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May 19, 2022

Forest Service

Stevensville Ranger Station

Attn: Steve Brown

88 Main Street

Stevensville, MT 59807

RE: SCOPING COMMENTS FOR THE PROPOSED BITTERROOT FRONT PROJECT

Hello,

Native Ecosystems Council, the Alliance for the Wild Rockies, and the Friends of the Bitterroot would like to submit the following scoping comments for the proposed Bitterroot Front Project.

1. The agency cannot implement any management actions that would impact grizzly bear habitat and grizzly bear mortality risks until a comprehensive plan for the Bitterroot Recovery Area is completed.

The Bitterroot Recovery is current occupied by grizzly bears. There is currently no comprehensive plan for management of grizzly bears and their habitat, however. There can be no planned management activities in this Recovery Area until the agencies, bot the Forest Service and the U.S. Fish and Wildlife Service, have developed a comprehensive plan for management of grizzly bears, including based on the current best science, with full public involvement. The completion of a supplemental EIS and the issuance of a new record of decision and final rule must be completed prior to any planned management actions in this Bitterroot

Recover Area, including in the Bitterroot Front Project Area. This project as currently defined has no conservation measures required for the threatened grizzly bear, in violation of the Endangered Species Act (ESA). Management of the Bitterroot Recovery Area for the grizzly bear has been identified as a key factor in the long-term viability of the grizzly bear in the lower 48 states. As a result, land-use restrictions are essential in this recovery area to promote the long-term conservation and recovery of the threatened grizzly bear.

2. The proposed Forest Plan amendments for big game habitat are a violation of the ESA.

The Final Rule for the Bitterroot Recovery Plan required that Forest Plan direction for big game habitat be met or exceeded to promote grizzly bear recovery. These management standards for big game were identified as essential for the recovery of grizzly bears in the Bitterroot Recovery Area. Deletion of these big game standards to implement the Bitterroot Front Project would be an identified adverse impact on the grizzly bear, and be inconsistent with the management of this area as a recovery area for the grizzly bear.

3. The proposed Forest Plan amendments would be a violation of the National Forest Management Act.

The Bitterroot National Forest is failing to complete an amendment to the Forest Plan by doing piecemeal site-specific amendments for individual projects, as is planned for the Bitterroot Front Project for big game, snags, old growth, and coarse woody debris. Serial site-specific Forest Plan amendments result in a cumulative avoidance of the agency to implement the Forest Plan. The Forest Plan FEIS thus misrepresents the environmental impacts of Forest Plan implementation, since this implementation is actually not occurring. Before the Bitterroot National Forest can implement any Forest Plan changes for the Bitterroot Front Project, they need to amend the Bitterroot Forest Plan, which requires a cumulative effects analysis of how significant changes to the original Forest Plan are impacting various factors, including maintaining a diversity of wildlife well distributed across the planning area.

Any Forest Plan amendments need to be consistent with the requirements of the Bitterroot Recovery Area for the grizzly bear. This indicates that the development of a Forest Plan amendment is premature, since these regulatory requirements for the grizzly bear in the Bitterroot Recovery Area do not yet exist.

4. For project planning, please provide a reasonable level of detail to the public in regards to both the existing situation, and the planned conditions for any proposed action alternatives for old growth, snags and big game habitat.

Should the agency decide to proceed with planning for the Bitterroot Front Project without first completing a Forest Plan amendment, which need to include regulatory standards for the threatened grizzly bear in the Bitterroot Recovery Area, we request that the following information be provided by 3rd order drainages for the project area, so that the public has the “high quality information” that is required by the NEPA:

- a. Please provide an inventory of all current old growth, as defined by the complete definition of Green et al. (1991) for each of the 3rd order drainages that occur in the project area (acres and percentage of the watershed). This would be consistent with the Forest Plan direction that old growth be managed by 3rd order drainages. Please include the type of old growth as per Green et al. (1991).
- b. Please provide a summary for each 3rd order drainage of the acres of old growth that would be treated with logging or burning for each action alternative being planned.
- c. Please include documentation of Forest Plan monitoring data or other current science to support any projections as to how logging and/or burning old growth forests will impact old growth-associated wildlife.
- d. For each 3rd order drainage, please provide a complete inventory of all existing forest stands that are mature and contain natural snag levels.
- e. For each 3rd order drainage, please provide a summary of the acres of mature snag forests that will be logged and/or burned for each action alternative.

- f. For each 3rd order drainage in the project area, please define the current total road density, along with the management criteria for these roads (seasonal closure, administrative use, open, undetermined, hunting season management, etc.); please define how this would change for any action alternatives.
 - g. For each 3rd order drainage in the project area, please define and map any big game winter range, and define the level of hiding and thermal cover that currently exists; please define how these cover levels would change with each action alternative.
 - h. For each 3rd order drainage in the project area, please define the current level of hiding and thermal cover across big game summer range; please define how these levels of cover would change with any action alternative.
 - i. For each 3rd order drainage in the project area, please define and map elk security areas as defined by the complete Hillis et al. (1991), as well as defined in the Bitterroot Forest Plan; please define how these would change in any action alternatives.
 - j. For the hunting districts affected by the proposed project, please define the trend in bull/cow ratios for the period these have been monitored by the Montana Fish, Wildlife and Parks; please define how the existing and planned levels of big game security per 3rd order drainages is related to these bull/cow ratios; please define the criteria for identifying significant impacts on elk vulnerability for the existing and any planned conditions for the project area.
 - k. Please provide a complete inventory of management indicator species, the pileated woodpecker and pine marten, as well as forest sensitive wildlife species, in the project area, based on reliable surveys. Please map the locations of all occupied territories so that the public is provided high quality information about the existing condition for these wildlife species in the project area, as well as to demonstrate to the public how any proposed vegetation treatments will overlay these occupied wildlife habitats.
5. Please define how any proposed actions in the Bitterroot Front Project will adhere to Executive Order 13443.

Executive Order 13443 directs federal land management agencies to facilitate expansion and enhancement of hunting opportunities and management of game species and their habitats. Included in this EO are analysis requirements, such as evaluating the effectiveness of agency actions on trends of hunting participation and where appropriate to address declining trends, implement actions that expand and enhance hunting opportunities to the public. This EO also directs federal agencies to manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning. It also directs agencies to establish short- and long-term goals to foster healthy and productive populations of game species and appropriate opportunities for the public to hunt those species. Please define how each proposed alternative for management of the Bitterroot Front Project Area addresses this EO.

6. Please provide the public with a 60-day comment period for any openings that will exceed 40 acres, and make public comments on these openings available on the project web page. ✓

Please provide a complete tally and map of any and all combined openings for each action alternative, for any action alternatives.

7. In order to meet the requirements of the NFMA, please assess agency compliance with the Forest Plan standard that requires forest stands between openings to be at least the size of the adjacent opening.

The Forest Plan requires that agency to avoid creating large open landscapes by requiring forested areas between opening to be at least the size of the opening. Please define a forest stand that has a minimum canopy cover of 40%, which is based on the current best science. Forest stands that do not maintain at least a 40% canopy cover after treatment would not qualify as an intervening forest stand between openings.

8. Please define how any proposed actions in a Bitterroot Front Project will adhere to Executive Order 13186.

The Migratory Bird Treaty Act and associated Memorandum of Understanding (MOU) require federal agencies to integrate bird conservation principles, measures and practices into agency activities, and to avoid or minimize, to the extent practical, adverse impacts on migratory bird resources when conducting agency actions. This EO also requires federal agencies to restore and enhance the habitat of migratory birds, as practicable. The agency is required to ensure that environmental analysis of federal actions evaluate the effects on migratory birds, with emphasis on species of concern. The agency is also required to identify "take" that will occur during project implementation, and acquire a take permit for this mortality from the U.S. Fish and Wildlife Service. And the agency is required to inventory and monitor bird habitat and populations within the agency's capabilities and authorities to the extent feasible to facilitate decisions about the need for, and effectiveness, of conservation measures.

Please include an evaluation of the proposed vegetation treatments, including prescribed burning, on neotropical migratory birds associated with old growth forests. These include at least the following:

Montana Species of Concern: northern goshawk, pileated woodpecker, brown creeper, evening grosbeak, great gray owl, flammulated owl, black-backed woodpecker. *LeWo*

Other Neotropical Migratory Birds Associated with Old Growth: boreal owl, chestnut-backed chickadee, golden-crowned kinglet, hairy woodpecker, Hammond's flycatcher, hermit thrush, Lewis woodpecker, three-toed woodpecker, pine grosbeak, red-breasted nuthatch, Swainson's thrush, three-toed woodpecker, Townsend's warbler, varied thrush, Vaux's swift, and winter wren.

Please also include an evaluation of the proposed vegetation treatments, including prescribed burning, on neotropical migratory birds associated with snags and downed logs, including the following:

Montana Species of Concern: pileated woodpecker, black-backed woodpecker, flammulated owl, great gray owl, brown creeper.

Other Neotropical Migratory Birds Associated with Snags and Downed Logs: American kestrel, black-capped chickadee, boreal owl, chestnut-backed chickadee, downy woodpecker, hairy woodpecker, Lewis woodpecker, mountain bluebird, mountain chickadee, northern flicker, northern hawk owl, pygmy owl, red-breasted nuthatch, red-naped sapsucker, saw-whet owl, three-toed woodpecker, tree swallow, violet-green swallow, western screech owl, and Williamson's sapsucker.

In the analysis of project impacts on old growth and snag dependent neotropical migratory birds, please define what the current best science defines as suitable levels of old growth habitat and forested snag habitat, and if these conditions are currently being met, and will be maintained in the project area with proposed vegetation treatments, including prescribed burning. If these recommended levels of snag forests and old growth are not being met, how will these habitats be restored in order to meet the requirements of the NFMA and the MBTA?

9. Prior to any additional vegetation treatments, including prescribed burning, on the Bitterroot National Forest, the agency needs to amend the existing Forest Plan to meet the requirements of the NFMA and the MBTA.

The current Forest Plan has severely deficient requirements for old growth forests, as well as no requirements for forested snag habitat. As such, the agency cannot ensure that a diversity of wildlife will be maintained during plan implementation. Until this lack of any valid conservation strategies for old growth and forested snag wildlife, no further vegetation treatments including prescribed burning should be implemented, as the impacts to wildlife are likely highly significant and potentially irretrievable.

10. The agency needs to demonstrate that Forest Plan monitoring requirements for management indicator species, including the pileated woodpecker and pine marten, have been completed to ensure that viable populations of these MIS have been maintained in local landscapes where vegetation management projects have been implemented.

There currently is no actual data to demonstrate that the NFMA requirements for the agency to monitor how vegetation management activities have impacted the pileated woodpecker and pine marten. Given that the current best science demonstrates that both MIS are highly sensitive to vegetation management activities, the agency has no basis for concluding that Forest Plan implementation has maintained well-distributed populations of these species across the Forest. Until the agency completes valid assessments of how vegetation management activities, including prescribed burning, is affected the distribution of these MIS across the Forest, there should be no further vegetation treatments implemented. Without this monitoring information, the agency is also violating the NEPA, because they are unable to provide the public with even a minimal level of information to demonstrate that vegetation management activities are maintaining these 2 MIS across the forest.

11. Please provide an analysis of how clearcutting will impact the MIS pileated woodpecker.

The current best science demonstrates that the MIS pileated woodpecker is highly sensitive to clearcuts. Please define in the upcoming analysis as to how clearcutting will be coordinated with occupied pileated woodpecker territories in order to maintain active territories.

12. Please define how clearcutting will be coordinated with the sensitive fisher.

The current best science demonstrates that the sensitive fisher is highly sensitive to clearcuts, with a limit of 5% openings in fisher territory recommended to ensure habitat occupancy. The agency needs to define to the public specifically how any clearcutting in any proposed project is being designed to maintain fishers.

13. Please define how any clearcutting will be coordinated with the MIS pine marten.

Within an average size of a female pine marten's home range, which would be less than 2,000 acres, please evaluate how the level of clearcutting will affect the viability of a home range, where the current best science has indicated that pine marten habitat is lost when clearcuts include 25% or more of the home range.

14. The agency needs to provide the supporting monitoring and science to demonstrate that treating old growth forests, including with prescribed fire, will maintain values for old-growth associated wildlife.

Although the Forest Plan allows some types of vegetation treatments in old growth forests, this allowance was not based on any actual science. Since the Plan's implementation over 20 years ago, the agency has had ample time to determine if treatments in old growth indeed maintain wildlife values, including for 2 MIS associated with old growth, the pileated woodpecker and pine marten. The NEPA requires that the current best science be applied in evaluations of agency actions, and this includes impacts of vegetation treatments on wildlife in old growth forests. Using a Forest Plan standard to avoid NEPA is in itself a violation of the NEPA. Unless the agency can provide the monitoring data and science that treatments in old growth forests maintain wildlife values, applying out-dated, unverified Forest Plan direction cannot be demonstrated to meet the requirements of the NFMA, which is to maintain a diversity of wildlife well distributed across the forest.

15. The Forest Plan is a violation of the NFMA, the NEPA and the APA because the desired conditions do not include wildlife populations or wildlife habitat, and have no actual connection to wildlife.

The agency notes that the Bitterroot Front project is needed to achieve "desired conditions" identified in the Forest Plan. However, what these desired conditions mean for wildlife is unknown. There are no desired conditions established for wildlife. There is no analysis in the Forest Plan FEIS to demonstrate that the vaguely defined desired conditions will not just maintain, but increase all wildlife

populations. The actual impact of implementing the vaguely defined desired conditions on wildlife is not evaluated in the Forest Plan FEIS. Thus implementation of these desired conditions has unknown impacts on wildlife, in violation of the NFMA and the NEPA. Until the agency corrects this deficiency, or evaluates the effect of vegetation desired conditions on all forest wildlife, including MIS, use of the desired conditions as management goals is invalid.

Proxy for
WU.

16. Please provide a valid map and delineation of the Wildland Urban Interface for the project area.

The Healthy Forest Restoration Act (HFRA) has specific definitions of the WUI, or 1.5 miles from communities-at-risk. These include the interface and intermix areas, based on density of human populations. Please use these established criteria to map the WUI for the project area.

17. Please provide the current habitat type and basal area for each proposed treatment unit, including prescribed burning, and define what the target basal area would be after treatment.

As per Pfister et al. 1977, there is as standard basal area for each forest habitat type. Please provide the habitat type classification for each proposed treatment unit, including prescribed burning. Also, please provide what the target basal area is to be as the result of treatments. And as per the NEPA, please correctly define the purpose of the proposed basal area reductions as fuels management, not forest restoration, since altering natural basal areas of a forest stand does not constitute restoration.

18. Please provide a valid analysis of how vegetation treatments, including prescribed burning, will impact a key prey species, the snowshoe hare, that provides prey for many forest carnivores and forest raptors.

The impact of any logging and prescribed burning on forest raptors and forest carnivores needs to be fully defined for the project. What is the expected reduction in populations of snowshoe hares, and how will this affect populations

of the threatened lynx, MIS pine marten, the sensitive fisher, the sensitive wolverine, and sensitive forest raptors as the goshawk and great gray owl.

19. The proposed intervention into Inventoried Roadless Areas (IRAs) will be a violation of the Roadless Area Conservation Rule; any proposed actions should not be planned in IRAs, including prescribed burning.

Any management intervention into IRAs will be a violation of the Roadless Area Conservation Rule, because the agency will be unable to demonstrate that this management intervention is needed to restore wildlife populations. Forest thinning and prescribed burning will be detrimental to the threatened lynx by removing a key prey species, snowshoe hares with forest thinning and understory removal. These activities will also degrade habitat for the wolverine by reducing snowshoe hare populations, increasing human disturbance, and reducing big game populations by reducing calving and fawning habitat, winter habitat, and security habitat. These management interventions will reduce big game populations available for hunters by reducing security and increasing disturbances, in violation of the EO 13443, which requires the agency to maintain and/or improve hunting opportunities for the public. This management intervention will violate the EO 13186, which requires the agency to conserve habitat for migratory birds. Fuels reduction activities will clearly remove and reduce habitat for neotropical migratory birds, to their detriment. And this management intervention will increase noxious weeds and invasive annuals, populations that thus far the Forest Service has failed to eradicate and even control across the landscape. Finally, the agency needs to provide the science that demonstrates that natural wildfires in an IRA are detrimental to wildlife, and as a result, need to be prevented.

In addition, the agency needs to define why violation of Forest Plan direction constitutes restoration of wildlife habitat. This project will delete requirements for old growth, snag habitat, and big game habitat, including one of the most important standards for elk security, which require as per the Forest Plan large blocks of undisturbed forest habitat, up to 5,000 acres of more, for elk security.

As per the NEPA, if the agency is going to claim that management intervention is needed to “restore” wildlife with IRAs, the species of wildlife that needs restoration, as well as the data that demonstrates that populations will increase with vegetation treatments, need to be provided to the public, as per the requirement of the NEPA to provide high quality information to the public, instead of just conclusionary statements.

20. The scoping notice makes the claim that vegetation treatments will improve wildlife habitat; there is a conflict between this claim and the planned deletion of various Forest Plan standard for wildlife; the agency is suggesting that Forest Plan direction is inconsistent with wildlife habitat needs, which means that the agency apparently believes the Forest Plan is invalid for wildlife management.

The agency needs to define in the upcoming analysis as to why Forest Plan standards have to be deleted in order to improve wildlife habitat.

21. Please provide the specific criteria that the agency will use to determine the threshold level of triggering significant impacts of a proposed project on wildlife.

Apparently implementation of Forest Plan standards is not a criteria for measuring significant impacts on wildlife. As well, since there are no conservation strategies in the Forest Plan for any wildlife species other than big game, strategies that would be eliminated for the Bitterroot Front Project, the agency needs to clearly define to the public how the impact of proposed vegetation treatments, including prescribed burning, will be measured as per significant impacts, impacts that would require completion of an Environmental Impact Statement (EIS).

22. Please amend the Bitterroot Forest Plan to develop conservation strategies for all wildlife species of conservation concern before any further vegetation treatment projects, including prescribed burning, are planned.

The Bitterroot Forest Plan is severely deficient in its ability to meet the requirements of the NFMA, to maintain a diversity of wildlife species. This plan has no conservation strategies for the threatened grizzly bear in the Bitterroot Recovery Area, no conservation strategies for Montana Species of Concern, as the great gray owl, northern goshawk, and flammulated owl, brown creeper, and black-backed woodpecker, no conservation strategies for a large number of other migratory birds, or for the wolverine. The existing old growth direction is severely deficient. There is no conservation strategy for forested snag habitat. This Forest Plan is a violation of the NFMA as a result, and needs to be replaced.

Regards,

Sara Johnson, Director, Native Ecosystems Council, PO Box 125, Willow Creek, MT 59760; sjohnsonkoa@yahoo.com.

Mike Garrity, Director, Alliance for the Wild Rockies, PO Box 505, Helena, MT 59624; wildrockies@gmail.com.

Jason Christensen, Director, Yellowstone to Uintas Connection, PO Box 363, Paris, ID 83261; jason@yellowstoneuintas.org.

Jim Miller, President, Friends of the Bitterroot, PO Box 442, Hamilton, MT 59840. donations@friendsofthebitterroot.net.