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February 28, 2023

Bitterroot National Forest

Supervisor's Office

RE: Forest Plan Amendment

1801 North 1st Street

Hamilton, MT 59804

Hello,

Native Ecosystems Council, the Alliance for the Wild Rockies, Friends of the Bitterroot, Yellowstone to Uintas Connection, and Center for Biological Diversity would like to submit the following comments regarding the draft Environmental Assessment for the Programmatic Amendment for Elk Habitat, Old Growth, Snags and Coarse Woody Debris Objectives Forest Plan. Native Ecosystems Council previously submitted joint comments on August 16, 2022 in regards to the proposed amendment regarding elk habitat objectives, and as well, on August 12, 2022 in regards to the proposed amendment changes on old growth, snags and coarse woody debris. Both of these comments included appendices of literature that had been cited in comments, in order to ensure that the Bitterroot National Forest would have access to these reports and/or published research articles. In order to avoid repetition of the many issues that were raised in these comments, our comments on the draft Environmental Assessment deal largely with how the agency has presented expected impacts to wildlife. Please include all previous comments and references as a part of these most current comments.

1. Old Growth

The original Forest Plan definition of old growth was clearly a good definition, but failed to include variations that would occur in different habitat types. Therefore, we agree with a change in this Forest Plan definition to the Green et al. (1992) criteria, which are far more definitive. What we strongly disagree with is the agency's false claim that the minimum criteria as per Green et al. (1992) are suitable criteria for wildlife old growth. Basically, the agency is taking the criteria for "potential old growth" screening criteria and using this as the actual definition for old growth. This is a violation of the NEPA and the APA, as well as the NFMA, because to date, the Bitterroot National Forest has not provided a single study that demonstrates the Green et al. (1992) screening criteria for old growth ensures the viability of roughly 31 wildlife species associated with old growth. The draft EA for the amendment has a similar failing. This amendment addresses how the minimum old growth criteria would affect viability of 2 species, the pine marten and pileated woodpecker. No study was cited to demonstrate logging impacts of old growth would maintain habitat for either species, as was claimed in the amendment. There was also no analysis as to how the minimum criteria would maintain habitat suitability for all other wildlife species associated with old growth. Claims that the use of the minimum criteria for old growth would not significantly impact any wildlife species in the draft EA are patently false.

It is clear that the proposed amendment for old growth will continue the ongoing elimination of old growth on the Bitterroot National Forest. This program, which will be continued with the amendment, is a violation of the NFMA as wildlife diversity is being eliminated. This amendment does not require any level of old growth be provided for wildlife, even though a minimum of 20-25% is recommended by the current best science. The agency is clearly misleading the public in regards to this old growth management proposal, by claiming that old growth habitat can be logged down to a few large trees and still meet wildlife needs. As a basic requirement of the NEPA, the agency needs to define how the minimum criteria for Green et al. (1992) will maintain 31 old growth-associated species.

We also take exception to the agency's misrepresentations that old growth habitats are destroyed by insects and disease, and fire. Old growth values to various wildlife species may change due to fire, but it is not destroyed. And insects and disease create critical old growth criteria. To claim that there can be too many dead/dying trees to qualify as old growth was not supported with any actual science.

We also take exception to the agency's claim that logging is needed in order to protect old growth from fire. Protection from fire is then termed as maintaining "resilience" or "restoration." Again, the agency is providing the public with false management information, basically that there can be no natural forests on these public lands because they can only be saved by logging.

The minimum criteria for old growth by Green et al. (1992) is basically a seed tree cut, with 15 trees per acre. No old growth stand will be safe as a result. As was noted in the draft EA at 22, "stands will be set aside for old growth or treated for resiliency, depending on the purpose and need for the project."

The agency has not provided a valid inventory of old growth on the forest, even though this is essential information for this amendment.

The agency will not provide a minimum level of old growth that is required on the forest; instead, increasing old growth is a Desired Condition. However, it is not clear how old growth will be increased. This is never defined.

The agency falsely claimed that historical levels of old growth cannot be determined. There is science available where historical levels of old growth were identified for the Northern Rockies.

The estimates of old growth by vegetation types has basically no useful information to the public. These areas are not mapped. Their acreage is not defined. The public will not know if and when these levels change due to management. There clearly needs to be a thorough delineation and mapping of all current old growth on the forest where logging may occur, so that the public has the ability to understand how these areas will be managed. If they don't know where they are, or why they were classified as old growth (potentially logged areas) they have no ability to see how the agency's old growth management program is being implemented.

It is not clear that the FIA data actually measures old growth. We believe this FIA data actually measures "potential old growth," due to use of minimum criteria in Green et al. (1992). This important information needs to be clarified to the public.

The agency claims that use of the minimum Green et al. 1992 definitions will allow more old growth to be identified and thus protected. Since there is no actual inventory of old growth provided to the public, it is unknown if these increased measures of old growth as per the Green et all. (1992) definitions include many logged stands, while the current Forest Plan definition does not include logged stands. Anyway, even if more stands are identified as old growth with the amendment, none of these stands have to be managed as wildlife old growth.

The amendment draft EA seems to dismiss the potential for lodgepole pine old growth. It is unclear as to why this was suggested. Lodgepole pine is actually a highly important tree species for old growth, as it creates "early seral old growth" due to insects and disease infestations that may occur beginning around a stand age of 80 years. This fills in a void of old growth of other tree species which requires much longer to develop.

There is no analysis in the draft EA on old growth for roughly 10 bird Species of Conservation Concern in Montana, or in the USFWS bird conservation region for the Northern Rockies (10). How can the agency plan an old growth conservation strategy without addressing habitat needs of these species in regards, for example, percentage of the landscape they need, minimum patches sizes, and connectivity? This includes the pileated woodpecker, which the agency claimed will find suitable habitat in logged units where some snags are left. The science that supports this claim was not cited. There is also no information on how old growth will be recruited. Inferences that logging will be used to develop old growth were not supported with any actual science, or timelines.

It is not clear how the old growth proposal will comply with the Migratory Bird Treaty Act (MBTA). This issue was not addressed in the draft EA.

The draft EA did not address how a combination of mature and old growth forests is needed for 67 species of western forest birds. Old growth cannot be managed in isolation, as is suggested in the amendment proposal. Mature and old growth forests in combination need to be provided on at least 40-50% of the landscape to ensure viability of forest birds. The proposed management of just a few blocks of old growth cannot address the viability needs of wildlife. A much more expansive management proposal is required in order to meet the requirements of the NFMA.

2. Snags

Instead of correcting the severe deficiencies of the current Forest Plan snag direction, the agency is simply continuing this program, while at the same time reducing snag requirements. The provision of some snags in logged areas does not address the needs of over 40 species of wildlife that use snags for viability. The snag retention just in harvest units has been demonstrated to be an invalid conservation strategy for roughly 30 years. This outdated conservation strategy

for snags is clearly being used because it does not interfere with timber production. To claim that it has no significant adverse impacts on wildlife, or that is consistent with the requirements of the NFMA, is clearly invalid. If the agency is going to make an honest attempt to manage for 41 species of wildlife that use snags, then the amount and distribution, including patch size, for forested snag habitats, habitats that have insects and disease, needs to be implemented. We note that the amendment does not provide any actual monitoring results as to how the current snag requirements on the forest are meeting the viability needs of wildlife, including a number of Montana Species of Concern. This alone means that continuing this strategy in an amendment is a violation of both the NEPA and the NFMA, as there is no actual support for this strategy, and it is highly inconsistent with the current best science.

The agency's analysis of snag requirements supports our concerns about how saving some snags in logged areas does not meet the needs of most wildlife species. The snag levels cited in Table 3 at page 39 refer to snag numbers in forest stands. This would not meet wildlife needs by just having snags in logged areas. And is particular, the snags left in harvest units will stand only so long. This is a temporary, partial mitigation measure. What happens when the few snags left fall over? The timeline for this claimed mitigation measure is never defined, but it is clearly temporary, and may even be quite immediate due to blow down. As such, this mitigation measure cannot maintain viability of even the few species that will nest in logged areas.

3. Coarse Woody Debris

There was no actual science provided in the draft EA as to how the proposed direction for coarse woody debris (CWD) had been designed for wildlife. For example, there is data defining how much such downed logs, etc., are needed for the pileated woodpecker and pine marten. Many other species depend upon abundant downed logs, such as squirrels for midden sites, and snowshoe hares and lynx for hiding and denning cover. Without any actual connection between

wildlife habitat requirements and the proposed CWD levels, these recommendations are entirely arbitrary. They clearly appear to be based on fuels management, not wildlife habitat needs. Valid levels of CWD need to be established based on wildlife habitat needs, not fuels management.

4. Grizzly Bear

The agency claims that eliminating any density limits on active motorized routes across the forest will no significantly impact grizzly bears is clearly false. Active motorized routes are known to be a substantial factor in grizzly bear mortality. The amendment will clearly have significant adverse impacts on grizzly bears due to large increases in roading activity allowed by the amendment. To suggest that administrative use, including logging, does not displace or habituate grizzly bears was not supported with any science in the amendment discussion. Also the removal of any requirements for elk security blocks will also negatively impact the grizzly bear. These small security areas would contribute to security for the bear, if required on the landscape. It is clear that the "take" of grizzly bears will significantly increase with this amendment, along with a significant decrease in the ability of this landscape to promote grizzly bear use. As a result, this amendment is playing a huge, significant role for the recovery of the grizzly bear, which requires a grizzly bear population in the Bitterroot Grizzly Bear Recovery Zone. This amendment thus not only violates the NFMA and the NEPA, but the Endangered Species Act (ESA) as well. A current Biological Opinion is clearly required for this amendment.

5. Lynx

The agency falsely claims that the amendment will have no impact on the threatened lynx, because they are either not present, logging of old growth forests will not affect lynx, and/or the Northern Rockies Lynx Management Direction (Lynx Amendment) ensures habitat management for the lynx will

promote conservation, regardless of logging of old growth forests. No actual science was provided to support the claim that habitat mapped as non-lynx habitat is not used by lynx on the landscape, indicating lynx are not present. The current best science measures entire landscapes for lynx use, not pieces claimed to be the highest quality. In addition, this science shows that logging old growth forests will trigger avoidance by lynx for many years, as well as will remove habitat for the snowshoe hare for 20-40 years. In order for this amendment not to affect lynx, the agency needs to demonstrate that no existing old growth forests are currently suitable lynx habitat, and are not being used by lynx. Finally, the claim that the Lynx Amendment ensures conservation of the lynx is clearly false. This Lynx Amendment does not use the current best science for management of lynx, and allows severe adverse impacts on lynx habitat as a result. This failure of the Lynx Amendment to be based on the current best science means it cannot provide a valid assessment of any management activities on lynx, including logging of old growth forests.

6. Elk

The elimination of any requirements for habitat effectiveness, thermal cover, and elk security areas is somehow determined to have no significant adverse impacts on elk, which would require an Environmental Impact Statement (EIS) for this amendment. With the elimination of these standards/guidelines, the agency has no actual proxy to measure amendment impacts on elk. This is why there is no actual analysis of how the amendment will impact elk. This analysis is not possible because the agency cannot define how many areas of the forest will exceed the 50% habitat effectiveness levels required for productive elk summer habitat. Measures of amendment impacts on elk security were not possible because security is not actually defined as per the current best science. Thus it cannot also be measured on the landscape, such as meeting the minimum 30% threshold to avoid significant impacts. As for thermal cover, the agency cites a 1998 paper by Cook and others that has been discredited by the 2013 Eastside Assessment that is also cited in the amendment. This assessment clearly notes that thermal cover may be important to wildlife, as does the 1985 Elk-Logging study by Lyon and

others. Elimination of road density standards, elk security, and thermal cover requirements will clearly create significant reductions in elk habitat quality on this forest, a factor that was not acknowledged in the amendment draft EA, in violation of the NEPA.

Another factor that was clearly misrepresented by the agency in this amendment is the use of elk population levels as a measure of habitat quality on the forest, including security and elk vulnerability. It has been well documented that high elk population numbers indicate a lack of security, not good habitat on a forest. This is one of 2 actual "proxies" for elk security on a forest. The first is the percentage of the landscape that qualifies as security as per the Hillis Paradigm, or newer science by Lowrey et al. (2019). That article discredited measures of elk security by Rangelack and others. We also note that the Proffitt article cited by the agency used the Hillis Paradigm to measure security. The second measure of adequate levels of security on public lands is total elk population numbers. When elk find security on private lands during the hunting season, it becomes very difficult to control population numbers. There is also another method to evaluate elk security, that that are population criteria per herd unit, especially bull/cow ratios. None of these methods for analysis of security were provided in the Amendment. In effect, there is no actual analysis as to how this amendment will affect elk.

We note that the Eastside Assessment (2013) cited in the Amendment clearly defines the need for thermal cover on winter ranges, as does the 1985 Elk-Logging study by Lyon and others. The agency's claim that the current best science has found no thermal cover benefits is clearly false, and is a false justification for removing this requirement in the amendment.

There was no actual analysis as to why the Guides for Elk Habitat Objectives will be removed as a requirement in the Amendment. Specifically, what is the problem with this document that it no longer is relevant to elk management, including winter ranges?

The amendment continues that existing claim in the Forest Plan that management of big game winter ranges for forage will improve elk habitat. Currently, there has been no actual documentation that logging and burning will improve elk forage on winter range. This lack of documentation includes any monitoring of the current forest plan program.

The amendment repeatedly claims that forage is the most critical need for elk management on the Bitterroot National Forest, without providing any actual reports or publications as to how this has been determined. The Eastside Assessment, as well as the Elk-Logging Study by Lyon and others (1985) document that elk require hiding cover, up to 66% for good cover, and management of cover on winter ranges. It is not clear specifically how the agency has determined that forage is limiting on the forest, and if so, why limiting motorized access through restriction of habitat effectiveness would not benefit elk. Somehow, more disturbances to elk will not affect their ability to forage.

Although the 2013 Eastside Assessment claims there is no science for a given level of hiding cover for elk, this is clearly not true. The 1985 Elk-Logging study reported, after 15 years of research, that good cover for elk is 66% or greater. And the Hillis Paradigm, as well as Lowrey et al. (2019) both found that cover is an important factor in elk security. The lack of any requirements of hiding cover on the Bitterroot National Forest has yet to be supported in the Amendment.

The Amendment suggests that administrative vehicle use, which includes logging trucks, does not displace elk, but no references were cited. The Eastside Assessment (2013) clearly noted that 2-4 vehicle trips per 12 hours displaces elk.

The Amendment claims that a goal of this amendment is to keep elk on public lands in the hunting season. Yet all the factors that promote elk retention on the forest are being eliminated in the amendment. The actual reason elk retention on

the forest in the fall hunting season will be maintained and/or improved was never provided.

The population criteria for hunting districts 204, 240, 250, 260, 261, 262, and 270 were not provided in the draft EA. This information is important to demonstrate how current management has affected elk. If management has not been effective, given the multiple forest plan exemptions for elk habitat, with only 40% of the 3rd order drainages meeting Forest Plan standards for elk habitat, it is important for the agency to fully evaluate how these exemptions have impacted elk. The agency did not do this analysis. Instead, they claimed that elk population numbers are up "dramatically," so that all these exemptions did not matter, or actually benefited elk. As we noted before, high population numbers indicates a lack of good elk habitat on a forest, not an abundance of high quality habitat. The current population levels of elk on this forest demonstrate that habitat measures have clearly failed, and need to be increased, not eliminated.

7. The amendment violates the 2012 planning rule by failing to provide conservation strategies for at-risk species.

There are several dozen Montana Species of Conservation Concern that need special management due to impacts of logging. Yet none of these species, including the pileated woodpecker, are identified as a species of conservation concern in the amendment. Nor is the wolverine identified as such. Instead, the amendment claims that this proposed species is not affected by any management activities, be it logging and/or roads, so no management is needed. The actual science supporting this contention was never provided. Nor was any science provided as to why the fisher, flammulated owl and black-backed woodpeckers do not require special management due to their sensitivity to logging; logging will remove their habitat. The agency's failure to develop conservation strategies for a host of at-risk wildlife species in the amendment means it has no actual validity as per the 2012 planning rule, including protection of old growth.

8. Whitebark Pine

The proposed restoration activities for whitebark pine are likely to contribute to the ongoing demise of this tree. Restoration will increase the severity of weather conditions in the whitebark pine zone (e.g., wind, snow accumulative, extreme temperatures), factors that will make recruitment of seedlings more precarious. In addition, current science indicates that thinning forests around whitebark pine trees will increase their growth, but in turn, make them a target for bark beetles. Also, prescribed burning results in the death of a lot of whitebark pine, including seedlings and saplings, for a tree stand where recruitment is already difficult. The amendment needs to identify that the science for managing whitebark pine is mixed, and interventions may have unanticipated impacts.

Regards,

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