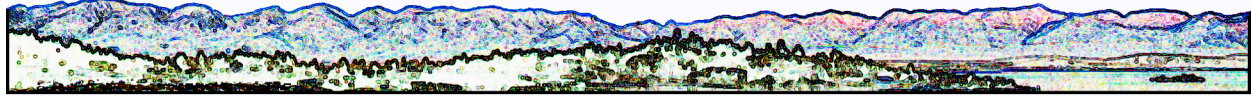


Swan View Coalition Nature and Human Nature on the Same Path



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February 12, 2018

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

Re: Supplement to our 2/9/18:
Objection to the Revised Flathead Forest Plan and NCDE Forest Plan Amendments
Objection to the Regional Forester's Flathead Species of Conservation Concern
Submitted as PDF to appeals-northern-regional-office@fs.fed.us

Dear Objection Reviewing Officer;

Please accept this timely supplement to the Objection we filed on 2/9/18 in the above matter. It attaches documents not included in the DVD we mailed you and discusses briefly how those document are important to your review of our Objection.

Dr. Bruce McClellan's Review of Habitat Based Recovery Criteria

Attached (Attachment 1) are Dr. Bruce McClellan's 11/14/17 comments on FWS's draft Recovery Plan Supplement to incorporate Habitat Based Recovery Criteria (HBRC). We don't think that Dr. McClellan fully grasps the degree to which the HBRC will allow new roads to be built but not counted in Total Motorized Route Density (TMRD) when subsequently stored. Nonetheless, he cautions against the impacts of likely increases in human uses of open roads, closed roads and security core that will make it difficult if not impossible to maintain 2011 habitat security conditions as promised.

Firstly, Dr. McClellan cautions that the logic behind maintaining 2011 conditions "appears rational to me provided the important conditions do remain similar." Our Objection is largely devoted to demonstrating how the conditions will not remain similar, based on flawed logic in the HBRC, the Forest Plans and their definitions - as well as has already been demonstrated by Flathead Forest Plan behavior.

Dr. McClellan notes that, under the HBRC:

[I]t would be possible to end up with closed roads, that are relatively easy to walk or ride on, almost everywhere. This would not be like conditions in 2011 when many subunits have very few if any open or closed roads but are largely wilderness. The actual difference in human use of areas behind closed roads to

areas that have never been roaded should be measured and accommodated, if the goal is to maintain conditions similar to what was found in 2011.

This is our point exactly and Dr. McClellan is perhaps rephrasing the concerns that arose from Mace and Manley 1993 (DVD Folder 24), where they found that female grizzly bears needed large areas of unroaded habitat to successfully rear young and that simply slapping gates or berms on roads was not enough to limit human impacts to bears. Our Objection describes how the definition of “impassable” roads allows for roads to be built or decommissioned roads to be rebuilt, then stored/closed but not counted in TMRD.

Our Objection also describes how the Plans and HBRC would allow roads and trails, both open and closed to motorized use, to receive unlimited amounts of human use without accounting for the impacts to bears or what should be reductions in Security Core. Dr. McLellan finds:

The number of people on the road network in the future will also likely impact the amount of human use of secure core habitat areas. I think that the likelihood of a change in the amount of human use of the road network and secure core areas compared to the 2011 benchmark should be mentioned and suggestions made on how such changes will be accommodated.

Given Dr. McClellan’s opening premise that the HBRC can only be considered rational “provided the important [habitat] conditions do remain similar,” we think his use of the word “accommodated” must be interpreted to mean “accounted for” in the HBRC, not “allowed to occur on the ground.”

The Flathead’s Treatment of Two Categories of Impassable Roads

Attachment 2 is our 2/9/18 email reply to Flathead Forest Supervisor Chip Weber’s 2/6/18 response (Attachment 3) to our 1/11/18 request for his 2017 field survey of “impassable roads that are included in calculations of TMRD” (Attachment 4). In his response, Supervisor Weber essentially claims he has no inventory or category of impassable roads that are included in TMRD.

Attachment 2 details some of the instances where Supervisor Weber has previously provided us information on two categories of impassable roads: a) those that ARE included in TMRD and b) those that ARE NOT included in TMRD. The following attachments to this Supplemental Objection submit some of those documents into the Objection record. Moreover, we will attach to the email submitting this Supplemental Objection several KML/KMZ road files of both categories of impassable roads. These were previously provided us by Supervisor Weber and his staff so we could view them using Google Earth.

Folder 12 on our Objection DVD includes our 11/30/16 Notice of Intent to File Suit over the Flathead having left stream-aligned culverts in its Raghorn Road #10802 in critical bull trout habitat. This is a road the Flathead inventories/categorizes as impassable but not included in TMRD.

Attachment 5 is Supervisor Weber's 1/17/17 response to our Raghorn Road NOI. While it agrees to remove the remaining culverts, it admonishes us, writing: "we are first hearing about specific concerns regarding this road through a NOI to Sue rather than other communications." Attachment 6 is our 1/26/17 response, providing half-dozen examples of how we previously raised the Raghorn issues with Flathead staff. It also reiterates our concerns over whether the Raghorn Road will continue to be considered an impassable road following the culvert removals and whether it will or will not be counted in TMRD.

Attachment 7 is our 2/24/17 follow-up letter to Supervisor Weber where we detail our concerns that both categories of impassable roads must be included in TMRD. It also details how the revised Forest Plan DEIS does not square up with recent Flathead projects that rebuild previously decommissioned roads, then stores them as impassable while not including them in TMRD.

Attachment 8 is the ReadMe file provided by Kathy Ake in her 1/27/15 FOIA response to us. It details how to interpret the KML/KMZ files provided simultaneously for both categories of impassable road:

RoadsImpassable_FNFonly.kmz - contains FNF only roads that are impassable and not included in total route density calculations.

RoadsTMRD_FNFonly.kmz - contains FNF only roads that are impassable and are included in total route density calculations.

Both of these KMZ files are attached to the email submitting this Supplemental Objection. They cannot be converted to PDF in a meaningful way.

Attachment 9 is our 2/7/17 FOIA request that Supervisor provide us updated versions of the KMZ files provided previously (as listed above).

Attachment 10 is Supervisor Weber's 3/8/17 response to our FOIA request, in which he provided a single TMRDImpassableRoads2017Jan3.kmz file containing both categories of impassable roads. These categories he described in the ReadMe file he enclosed (Attachment 11). The KMZ file we attached to the email submitting this Supplemental Objection.

Supervisor Weber's 3/8/17 response also indicates his intention to undertake a field review "of the approximately 63 miles of impassable roads identified in the KMZ file that are not counted in Total Motorized Access Density." It is this field review and its results which caused us to ask in Attachment 4 for any similar survey that may have been conducted for impassable roads that are counted in TMRD.

Our Objection, on page 9, discusses how the Raghorn Road is being moved into and out of TMRD calculations as an impassable road. The attached documents, contrary to Supervisor Weber's 2/6/18 FOIA response (Attachment 3), demonstrate that the Flathead has two categories of impassable roads. If it appears that the Flathead's treatment of impassable roads is arbitrary and capricious, it is because it is arbitrary and capricious. So is the notion of carrying this nonsense into the revised Forest Plan, NCDE Plan Amendments, HBRC, and Conservation Strategy.

ATV Violations in Krause Basin Slop Onto Closed DNRC Lands

On page 8 of our Objection, we closed our discussion about ATV abuses in Krause Basin by mentioning MT DNRC's wish to not have Forest Service management "facilitate motorized trespass on adjacent state lands." Attachment 12 is a photo we took 1/10/18 at the Flathead National Forest boundary in Krause Basin of what remains of a DNRC sign indicating its lands are closed to ATV use. We'd provide a photo of the Forest Service sign at this location indicating ATVs are seasonally prohibited in Krause Basin on Forest Service land, but it was torn down decades ago and has been ignored ever since. The notion that the Flathead can mark ATV trails on the ground in Krause Basin and not have that ATV use continue during closed seasons and onto closed DNRC lands is arbitrary, capricious and not based in reality.

Sincerely,



Keith J. Hammer
Chair