the Recommended Wilderness Area when it revised its Forest Plan in 2009.

1. Flathead National Forest, Jewel Basin:

The aptly-named Jewel Basin is a beloved gem in the Crown of the Continent ecosystem and the crown jewel of the Swan Range. The spectacular alpine lakes of the Jewel Basin are not unlike some of the incredible alpine lakes in the Hoodoo Roadless Area. In the 1987 Flathead National Forest plan, the Jewel Basin Recommended Wilderness Area encompassed over 32,000 acres. Like all 1980s forest plans, the 1987 plan, did not address mechanized transport. In subsequent years, the Alpine No. 7 trail that traverses the Swan Crest and bisects the Jewel Basin caught the interest of mechanized users, and became a popular mountain and dirt biking destination. Images of mountain bikers riding the Alpine No. 7 trail are used on local mountain biking websites and promotional materials. These mechanized users actively advocated for use of additional portions of Alpine No. 7 in Jewel Basin, as well as other trails in the Jewel Basin Recommended Wilderness Area.

The 2018 Flathead ROD ultimately eliminated 14,000 acres of Recommended Wilderness Area in Jewel Basin, shrinking it nearly by half. The plan attributed this loss specifically to recreational use pressure: [ldquo]Jewel Basin recommended wilderness area excluded a portion in the south end where mechanized transport occurs.[rdquo] The Flathead FEIS also specifically stated that the acreage of the Jewel Basin Recommended Wilderness Area was, [ldquo]reduced [hellip] to minimize effects on mechanized transport.[rdquo] In this case, the establishment of mountain biking in a recommended wilderness area directly precluded that part of the recommended wilderness area from continued protection and the possibility of future designation.

1. Custer Gallatin National Forest, Lionhead:

The Lionhead Recommended Wilderness Area in the Custer Gallatin National Forest was managed as recommended wilderness between 1987 and 2022. The 2006 travel plan prohibited snowmobiles in the area and acknowledged that mountain biking was inconsistent with managing for wilderness character, but deferred a specific decision regarding mechanized use. No decision was ever issued and mechanized use became more established in the area on the Continental Divide National Scenic Trail (CDNST). Because of this, in the 2021 Final Forest Plan, the Forest Service eliminated recommended wilderness protections to transform the entire CDNST section as a mountain bike trail even though mechanized use was not listed as a [ldquo]compatible[rdquo] use of the trail in the CDNST Comprehensive Plan that was created under the National Trails System Act.

As demonstrated by the case studies above, failing to close recommended wilderness areas to burgeoning nonconforming uses precipitates a rapid decline in their potential for future inclusion in the National Wilderness Preservation System. In the end, wilderness character, quality of wildlife habitat, quiet recreation opportunities, recommended wilderness areas, and the potential for future designations have been significantly degraded.

We urge the Nez Perce-Clearwater to follow through on its responsibility to wilderness-quality lands and include robust plan components that are consistent with its own administrative recommendations to manage these landscapes for social and ecological characteristics that preserve wilderness character over time, allowing maximum potential for Wilderness designation in the future. The Forest[rsquo]s own commitment to wilderness character sets the baseline for visitor[rsquo]s expectations and resulting actions. The Nez Perce-Clearwater must support its own recommendations by prohibiting all nonconforming uses in recommended wilderness areas and specifically declaring that these areas are not suitable for mechanized and motorized transport through clear standards and guidelines.

Remedy Requested for Objection 02:

From the case studies above and our work across National Forests, Wild Montana has learned that clear, unambiguous plan components that fully retain wilderness character and the potential of recommended wilderness areas while waiting on Congress to act are a necessity. The currently proposed recommended wilderness standards include references to both [ldquo]semi-primitive nonmotorized[rdquo] and [ldquo]primitive[rdquo] ROS classifications.

The ROS classification for recommended wilderness should be changed to Primitive to ensure clear future management direction. The semi-primitive nonmotorized ROS setting states that [ldquo][m]echanized transport such as mountain biking are often present.[rdquo]¹¹³ This creates conflicting plan direction which will create future management uncertainty. Additionally, we encourage the Nez Perce-Clearwater National Forest to consider the following recommendations for forest-wide recommended wilderness area plan components.

The Final Plan must add an additional plan standard or clarify in the existing plan standards that nonconforming uses are prohibited in recommended wilderness. Wild Montana proposes the following standard:

* Standard: All motorized and mechanized forms of transportation and equipment are not allowed in recommended Wilderness, including snowmobiles, snow bikes, hang gliders, bicycles, carts and wagons, except for administrative purposes. Landing aircrafts is also prohibited except for administrative purposes.

As suggested above, the suitability table is not sufficient to provide enforceable plan components. We recommend the final plan add the information in the suitability table as the following plan components:

* Standard: Timber cutting, sale, or removal may only be allowed to the extent permitted by the Idaho Roadless Rule, 36 CFR 294.24.

* Standard: Mineral activities may only be allowed to the extent permitted by the Idaho Roadless Rule, 36 CFR 294.25.

* Standard: Road construction and reconstruction may only be allowed to the extent permitted by the Idaho Roadless Rule, 36 CFR 294.23.

* Standard: Bicycles and other mechanical forms of transportation are not allowed.

* Standard: Wheeled carts (including game carts) are not allowed.

* Standard: Construction of new buildings or structures is not allowed.

* Guideline: Maintenance of existing buildings and structures is allowed.

The Forest Service should consider adding additional components that contemplate other developments and infrastructure such as commercial utility corridors, energy and utility structures, recreation events, and developed recreation sites. Limiting trail density will also help ensure that areas retain their ecological and social wilderness characteristics and the possibility for inclusion in the National Wilderness Preservation System. As the populations of Missoula and Ravalli Counties continue to grow it will be increasingly important to protect recommended wilderness from trail proliferation. We recommend the following guideline for recommended wilderness areas:

*

* Guideline: To maintain areas of undeveloped wilderness character, there should be no net increase in miles of system trails within recommended wilderness. Trail reroutes for resource protection or after natural occurrences, such as fire, floods, windstorms, and avalanches, should utilize the best long-term sustainable routes with minimal trail infrastructure.

VI. Objection 03: The Forest Service must include stronger wildlife standards to provide for habitat preservation and species viability.

Wild Montana objects to the Draft Final Plan's lack of wildlife standards, especially for the wolverine, mountain goat, and grizzly bear. In our DEIS comments, we discussed sustaining and protecting wildlife populations in the Nez Perce-Clearwater National Forest, especially for these sensitive species found in the Hoodoo Roadless Area.¹¹⁴

In addition to the Forest Service obligations under the Endangered Species Act discussed in Objection 1, under the National Forest Management Act (NFMA), the Forest Service must "provide for diversity of plant and animal communities" on units of the National Forest System.¹¹⁵ To implement this requirement, the revised 2012 Planning Rule directs the agency to "provide the ecological conditions necessary" to "contribute to the recovery of federally listed endangered and threatened species" and maintain a viable population of each species of conservation concern within the plan area.¹¹⁶ This requirement includes "standards and guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore their structure, function, composition, and connectivity."¹¹⁷

The Draft Final Plan relies almost exclusively on insufficient coarse-filter plan components that do not provide for individual species. By failing to enact the proper plan standards that are necessary to conserve species, the Forest Service is in violation of the 2012 Planning Rule, NFMA, and the ESA.

In Objection 1, we extensively discussed the plan's analysis of mountain goats and wolverines and the species' threats, which is relevant to this objection as well.

A. Mountain Goats

As discussed in Objection 1, the Regional Forester recently designated mountain goats as an SCC for the adjacent Lolo Forest Planning process. The Nez Perce-Clearwater FEIS states that no plan standards are needed for the species since "most habitats are inaccessible to anthropogenic threats and are protected in many ways by restrictions in wilderness, recommended wilderness, or roadless areas."¹¹⁸ In Objection 1 we demonstrate how this assertion is in conflict with the draft plan's intention to allow nonconforming winter motorized access in areas that overlap with known mountain goat herd use.

B. Wolverine

Regarding wolverine, the FEIS considers some of the best available science on the ecology of wolverines and the key stressors facing the species.¹¹⁹ The Draft Final Plan's management decision arbitrarily flies in the face of this analysis. Not only is the Forest Service proposing to open critical habitat areas to over-snow winter motorized use, but the plan also dismisses the need for wolverine plan components. As discussed above, the day after the Draft Final Plan and FEIS were published, U.S. Fish and Wildlife Service announced a final decision to list the wolverine in the contiguous U.S. as a threatened species. Therefore, under the 2012 Planning Rule, the Forest Service is

required to determine if coarse-filter plan components contribute to the recovery of wolverine, and if not, there must be species-specific plan components.¹²⁰

The U.S. Fish and Wildlife Service's Species Status Assessment Addendum asserted that 96% of modeled wolverine habitat is located on federal lands primarily managed by the Forest Service.¹²¹ In the addendum, U.S. Fish and Wildlife Service states that coarse-filter plan components will "[u]ndoubtedly provide some conservation benefits to wolverines[...]" [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.¹²²

We do not believe coarse-filter plan components on their own will properly protect habitat and that site-specific plan components are necessary to provide for the conservation of wolverine in the planning area.

C. Grizzly Bear

While the Hoodoo Roadless Area does not currently support a resident population of grizzly bears, this area is important for habitat connectivity between the Bitterroot Ecosystem and Northern Continental Divide Ecosystem grizzly bear recovery units. In the fall of 2007, a grizzly bear was shot by a black bear hunter in the Kelly Creek area of the Hoodoo Roadless Area. The bear was genetically identified as having originated in the Selkirk Mountain population of North Idaho. It is only a matter of time, likely within the scope of this plan, that grizzly bears will again reside in the Hoodoo Roadless Area. It is already highly probable that they are regularly passing through the Hoodoo Roadless Area. During this objection period, U.S. Fish and Wildlife Service initiated a process to consider the establishment of a grizzly bear population in the Bitterroot ecosystem across Idaho and Montana. One of the stated purposes for this action is to restore a grizzly bear population to be "[w]ell distributed throughout the [Bitterroot Ecosystem]."¹²³ It is therefore reasonably foreseeable that grizzly bears will be in the planning area during the life of the revised forest plan.

We appreciate the species-specific desired conditions for grizzly bear, however reliance on the general ecosystem plan components is not sufficient to provide for grizzly bear habitat, and site-specific plan components

are needed to address the effects of motor vehicle access and grizzly bears.¹²⁴ The Nez Perce-Clearwater National Forest is in a key area to facilitate genetic exchange between recovery zones and help this species recover.

Remedy Requested for Objection 03:

The Regional forester must add mountain goats to the SCC list for the Nez-Perce Clearwater National Forest and the Final Plan must contain additional specific wildlife standards for wolverines, mountain goats, and grizzly bears to ensure the species' viability in the landscape for the long term. The Forest Service should also analyze and adopt minimum standards for core grizzly bear habitat for areas that provide connectivity between the Bitterroot Recovery Zone and the Northern Continental Divide, Cabinet Yaak, and Selkirk Recovery Zones. We also recommend the Nez Perce-Clearwater incorporate the following plan components:

- * 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.

- * Standard: Over-snow vehicle use is prohibited in mountain goat winter range.

- * Desired Condition: Mountain goats are not harassed or displaced from known winter concentration or kidding areas due to human activities.

- * Guideline: To limit the risk of cumulative impacts to female wolverines with dependent young, there should be no net increase in percentage of modeled wolverine maternal denning habitat where motorized over-snow vehicle use is identified as suitable on NFS lands at a forestwide scale.¹²⁵

- * Standard: Over-snow vehicle use is prohibited in wolverine primary and maternal denning habitat from December 1st to May 31st.¹²⁶

- * Guideline: The Nez Perce-Clearwater National Forest will adopt a forest-wide order that describes acceptable methods for storing food and other wildlife attractants on public lands administered by the Forest.

VII. Objection 04: The Forest Service improperly applied the Wild & Scenic Rivers suitability evaluation.

We appreciate that the Nez Perce-Clearwater Draft Final plan found Cayuse Creek, Fish Creek, Hungary Creek, Kelly Creek, North Fork Kelly Creek, Middle Fork Kelly Creek, and South Fork Kelly Creek as eligible and suitable for inclusion in the Wild and Scenic Rivers System. Wild Montana, however, objects to the process used for Wild and Scenic River suitability as discussed in our DEIS comments.¹²⁷

In the Wild and Scenic Rivers Act, Congress declares up front that it is [ldquo]the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.[rdquo]¹²⁸ To be eligible for inclusion in the Wild and Scenic River

System, a river or segment thereof must be [ldquo]free-flowing[rdquo] and it or its related land area must possess at least one outstandingly remarkable value.¹²⁹ Free-flowing, as applied to any river or section of a river, means [ldquo]existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.[rdquo] Outstandingly remarkable values are the [ldquo]scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values[rdquo] listed in section 1 of the Wild and Scenic Rivers Act.¹³⁰ Once the eligibility criteria are met, there are two ways for a river to be included in the National Wild and Scenic Rivers System:

(1) by an Act of Congress; or (2) upon application of a state governor and approval by the Secretary of the Interior as outlined in section 2 (a)(ii) of the Wild and Scenic Rivers Act.¹³¹

Specifically, under Section 5 (d)(1) of the Wild and Scenic River Act, the [ldquo]Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States[rdquo] qualify for inclusion in the National Wild and Scenic Rivers System.¹³² This section [ldquo]requires the Secretaries of Agriculture and the Interior to conduct [lsquo]specific studies and investigations[rsquo] to discover rivers eligible for inclusion in the National Wild and Scenic River System.[rdquo]¹³³ This identification process is carried out at the field office level, by local federal agents, as part of a planning process.

Once identified, such potential additions to the National Wild and Scenic River System or eligible rivers are to be taken into account by Federal agencies in all planning activities (at either the plan or site-specific level). The Nez Perce-Clearwater began a review of the waterways in the planning area in 2017 and completed a non-required suitability report in 2018. 89 river segments on the Nez Perce-Clearwater are currently managed as eligible segments, and all 89 deserve to continue being managed as eligible segments. After recognizing 89 rivers and streams to be eligible for designation under the Wild and Scenic Rivers Act, only 11 were found to be [ldquo]suitable[rdquo] for continued protection. This is unacceptable and a threat to waterways that feed the forests that support local timber industries, while simultaneously providing world-class recreation opportunities for individuals and jobs for local river guides and outfitters. These rivers and streams are also steeped in rich cultural history and are home to a number of cultural sites.

Correspondence obtained by American Rivers and American Whitewater through a January 2020 FOIA request demonstrates that staff of the Nez Perce-Clearwater National Forest received significant pressure from Idaho County Commissioners to conduct a suitability report prior to the Forest Planning process with the express purpose of finding most eligible river segments unsuitable. A July 25, 2017 letter from the Board of Idaho County Commissioners to Forest Supervisor Cheryl Probert included the following statements, [ldquo][w]e have concerns with the number of river segments (approximately 100) currently being proposed as eligible under the Wild and Scenic River Eligibility process[hellip] We believe that it is important that the Forest completes the Suitability Evaluation during the current Forest Planning process. We believe the Suitability process would eliminate most of these rivers, thus eliminating unnecessary and burdensome regulations on the land.[rdquo]¹³⁴

Consistent with Section 5(d)(1) of the Wild and Scenic Rivers Act, the Forest Service[rsquo]s 2012 Planning Rule

imposes obligations on the agency to consider the eligibility of rivers for inclusion and does not authorize nonsuitability determinations during the forest planning process.¹³⁵ Instead, the focus of both the Wild and Scenic Rivers Act and the 2012 Planning Rule is on the identification of eligible rivers, and the planning rule is silent on suitability determinations.¹³⁶ The Forest Planning process does not authorize the use of suitability studies and instead must be used to identify the eligible rivers so as to [ldquo]protect the values that provide the basis for their suitability for inclusion in the system.[rdquo]¹³⁷

Remedy Requested for Objection 04:

We request that the Nez Perce-Clearwater National Forest provide interim protections for all rivers found to be eligible for inclusion in the Wild and Scenic Rivers system, regardless of their suitability determination.

VIII. Objection 05: The Forest Service should add additional forest-wide standards for recreation management.

Rapidly evolving, and advancing, recreation technology demands both unambiguous plan components that clearly define what types of recreational uses are permitted in certain areas, as well as forward-thinking policies that anticipate the increased use and associated impacts of certain activities over the life of the new plan.¹³⁸ For example, in the 1980s, it was barely conceivable that mountain bikes would be able to traverse most trails. Today mountain biking is a growing and popular recreation activity in our region.

This plan must be able to withstand advances in motorized and mechanized technology for the next 15-30 years that, like advancements made since the 1980s, will undoubtedly make further and faster backcountry access earlier and therefore more desirable in all seasons.

Snow bikes are a relevant example to the Hoodoo Roadless Area. Timbersled, a snow bike manufacturer that is now owned by Polaris, claims it has doubled the number of sleds it has sold every year since 2010. The industry suggests that snow bikes are on pace to outsell snowmobiles in the next few years. The nimbleness of a snow bike far exceeds that of snowmobiles, allowing riders to access more heavily forested terrain and steeper aspects than on a snowmobile. Winter visits to the Hoodoo Roadless Area vicinity by our staff and members in recent years have demonstrated that snow bike use is prevalent in the area. The capabilities of these machines, and their likely increased presence, must be considered by the Nez Perce-Clearwater in evaluating the impacts of designating new winter motorized access areas.

Motorized (or electric-powered or electric-assisted) mountain bikes are another example of an emerging recreational technology that presents a challenge in the management of quiet trails. New electric bikes weigh as little as 43 pounds, and are visually nearly indistinguishable from a nonmotorized mountain bike. Bike manufacturer Santa Cruz has been investing heavily in this type of electronic mountain bike and they are advertising their latest model using this tagline, [ldquo]For riders looking for something that doesn[rsquo]t scream

EBIKE until they need it to.”¹³⁹ This technology will not only allow e-bike riders to access all terrain a standard mountain bike could ride, but it will also present a legal enforcement challenge given that close inspection is now necessary to discern whether a bike is motor-assisted or not. Worldwide, the 2022 e-bike market was estimated at \$19.05 billion. The market is expected to grow at a compound annual growth rate of 14.5% to reach \$52.37 billion a year by 2030.¹⁴⁰

Wild Montana strongly supports the existing Forest Service management policy that classifies all types of e-bikes as motorized vehicles that are exclusively permitted on motorized trails and roads.¹⁴¹ While this management decision is not specific to the Nez Perce-Clearwater National Forest, it is important for the Nez Perce-Clearwater National Forest to adopt and articulate this policy within recreational plan components. While the FEIS mentions e-bikes in passing, the Draft Final Plan does not explicitly reference e-bikes in any discussions regarding mechanized or motorized use.¹⁴²

Snow bikes and e-bikes are just two examples, and there are many emergent technologies that could change use on our national forest lands. The use of hovercrafts and flying vehicles is increasingly popular, and recreational use could pose new challenges for how to integrate them into Nez Perce-Clearwater National Forest management direction. Aircrafts specifically pose a danger to the integrity of Wilderness and recommended Wilderness, as well as wildlife populations such as mountain goats. No matter how advanced aircraft technology becomes, such transportation or recreation is not appropriate in any type of wilderness.¹⁴³

Remedy Requested for Objection 05:

Wild Montana suggests the following plan standards regarding emerging recreation technologies:

* Standard: Use of emerging recreational technologies that are not specifically addressed by current direction is prohibited unless explicitly integrated through a public planning process.

* Standard: Electric bikes (“e-bikes”) are defined as motorized travel and are not suitable on non-motorized routes.

Furthermore, the Forest Service should amend the definition of the Semi-Primitive

Non-Motorized ROS classification to expressly prohibit e-bike use in those ROS setting areas.

If the Stateline Trail is opened to mechanized access, this plan should also indicate how the Nez Perce-Clearwater National Forest intends to increase law enforcement in this trail corridor to prevent e-bike use, as well as how the Nez Perce-Clearwater will prevent mountain bike users from descending off the Stateline into the Heart Lake basin or to the Clearwater Crossing trailhead on the Lolo National Forest.

IX. The Forest Service should explicitly contemplate implementation and the need for subsequent travel planning.

The Final Revised Plan should clarify that ROS suitability is not the same as a travel management designation and that site-specific travel planning in compliance with the Travel Management Rule is required to designate routes and areas for motorized use. The revised plan should also include a timeline for when site-specific travel planning will occur, especially for the parts of the forest currently lacking an over-snow vehicle winter travel plan. We want to ensure once this forest plan decision is signed, the Nez Perce-Clearwater National Forest will continue enforcing the 2012 Travel Plan until a subsequent travel planning decision is finalized using the appropriate minimization criteria and NEPA analysis.

We recommend the Nez Perce-Clearwater follow the precedent set by other forests and include a plan component that states the forest will initiate site-specific winter travel planning in compliance with Subpart C of the Travel Management Rule within three years of completion of the revised forest plan.¹⁴⁴

X. Meeting Request

Pursuant to 36 C.F.R. Section 219.57(a), Wild Montana requests to meet with the reviewing officer to discuss and resolve these objections.

XI. Conclusion

Thank you for your time and consideration. As outlined above, Wild Montana has remaining substantive concerns with the Draft Final Forest Plan, DROD, and FEIS that we previously raised in our comments. We look forward to discussing these issues further and hope that our concerns will be adequately resolved through an objection resolution meeting.

The Nez Perce-Clearwater National Forest contains some of the highest quality Wilderness, recommended Wilderness, and Inventoried Roadless Areas in the Lower 48. This plan revision is a critical nexus in forest management to protect these incredible landscapes for the plants, animals, and people who depend on them.

We look forward to continued work with the planning team moving forward. Please do not hesitate to contact us if you have any questions.

Sincerely,

Maddy Munson

Public Lands Director