



November 25, 2020

Objection Reviewing Officer  
USDA Forest Service  
Northern Region  
26 Fort Missoula Road  
Missoula, MT 59804

**Submitted via Email to:** [appeals-northern-regionaloffice@usda.gov](mailto:appeals-northern-regionaloffice@usda.gov)

**Re: Objections to the Frozen Moose Project Updated Environmental Assessment, Draft Decision Notice, and Finding of No Significant Impact**

**Responsible Official: Kurtis Steele, Forest Supervisor, Flathead National Forest**

The Sierra Club submits the following objection in regard to the Frozen Moose Updated Environmental Assessment (EA), Draft Decision Notice (DN), and Finding of No Significant Impact (FONSI) on behalf of more than 2,600 active members in Montana and 3.7 million members and supporters nationwide.

Formed in 1892, the Sierra Club is the nation's oldest and largest environmental advocacy organization. Our mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environment and to use all lawful means to carry out these objectives. We have a long history of working to protect wildlands and wildlife in Montana generally, and in specifically protecting and connecting public lands between the Northern Continental Divide Ecosystem (NCDE) and the Greater Yellowstone Ecosystem (GYE) for grizzly bears and other wide-ranging species.

The North Fork of the Flathead River area is an incredibly special place valued by Sierra Club members for its pristine backcountry character, Wild and Scenic River status, proximity to Glacier National Park, and incredible wildlife including threatened and endangered species such as grizzly bears, Canada lynx, and bull trout, as well as wolverines and gray wolves. Any land management project undertaken by the Flathead National Forest (FNF) must protect the unique wilderness, river and wildlife characteristics and values of this area of the Forest to the highest level.

We have significant outstanding concerns with the Frozen Moose project that we do not believe have been adequately addressed in regard to impacts of the Proposed Action on the wilderness, backcountry, river and wildlife values of the area. We submit this objection in order to resolve these issues.

### **Standing to File Objection**

The Sierra Club submitted comments on the Proposed Action in January, 2020 and our members have submitted comments at multiple stages of the process.

## **Request for Resolution Meeting**

Pursuant to 36 C.F.R. Section 218.11(a), the objector requests to meet with the reviewing officer to discuss and resolve these objections.

### **Objection 1. Adverse Impacts to Threatened Grizzly Bears.**

The Sierra Club objects to impacts of the Frozen Moose project, as currently proposed, on grizzly bears. As noted in the EA, “human and mechanical activity will temporarily displace bears from areas in and near vegetation treatment units, road management, haul routes, aquatic improvements, prescribed burn units, and other project activities; and that disturbance or displacement into unknown territory may lead to sub-marginal nutrition, reduced reproduction, or greater exposure to adult predatory bears or human food sources, which can lead to human-caused mortality.” (EA at 70)

#### **a. New Roads and Re-opened roads**

We are extremely concerned about the impacts of 6.4 miles of new temporary roads for log hauling and 13 miles of historical road that will be returned to the NFS system. It is well known that the FNF has recurring enforcement problems with illegal motorized use; with an additional 20 miles of roads in use for the Frozen Moose project, though not open for legal public use, will undoubtedly exacerbate illegal use and enforcement problems under the Proposed Action. The impacts of roads and associated motorized access (legal or not) in grizzly bear habitat on bears and subsequent bear mortality is well documented. In this era of shrinking resources, how will the FNF ensure that illegal use of roads closed to the public does not proliferate as a result of the Frozen Moose project? We recognize that Design Features (e.g. 30 and 43) attempt to restrict access once roads are no longer utilized after project completion; however, enforcement on the FNF has been slow to respond to escalating illegal use, and new technology continually enables motorized users to overcome obstacles intended to restrict access.

We are also very concerned about the impacts of the activities associated with new road construction and bringing roads on the existing road template up to log hauling minimum standards on grizzly bears, particularly in what is supposed to be secure core habitat. Most of the road construction is in secure core and would take place during the non-denning season. Despite potentially significant disturbance and displacement impacts on grizzly bears, the EA did not provide any analysis of the impacts of new road construction and bringing historical roads up to log hauling standards on grizzly bears.

#### **b. Improper calculation of Total Motorized Route Density (TMRD)**

The Sierra Club objects to the FNF’s omission of historical roads -- which will be returned to the NFS road system upon project completion -- in its calculation of TMRD, based solely on the rationale that these roads will be made “impassable” following project activities. Such rationale was prohibited under Amendment 19, which required that roads be reclaimed and no longer function as roads or trails (motorized or nonmotorized) in order to be omitted from TMRD. Not reclaiming roads to this level will continue to adversely impact grizzly bears. The FNF does not provide supporting analysis or empirical evidence that placement of rock barriers, berms or natural debris will effectively render a road impassable; and past history on the FNF and illegal motorized use despite these barriers illustrates that these methods are not foolproof and that illegal use is indeed occurring, including in the North Fork area. Additionally, merely rendering roads impassable by placing berms in the first 50-300 feet in an attempt to prevent access by wheeled motorized vehicles does not make the road unavailable to human usage, including by mountain bikers; and as noted above, new technologies are coming on line every year that allow motorized and mechanized vehicles to overcome previously impossible obstacles. Many studies, including most recently from British Columbia, have shown

that mountain biking has a disproportionate impact on grizzly bears in regard to disturbance and displacement, to a degree similar to motorized vehicles.<sup>1</sup>

Not adequately reclaiming roads and not accounting for historical roads in TMRD calculations does not “maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population” as required by the NCDE Grizzly Bear Conservation Strategy. Those 2011 conditions were governed by Amendment 19, which required historical roads to have their entire length treated in order to discourage their use as either a road or trail, motorized or non-motorized and to be omitted from TMRD.

The FNF cannot merely rebuild previously decommissioned roads, then simply put a berm or natural debris in the first 50 feet, call them impassable, return them to the road system, omit them from TMRD calculations and ignore subsequent future impacts from human use of unreclaimed/unvegetated historical roads.

c. Project Activities in Secure Core and Spring Timing Restrictions

The EA and DN contain confusing and conflicting information regarding Proposed Action activities in grizzly bear habitat.

The EA notes that vegetation “treatments” in grizzly bear secure core are proposed within the project area, and that “these activities include both commercial and non-commercial vegetation treatments and motorized access to these vegetation treatments to reduce fuel loading, and could occur in the non-denning season.” (DN at 16) In the DN’s Response to Comments, the FNF states that “[F]or activities proposed in grizzly bear secure core, vegetation management (3,248 of 3,336 acres), most road construction (7.5 of 8 miles), and all aquatic restoration work (5 miles) would occur during the non-denning season.” (DN at 65) Thus, nearly all activities in secure core would occur when grizzly bears are not denning and therefore subject to significant disturbance, possible displacement and/or other adverse impacts directly due to project activities.

The DN notes that “[M]ost activities included in the proposed action would occur in potential spring habitat for grizzly bears and therefore are subject to timing restrictions during the spring time period, April 1 to June 30” (DN at 69). Exceptions to this timing restriction include prescribed burns and whitebark pine restoration units. Design Feature #47 regarding timing restrictions also states that “[T]o reduce the risk of disturbance to the grizzly bear population, project activities would not occur in spring habitat during the spring time period (April 1 to June 30). However, it then goes on to say that “[M]anagement activities such as pre-commercial thinning, burning, weed spraying, and implementation of road best management practices may need to be completed during the spring time period in order to meet resource objectives” and “[P]roject activities occurring along open roads would not be subject to this timing restriction.” (DN at 174).

Therefore most project activities will occur in secure core, in the non-denning time period and most would occur in potential spring habitat. However, many of these activities will apparently *not* be subject to the spring timing restrictions including pre-commercial thinning, prescribed burns, weed spraying, and “road best management activities” which are undefined, as well as any project activities occurring along open roads, which are also undefined. What activities will actually then *not* be possible during the April 1-June 30 time period?

Remedy

New roads should not be constructed, given the FNF’s current challenges of properly maintaining its current road system and ensuring compliance regarding access and illegal use. Historical roads must be included in TMRD calculations and reclaimed to Amendment 19 standards. Because spring is a critical time period for

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<sup>1</sup> <https://www.nationalparkstraveler.org/2020/09/study-examines-recreational-impacts-wildlife>

den emergence and breeding for grizzly bears, *all* management activities should be prohibited during this time period, particularly in secure core.

## **Objection 2. Adverse Impacts to the Wild and Scenic River Corridor Recreation and Wildlife Values.**

The Sierra Club objects to proposed activities in the scenic segment of the Upper North Fork due to potential displacement of wildlife, as well as negative impacts to river users in the corridor. Regarding the latter, Design Feature 74 only addresses the highest-use period between June 15 and July 15 in units 288, 287, 276, 251m, 251h, 246, 102, 1010, 233 and 93. However, the high-usage season actually extends much longer than this one-month time period and project activities will undoubtedly adversely impact river users' quiet, backcountry experience.

We also object to project activities that may adversely affect bird species along the river corridor, in particular bald eagles and great blue herons. Both species are extremely sensitive to disturbance by human presence and human-related activities. At least one bald eagle nest site is known to be in unit 251. Others "may be discovered" during project activities, which may well be too late. Why has the FNF not done an inventory of bald eagle, great blue heron and other bird species' nest sites in the units proposed for vegetative and other activities associated with the Frozen Moose project? How was it determined that 0.25 and 0.2 miles, respectively, are sufficient to avoid disturbance at active bald eagle and great blue heron nesting sites? The EA does not provide any analysis to demonstrate that these measures are sufficient to protect nesting bald eagles and great blue herons.

We recognize the Design Features timing restrictions for bald eagles and great blue herons, but given the number of units proposed for vegetation management within ½ mile of the Flathead River with the potential to affect roosting or nesting habitat for bald eagles and great blue herons that would be subject to commercial thinning (27, 42, 43, 93, 94, 95, 97, 102, 111, 116, 117, 118, 120, 145, 287, and 288), we object to project activities in these units, particularly without a complete inventory prior to any project activities to discern nesting sites and a more complete analysis of potential impacts to these species from project activities.

### **Remedy**

Do not undertake project activities in the Wild and Scenic corridor of the Upper North Fork between Memorial Day weekend through late September. Do not undertake any project activities in units where bald eagle or great blue heron nesting sites are present; undertake a comprehensive survey/inventory to determine if nesting sites exist in units where project activities are proposed. Provide analysis of why the proposed Design Features are adequate to protect nesting birds.

## **Objection 3. Violations of Forest Service Regulations and the Wilderness Act.**

The Sierra Club objects to the use of mechanized equipment including chainsaws in the Tuchuck-Whale Recommended Wilderness area. The Forest Service is required to manage Recommended Wilderness so as to retain the wilderness characteristics of the Tuchuck-Whale area. As stated in the Forest Service Handbook, "[A]ll plan components applicable to a recommended area must protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation."<sup>2</sup>

The Wilderness Act does not allow mechanized equipment and use of chainsaws as proposed in the Frozen Moose project is a violation of the Act. The Frozen Moose project is a routine project on the FNF and does not warrant any exception to the Act; as noted in the DN, "[O]n the Flathead National Forest, elsewhere across the Northern Region, and the National Forest System as a whole, similar projects occurred to address similar purposes. In this regard, this project will be a continuation of on-going efforts." (DN p.6) Use of

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<sup>2</sup> Forest Service Handbook 1909.12 Chapter 70 p.15

chainsaws and associated crews would directly affect users' experience of quiet and solitude, and would result in visual effects of a human-manipulated landscape including smooth-cut stumps.

If chainsaws or other mechanized equipment were to be allowed for routine management activities in Recommended Wilderness, it would set a dangerous precedent and we strongly oppose their use in Recommended Wilderness.

Remedy

Do not allow use of chainsaws in Recommended Wilderness for the routine vegetation projects proposed.

#### **Objection 4. Inadequate Analysis of Potential Impacts of the Project on Wildlife/Need for an EIS.**

The EA gives only cursory information in regard to potential impacts of the project on wildlife. As noted above, the EA does not analyze the impacts of new road construction or the impacts of bringing historical roads up to log hauling standards on grizzly bears and other species. No evidence is presented that methods proposed to make roads "impassable" consistently work on the ground; in fact illegal use of roads where berms or natural debris have been placed in order to restrict access continues to proliferate. As other examples, project activities impacting bird species including great blue herons and bald eagles are not analyzed, and the FNF acknowledges that additional nesting sites for these species may be present in the river corridor. No rationale is provided to support the Design Features to give the public confidence that these restrictions will in fact provide the necessary protection for bald eagles and great blue herons. There is no discussion of the impacts of using chainsaws on visitors to Recommended Wilderness.

Given the importance of this area to threatened and endangered species, its proximity to Glacier National Park, the Wild and Scenic River corridor, and the need to provide connectivity from Glacier to areas to the west for grizzly bears and other species, the FNF should undertake a full Environmental Impact Statement (EIS) to properly and comprehensively analyze potential impacts prior to making a decision on the Frozen Moose project.

Remedy

The FNF should withdraw the Decision Notice and prepare a full EIS.

#### **Conclusion**

As outlined above, the Sierra Club has remaining substantive concerns with the Frozen Moose project. We look forward to discussing these issues further and hope that our concerns will be adequately resolved through an objection meeting.

Sincerely,



Bonnie Rice  
Senior Representative, Greater Yellowstone-Northern Rockies Regions  
Our Wild America Campaign