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Title:

Comments: Subject: Helena - Lewis and Clark Forest Plan Objection

July 17, 2020

Dear Regional Forester Marten:

Hello again from East Glacier Park and the glorious Badger-Two Medicine country!

I am writing to offer formal objections to the 2020 Land Management Plan (Revised Forest Plan) for the Helena-Lewis and Clark National Forest (HLCNF), the accompanying Draft Record of Decision (DROD), as well as the Final Environmental Impact Statement (FEIS) for the Revised Forest Plan.

I'd like first to thank you and the HLCNF for your efforts at revising the existing forest plans. In particular, thank you for the many opportunities provided for public participation in the planning process and for the HLCNF's responsiveness to that public input.

While President of the Glacier-Two Medicine Alliance, (I rotated off its Board in January), and as owner of and resident on a Badger-Two Medicine private inholding, I submitted organizational and individual feedback to the HLCNF throughout the Forest Plan Revision process, including:

- Attended public comment sessions.
- Submitted comments on Desired Future Conditions on January 15, 2016.
- Submitted comments on Wilderness Evaluation Inventory and Timber Suitability on March 9, 2016.
- Submitted comments on Sept. 28, 2016 on the Grizzly Bear Habitat Amendments developed for the Flathead National Forest and subsequently incorporated into HLCNF's current and Revised Forest Plans.
- Submitted comments on the Proposed Action on March 17, 2017.
- Submitted comments on the Draft Forest Plan and Draft Environmental Impact Statement on Oct. 5, 2018.

In that spirit, I now offer continued input. My specific objections are tied to those earlier comments, and I offer objections to these four aspects of the plan for the Badger-Two Medicine Special Emphasis Area:

- 1) The removal of RM-BTM-STD-02 from the Revised Forest Plan;
- 2) The lack of a non-suitability determination for motorized travel in the Badger-Two Medicine;
- 3) The lack of a non-suitability determination for mechanized travel in the Badger-Two Medicine;
- 4) Monitoring questions and indicators for the Badger-Two Medicine.

I also object to two Forest Wide issues:

- 1) The incorrect assumption that mechanized use, (e.g., mountain biking), is suitable in "Primitive" Recreation Opportunity Spectrum settings;
- 2) Inadequate Wilderness recommendations.

I also offer recommendations to address these objections to the Revised Forest Plan.

Before detailing these objections and proposed remedies, I'd like first to thank the excellent staff and representatives of the Helena-Lewis and Clark National Forest and its Forest Plan Revision team. You have done a lot of good work, and been friendly, approachable and encouraging throughout the process. For the Badger-Two Medicine in particular, I support the Forest's recognition of the area's importance to the Blackfeet Nation, the endorsement of a strong Blackfeet role in future management decisions, the priority of maintaining the wildland character of the area, managing for natural and ecological processes, the reclassification of the area as "Primitive" under the Recreation Opportunity Spectrum, confirmation that the area is unsuitable for timber harvest, and the determination that over 60 miles of streams are eligible for protection under the Wild and Scenic Rivers Act.

With that in mind, I proceed now to objections to the 2020 Land Management Plan (Revised Forest Plan) for the Helena-Lewis and Clark National Forest (HLCNF), the accompanying Draft Record of Decision (DROD), as well as the Final Environmental Impact Statement (FEIS) for the Revised Forest Plan.

Objections specific to the Badger-Two Medicine Special Emphasis Area

Objection #1 - The Forest Service should not have removed Standard 02 for the Badger-Two Medicine (RM-BTM-STD 02) from the Draft Revised Forest Plan.

The removed Standard, paraphrased:

Management activities within the Badger-Two Medicine area shall not pose adverse effects to the Badger Two Medicine Traditional Cultural District. Management activities shall consider scientific research and ethnographic research as they relate to Blackfeet cultural and land-use identities when analyzing project effects.

This standard is appropriate because it will help protect the integrity of the Badger Two Medicine Traditional Cultural District (TCD). Oddly, the standard was deleted without explanation from the final plan. Neither is there explanation for its removal in either the DROD or the FEIS. This despite DROD statement that only "minor changes" were made to the plan components for the Badger-Two Medicine special emphasis area between the DEIS and FEIS.¹ This statement is incorrect. Several plan components were significantly altered during evolution from the draft to the final plan in addition to the removal of Standard 02.²

¹ DROD p. 36.

² Besides the removal of Standard 02, the Forest replaced Desired Condition Statement 01 and added a new suitability provision (RM-BADGER TWO MEDICINE-SUIT 02), neither of which were acknowledged or explained. The Forest's rationale is further obscured by the fact that the FEIS continues to list the plan components from the Draft Revised Forest Plan (2018) in Table 211 (FEIS, Chapter 3 Part 2, p. 119).

The lack of acknowledgement and justification for the change seems to violate the Forest Service's 2012 Planning Rule which obligates the HLCNF to be transparent and to provide a documented rationale for its decisions.³ Furthermore, the failure to justify likely qualifies the removal of Standard 02 as "arbitrary and capricious" in violation of the National Environmental Policy Act and Administrative Procedures Act.

³ 77 Fed. Reg. 21,184 (Apr. 9, 2012); 36 C.F.R. 219.14 and 36 C.F.R. 219.13

Standard 02 does not merely repeat Sec. 106's procedural obligations. It adds a substantive and enforceable constraint on future site-specific undertakings in the Badger-Two Medicine TCD. The importance of including Standard 02 is further illustrated in light of the recent Advisory Council on Historic Preservation commendations of Blackfeet-Forest Service relations and their combined effort to protect the TCD from negative effects posed by

potential oil and gas development.⁴ The return of Standard 02 would demonstrate a clear commitment by the Forest to protect the integrity of the TCD, not simply consider potential impacts, in its decision making.

4 Advisory Council on Historic Preservation (Sept. 21, 2015). Comments on Historic Preservation Regarding the Release From Suspension of the Permit to Drill by Solenex LLC in Lewis and Clark National Forest, Montana. p. 8

Proposed Remedy:

1. Re-insert Standard 02 (RM-BTM-STD 02) from the draft Revised Forest Plan verbatim into the final Revised Forest Plan.
2. Provide legally sufficient justification for the changes to the Badger Two Medicine plan components in the FEIS and forthcoming Record of Decision.

Objection #2 - The Revised Forest Plan should include a non-suitability component for motorized vehicles in the Badger-Two Medicine.

Under the 2009 Travel Management Plan for the Badger-Two Medicine, motorized recreation is currently prohibited year-round except on approximately nine miles of roads open during the summer season.⁵ The draft forest plan rightly reflected and affirmed these existing prohibitions by including in its first Desired Condition statement the phrase: "The Badger Two Medicine is a large, undeveloped landscape that is open to nonmotorized recreation..."⁶ However, this statement was stripped from the final plan without any explanation or justification in either the DROD or FEIS. Consequently, the Revised Forest Plan components for the Badger-Two Medicine now lack any guiding oversight on travel management. This is an error given the potential impact of various modes of travel to the integrity of the Traditional Cultural District, as well as to the wildland, ecological, and recreational qualities of the area. It is also an outlier compared to other areas of the revised forest plan, where existing travel management direction is repeated in the Revised Forest Plan components.⁷

To your credit, the Forest correctly listened to public-comment recommendations and upgraded the Recreation Opportunity Spectrum classification for most of the area from "semi-primitive non-motorized" to "primitive". The primitive classification includes two forest-wide suitability components that limit summer and winter motorized recreation in the Badger-Two Medicine.⁸ However, the primitive classification does not apply to the entire Badger-Two Medicine, leaving open the possibility of expanding motorized use in the future. A re-inserted non-suitability component is needed to confirm the current travel plan, guide future travel plan revisions, and ensure that future decisions achieve desired conditions.

Remedy:

- Include a non-suitability component that reads: "Motorized recreation is not suitable in the Badger Two Medicine area except on USFS routes authorized by the 2009 Travel Management Plan."

Objection #3 - The Responsible Official erred when deciding not to address the suitability of mechanized transport in the Badger-Two Medicine.

Despite repeated requests, (of GTMA,⁹ the Blackfeet Nation,¹⁰ Blackfeet traditionalists,¹¹ and other organizations and individuals), the HLCNF decided not to address the suitability of mechanized transport, including mountain bikes, in the Badger-Two Medicine.

5 Travel Plan, 2009

6 Draft Forest Plan, p. 172

7 See for example the Rocky Mountain Front Conservation Management Area; Grandview Recreation Area and

snowmobiles (SN-GVRA-SUIT 03)

8 See FW-ROS-SUIT 03, FW-ROS-SUIT 05

9 See comments submitted on March 31st, 2017 in response to the Proposed Action and on Oct. 5th 2018 in response to the draft Revised Forest Plan and DEIS.

10 On Feb. 20, 2020, the Blackfeet Tribal Business Council submitted a letter to Forest Supervisor Bill Avey stating that "mechanized uses are not compatible with the Blackfeet cultural values in the Badger Two Medicine area." A copy of the letter was provided to GTMA, see Attachment B.

11 On Feb. 23, 2020, the Pikuni Traditionalists Association submitted a letter to Forest Supervisor Bill Avey which stated that bikes posed an "adverse effect" to Historic Trails within the Badger Two Medicine. A copy of the letter was provided to GTMA, see Attachment C.

A non-suitability determination was warranted because mechanized travel/transport is not compatible with desired conditions. The HLCNF failed to provide any meaningful justification for not addressing mountain bikes. Minimally, the HLCNF should have assessed whether mechanized travel adversely effects the TCD as well as the flora, fauna, ecosystem connectivity, non-mechanized recreation, and the wildland qualities of the Badger-Two Medicine. Also minimally, these assessments should have been documented in any decision to permit mechanized travel to continue. The absence of a non-suitability determination for the Badger-Two Medicine is arbitrary and capricious, and it should be remedied.

Remedy:

1. The HLCNF should either provide documentation of its adverse effects analysis and determinations, or else complete its analysis for how plan components for the Badger-Two Medicine as well as mechanized travel affect the TCD as well as the flora, fauna, ecosystem connectivity, non-mechanized recreation, and the wildland qualities of the Badger-Two Medicine, and then document its determination prior to signing the final Record of Decision for the Revised Forest Plan.

2. The HLCNF should subsequently address mechanized transport/travel as follows:

a. Add a non-suitability component to the Revised Forest Plan that reads, "03 Within the entire Badger Two Medicine Area, mechanized recreation or travel is not suitable except on FS roads and routes open to summer motorized travel under the 2009 Travel Management Plan. Exceptions may be made for administrative purpose or in emergencies involving public health and safety as determined on a case by case basis."

b. In concurrence with the final Record of Decision, issue a temporary closure order, (see Forest Service Handbook 1920, 21.8), that reads:

"The possession or use of a bicycle or other mechanized travel/transport, (e.g., drones), within the Badger Two Medicine area of the Helena-Lewis and Clark National Forest is prohibited except on forest roads open to highway-legal vehicles, developed recreation areas, and trailheads (36 CFR 261.55(c))." The order should stay in effect until travel plan amendments are completed as recommended next.

c. Provide a written commitment in the final Record of Decision that within 1 year the HLCNF will initiate a site-specific travel plan amendment process for the Badger Two Medicine to ensure travel plan consistency with the land management plan's suitability direction.

Objection #4 - Monitoring questions and indicators for Badger-Two Medicine.

If, in the event the Forest Service does not remedy Objection #3, as requested, then then the Forest Service should adjust their monitoring questions and indicators for the Badger-Two Medicine that were added to the final plan after the last comment period closed. Currently, Appendix B Table 17 lists only one monitoring question and one indicator for the Badger-Two Medicine. Please compare this to the monitoring components for the Grandview Recreation Area (GVRA) - another site on the forest classified as primitive under the ROS yet left open to mountain bikes. The forest proposed two monitoring questions and two indicators for the GVRA. The monitoring components for GVRA should be replicated for the Badger Two Medicine. The planning rule clearly explains the purpose of monitoring components:

"Monitoring questions and associated indicators must be designed to inform the management of resources on the Revised Forest Plan area, including by testing relevant assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving or maintaining the Revised Forest Plan's desired conditions or objectives." (36 CFR 219.12). The modifications suggested in this remedy will allow the USFS to better track changes in the social and ecological conditions that contribute to the primitive ROS desired conditions. The current monitoring question and indicator only tracks social conditions. Moreover, given the nearly non-existent mountain bike use in the Badger Two Medicine at present, this change would allow the USFS to accumulate important baseline data by which the agency can evaluate management effectiveness or use to inform future decisions.

Similarly, the current indicator for the Badger Two Medicine should be reworded. The phrase "core area" is unclear. Nowhere in the Forest Plan does the forest plan identify a "core area" for the Badger-Two Medicine. The whole area should be monitored, not just some undefined portion of it. Furthermore, as in the Grandview Recreation Area, the monitoring indicator should measure both social conflicts, (to account for impacts on solitude), and resource damage. It should also monitor conflicts between mountain bikes and wildlife in order to account for potential adverse effects on secure core habitat for grizzly bears. The suggested changes will improve monitoring of potential mountain bike impacts on the scenic integrity, natural vegetation, and ecological integrity that are hallmarks of primitive settings. Suggested wording is provided in the remedy.

Remedy:

1. Add a monitoring question under MON-BTM-01: "Are unauthorized trails created by mechanical means of transportation (mountain bike) present within the Badger Two Medicine?"
2. Add an indicator under MON-BTM-01: "Number, mileage and extent of unauthorized trails created for mountain bike trails within the Badger Two Medicine."
3. Adjust the current indicator under MON-BTM-01 to read: "Number and kind of social conflict incidents, wildlife conflict incidents, and resource damage incidents reported in the Badger Two Medicine area."

Objections to Forest-Wide Issues

Objection #5 - Mountain biking should not be identified as universally suitable in primitive Recreation Opportunity Spectrum settings

As reflected in earlier comments on the draft plan, the HLCNF was correct to classify certain landscapes, like the Badger-Two Medicine, as primitive even though such areas may not be recommended for wilderness designation. However, the HLCNF erred when it determined that mountain bikes would automatically be suitable in primitive settings outside of designated or recommended Wilderness. Such determination should be made on a site-specific, case-by-case basis rather than as a forest-wide plan component.

Remedy:

1. The discussion of the ROS and travel planning in the DROD and FEIS should be corrected to clarify that past HLCNF travel planning decisions do not determine that mountain biking is a suitable use in all primitive ROS settings outside of designated wilderness.
2. Remove FW-ROS-SUIT-02 from the final plan.
3. As in Objection #3, the Revised Forest Plan should clearly identify that mechanized transport is non-suitable in the Badger-Two Medicine area.
4. Except for the Badger-Two Medicine, ALL primitive ROS settings not recommended for wilderness should neither be identified as suitable nor not suitable for mechanized transport. Rather, the Revised

Forest Plan and ROD should commit the Forest Service to undertake separate planning processes to decide whether a particular area is suitable for mountain biking.

Objection #6 - The HLCNF recommended too little Wilderness in Alternative F, which fails to provide sufficient secure habitat to promote connectivity of grizzly bear habitat components. In previous comments on the draft plan and DEIS, we encouraged the HLCNF to select Alternative D because it identified the greatest number of areas--sixteen--and the greatest total acreage--474,589--that would be recommended as Wilderness. Selecting Alternative D is critical to protect the wilderness characteristics identified in the Wilderness inventory and evaluation.

Furthermore, we urged the selection of Alternative D because the number and size of the recommended Wilderness Areas identified in Alternative D in the island ranges south and east of Helena are necessary to provide grizzly bears secure habitat in an area of the HLC National Forest that does not otherwise contain ample suitable or low-conflict habitat. The protections provided by recommended Wilderness would help to limit human-bear conflicts and to facilitate connectivity via the dispersal of bears between the Northern Continental Divide Ecosystem (NCDE) and Greater Yellowstone Ecosystem necessary to recover the species. The FEIS notes the importance of RWAs to achieving connectivity: The combined effect of designated wilderness, WSAs, IRAs, and RWAs would be to maintain those acreages as already-secure habitat and increase potential long-term security in areas designated as RWAs. (FEIS 3-341.)

The Forest Service is required to promote the recovery of threatened and endangered species like grizzly bears. Recommended Wilderness - with its management direction to maintain Wilderness character - is the best way to ensure secure habitat for grizzly bears. It is well-documented in the FEIS and scientific literature that roads and motorized access are one of the leading causes of grizzly bear mortality by humans, as well as an obstacle to their movement. Greater recommended Wilderness would reduce mortality and promote connectivity.

The recommendations for wilderness identified in Alternative D of the Draft Plan are also critical to promoting connectivity because the Revised Forest Plan lacks components that would protect grizzly bear habitat or prevent conflicts between grizzly bears, livestock, and people in the Big Belts, Divide, Elkhorns, Little Belts, Crazies, Snowies, Castles, or Highwoods Geographic Areas, (these correspond with Zone 2 and Zone 3 in the NCDE Grizzly Bear Conservation Strategy/Habitat Management Direction that was incorporated into the plan). The plan does not appear to even include a food/attractant storage order that applies to national forest lands in Zone 3 as the plan components related to food storage only apply to the Primary Conservation Area, Zone 1 and Zone 2.

However, despite the obligation to promote connectivity, the HLCNF chose instead to recommend only seven areas totaling 153,325 acres as wilderness. This is 46% less acres than in the Proposed Action (2016), and a stark 33% reduction from Alternatives B & C in the DEIS - which were developed to provide the greatest mix of timber production, motorized recreation, non-motorized recreation and recommended Wilderness preservation. Particularly unsettling, the HLCNF did away with almost all recommended Wilderness designations in Zone 2 and Zone 3, the Geographic Areas of the forest where such designations are most critical to dispersing grizzly bears. These changes includes either total elimination of all recommended Wilderness Areas, or steep reductions in the number and acreage in several plan Geographic Areas, including the Big Belts, Little Belts, Castles, Crazies, Snowies, and Divide. Expanding the number and size of recommended Wilderness Areas is critical to protect wilderness characteristics currently present on the forest, to provide opportunities for quiet recreation, and to protect wildlife habitat - especially secure habitat for grizzly bears.

Remedy:

1. The HLCNF should include the entire forest in its food/attractant storage order, (i.e., add Zone 3 to the current NCDE PCAZ1Z2 Plan Components);
2. Expand the recommended Wilderness designations in accordance with the objection filed by the Montana

Wilderness Association;

3. Include the additional recommended Wilderness designations found in the objection filed by the Sierra Club.

Request to be an Interested Party

In addition to our objections identified in this letter, I would like to be included as an "Interested Party" to any objections that affect the Badger-Two Medicine special emphasis area. At the Forest-wide scale, I request to be included as an "Interested Party" to any objection pertaining to Wilderness-either recommendations, Study Areas, or management-to grizzly bears, or to Wild and Scenic eligibility. In both cases, objections could be forest-wide, geographic area, special emphasis area or specific plan components that affect the resources of interest.

I would like to close these comments by again expressing my thanks to the Forest Plan Revision team for its good work throughout this process. Your availability, enthusiasm, and general friendliness has been so impressive.

Thank you for the opportunity to submit this objection.