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Organization: Idaho County Commissioners  
Title: Chairman  
Comments: January 23, 2024

Objection Reviewing Officer

USDA Forest Service, Northern Region

26 ort Missoula Road Missoula, MT 59804

RE: Objection to the 2023 Land Management Plan for the Nez Perce-Clearwater National Forests

The Board of Idaho County Commissioners object to the "2023 Land Management Plan for the Nez Perce-Clearwater National Forests" (Forest Plan) and the "Final Environmental Impact Statement for the Land Management Plan Nez Perce-Clearwater National Forests" (FEIS) released by the Responsible Official, Cheryl Probert, Forest Supervisor, Nez Perce-Clearwater National Forests.

219.54(c)(5)} "A statement of the Issues and/or part of the ... plan revision to which the objectionapplies."

The identification of Recommended Wilderness (RWA), particularly East Meadow Creek, failed to adequately recognize and disclose the science of climate change and the adverse effects to listed species in the FEIS, Biological Evaluation, and therefore the Biological Opinion. This resulted in recommendations that will have adverse effects on listed species, as well as, not meeting other desired conditions set forth in the Forest Plan.

The Forest Plan looks to manage RWA as non-motorized and manage other activities as if it was wilderness. There are areas outside of Roadless Areas that have become part of the East Meadow Creek RWA that have motorized recreation activities and these should continue.

219.54(c)}(6) "A concise statement explaining the objection and suggesting how the proposed plandecision may be improved."

Wilderness and Recommended Wilderness have very specific management-constraints given by the Wilderness Act and Forest Service policy. The Wilderness Act was established prior to understanding factors that are

relevant today, such as the number of species listed as threatened and endangered within the region and potential impact of a changing climate change on those species. If these impacts were accurately identified, recommending areas as wilderness would reach the level of, "may affect, likely to adversely affect" listed species, including the adverse effect to other species. We will discuss these management constraints and effects in three parts in the next section below.

219.54(c)(6) "If applicable, the objector should identify how the objector believes that the Plan revision is inconsistent with law, regulation or policy and"

Recommending wilderness is inconsistent with the Endangered Species Act.

First, climate change needs to be accurately represented. The plan defines climate change as:

"Climate change is a variation in the usual weather patterns that occur in a particular place. This change can be measured and persists for an extended amount of time, usually decades or longer."

This definition infers that climate change, that which we are currently experiencing, is only a natural fluctuation in weather patterns measured in 10-year events. Scientific studies in recent years indicate that human activities may also impact climate change.

The important point here is that climate change is not limited to natural changes. This is important because the Wilderness Act and Forest Plan refer only to allowing "natural processes".

Second, there are direct adverse effect to fish and wildlife, including listed species. The Forest Plan is accurate in that climate change "... contributes to more frequent and intense extreme events and disturbances in addition to wildfire, including floods, drought, insect and disease outbreaks, and the spread of invasive species". These changes are going to significantly alter fish and wildlife.

Defenders of Wildlife in an August 17, 2023 article by Jacqueline (<https://defenders.org/bfoq/2023/08/5-ways-climate-change-affects-animals-and-how-we-can-stop-it>) states:

"Chinook salmon have notably been hit hard by the effects of climate change. In recent years, the winter-run Chinook salmon that travel the Sacramento River to spawn were unable to successfully reproduce due to high

water temperatures. One year, about 95 percent of Chinook eggs and newly hatched salmon were killed by warmed waters. For two years in a row, temperatures of the Sacramento River cooked fish eggs.

These events force salmon to take refuge in any nearby cooler waters, which are usually habitats less likely to sustain historical population numbers. Changes in habitat like the Sacramento River often invite invasive species with far-reaching negative impacts."

These are not insignificant adverse impacts from climate change to fish and wildlife, including listed species.

The 1964 Wilderness Act, applied in today's world as a means to protect fish and wildlife without any type of management strategy, would be a catastrophic failure. There must be a realization that to establish an area as wilderness and to falsely believe that a hands-off approach within a wilderness will provide adequate protection would be to deny current scientific research. Yet this is exactly what the Forest Plan suggests as described in Desired Condition "MA2-DC-RWILD-02" states:

"Recommended wilderness areas are characterized by a natural environment where ecological processes and disturbances, such as natural succession, fire, avalanches, insects, and diseases are the primary forces affecting the composition, structure, and patterns of vegetation."

This Desired Condition is in direct contradiction to the Forest Plan's own statement in the Climate Change discussion which states:

"Climate change may contribute to more frequent and intense extreme events and disturbances in addition to wildfire, including floods, drought, insect and disease outbreaks, and the spread of invasive species. Climate change impacts on aquatic and terrestrial ecosystems can also alter ecological processes and amplify other anthropogenic threats to species and habitats."

Climate change is and will continue to significantly and adversely alter what we know as the natural environment. This change needs to be accurately addressed in the biological assessment. The assumption made in the 1964 Wilderness Act that natural occurrences provide adequate management of landscapes and species is no longer valid. Continued efforts to recommend wilderness will have significant adverse effects to wildlife and fisheries.

Another direct effect to fish and wildlife is fire. Although we are talking about fire dependent ecosystems, fires are now burning hotter, longer, and larger. With fuel loads higher than natural conditions, increases in insects and disease, and climate change, the fires in the future will continue to adversely alter the habitat of fish and wildlife. The Forest Plan and Biological Assessment identifies important habitat and structures like large diameter trees, old-growth and riparian areas. It identifies threats to these by roads and timber harvest, but ignores uncharacteristic fires as a threat. Examples of this are included in the BA, where unsubstantiated statements are made that ignore the adverse effect of wilderness designation. For example, the BA states,

"So, as a matter of policy managing an area to be untrammelled, natural, and undeveloped {{wilderness] is managing for grizzly bear and other wildlife special features such as lynx or wolverine for example."

Another contradictory example in the BA states:

"In recognition of climate change, the plan revision has focused attention on ways to increase resilience of aquatic ecosystems. The authors in Gaines et al. {{Gaines et al. 2022) suggest several actions that can minimize the effects of climate change on riverine ecosystems: "... restoring riparian shade, protecting or restoring beaver populations, ...reducing non-native species invasions, restoring fire regimes to re-engage hillslope processes, and implementing a program of monitoring and adaptive management.

The items being recommended in the BA for developing resilience of aquatic ecosystems needed for the protection of listed species cannot be implemented in wilderness.

Additionally, the BA states that lynx habitat in wilderness is protected from timber harvest, but there is no mention of the same habitat's threat from uncharacteristic fires or protection from climate change, both which will have a greater adverse impact on lynx habitat than the small amount of timber harvest. The BA states:

"Neither timber harvest nor timber production are allowed in designated wilderness or within areas designated as recommended wilderness (i.e.1 Primitive Roadless). As a result approximately 50 percent of the lynx habitat on the Forest is subject to natural drivers of successions (fire, disease, windthrow, etc.) and protected from extensive human disturbance"

As stated here, 50% of lynx habitat is open to a management decision (without any NEPA or consultation) to allow fire, under un-natural conditions, to burn. This could easily exceed several hundreds of thousands of acres burnt within a few years, where most of the forest lynx habitat exists. There is no recognition or discussion of this effect in the FEIS or BA; destroyed lynx habitat, whether management decides to do it with fire or with timber harvest is still destroyed.

To further this point, Management Area 2 Guideline, clearly articulates that the protection of any listed or other species habitat is not a criteria consideration in a manager decision to allow for a fire to burn. MA2-GDL-RWILD-01States:

"If fire management actions are required within recommended wilderness, the Forest Service should apply minimum impact strategies and tactics to manage wild/and fire that protect wilderness characteristics, unless more direct attack is needed to protect life or adjacent property or mitigate risks to responders."

An item that is rarely addressed is the adverse impacts of smoke on human health. The forest service fire policy permits a management decision to allow a fire to burn with minimum suppression. This decision can be made without regard to the impact<sup>1</sup> direct or cumulative, to human health. With increased wildfire activity, states are issuing more health advisories to alert the public to the significant adverse impacts to the elderly, those with asthma and other breathing conditions, hospital patients nursing home residents.

Lastly, there is significant financial cost of uncontrolled wildfires within some of these areas. This is money that cannot go to improving habitat(s) for threatened or endangered species or other resources.

Third, there are activities that the Forest Service, State Wildlife agencies, and other Federal Agencies take to protect, manage, and monitor populations of fish and wildlife, including listed species. Some of these include, but are not limited to:

1. Establishment of photo/ hair bait stations (access via snowmobile)
2. Establishing other monitoring sites (either via helicopter landing or snowmobile)
3. Capture and collaring (either via helicopter landing or snowmobile)
4. Electronic surveillance (snowmobiles)
5. Den surveys (motorized access)}
6. Track-survey (motorized access)}
7. Destroying infected individual animals within a populations (either via helicopter or snowmobile)
8. Drone surveys are becoming more popular

These are all eliminated or severely restricted within recommended wilderness, removing these activities, which are solely for the protection and management of fish and wildlife species including listed species can only be assessed as an adverse action to these species under the Endangered Species Act. This is the reason that the Idaho State Department Fish and Wildlife Commission agreed not to support any new wildernesses.

Only Congress can designate wilderness. Managing areas as wilderness or as close to wilderness as possible is different from protecting the wilderness character, which is the requirement. Region 1 has taken an approach beyond the intent of the Wilderness Act. This is demonstrated by the fact that other Regions protect wilderness character without managing as Wilderness. We believe that the Forest Plan, as it relates to RWA, is outside of the Wilderness Act.

219.54(c)(7)} "A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comments 219.53(a)."

The Forest Plan decision could be improved by not recommending areas as wilderness and, instead, establish these areas as special management areas; areas that provide not only resource protection, but allow for the ability to protect and/or manage listed and other species of concern without the adverse impact caused by the requirements of a recommended wilderness.

The Forest Plan could also be improved by allowing existing activities (bicycles, motorized trails, use of chain saws) to continue until such time as Congress designates the areas as wilderness.

Idaho County provided specific, substantive comments regarding our concern with additional Wilderness and treatment of proposed Wilderness in our correspondence dated October 15, 2019, March 31, 2020 and August 3, 2021. Our correspondence of August 3, 2021 was specific to the existing overabundance of designated Wilderness (2.2 million acres) within Idaho County. Idaho County, along with six other Idaho Counties and one Montana county provided timely comments against additional Wilderness. The addition of East Meadow Creek as proposed Wilderness was not included in the previous proposals and now requires our attention.

The proposed Forest Plan decision could be improved by not recommending additional Wilderness and instead establish those areas as special management areas. Doing so would provide not only resource protection, but allow for the ability to protect and/or manage listed and other species of concern without the adverse impacts caused by Wilderness or Region One's treatment of recommended Wilderness.

Such a designation would allow existing activities (bicycles, motorized trails, use of chain saws and needed fire response) to continue until such time as Congress may elect to designate the area as Wilderness.

We look forward to resolving this objection.

Sincerely,

R. Skipper Brandt, Chairman

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