Data Submitted (UTC 11): 7/14/2021 6:00:00 AM
First name: Sara
Last name: Johnson
Organization: Native Ecosystem Council
Title: Director
Comments: 1. Name and Location of the Project being Objected

Stovepipe Project on the Tally Lake Ranger District of the Flathead National Forest.

2. Name of the Responsible Official

Bill Mulholland, Tally Lake District Ranger of the Flathead National Forest

3. Attachments

We have included one attachment to this objection that provides copies of the various publications and/or reports cited in the Objection.

4. Connection between the Proposed Project and Prior Comments submitted

by Objectors

On June 22, 2020, Native Ecosystems Council (NEC) and the Alliance for the Wild Rockies {{AWR) jointly submitted scoping comments on the proposed Stovepipe Pro ject . When the draft EA for the Stovepipe Project was released in March of 2021, neither NEC or AWR received any notification from the Forest Service that there

was a 30-day comment period for this document. As such, we are referring only to our scoping comments in regards to issues we raised on this project.

Unfortunately, we are unable to respond to the agency's response to our draft EA comments, since we were not provided the opportunity to provide these comments. This leaves out an important process of the public involvement opportunities of the public for these projects, si nce it is not clear to NEC and AWR specifically how the agency has addressed our issues and concerns, which is an essential part of the National Environmental Policy Act {{NEPA) public involvement process.

We provided 45 questions and/or comments in our June 22, 2020 scoping comments. We are carrying forward all of the issues and concerns we raised in these comments. Most of these were requests that the agency provide high quality analysis information on various wildlife issues, including the project impacts on the grizzly bear. These concerns included road impacts in regards to displacement and increased mortality risks, not only during project activities, but long-term illegal motorized use on all roads that will be present in this project area; this concern dealt with the failure of the agency to prohibit illegal motorized use on closed roads as well as ongo ing use by hunters and recreationalists; we also were concerned about the lack of adequate security for grizzly bears in the project area; we requested that current and planned security areas for the grizzly bear be mapped.

We also raised many concerns about project impacts on the threatened lynx, including the ability of this occupied and critical habitat to provide 50% mature forest across the landscape, as the current best science demonstrates is needed for productive lynx habitat; we also raised a concern that the project area provide the minimum level of habitat connectivity required in productive lynx habitat, which we noted was at least 65%; we noted that the Northern Rockies Lynx Management Direction {{NRLMD 2007) has no standards for maintaining adequate snowshoe hare habitat within LAUs, which means that large projects as the Stovepipe Project can create severe population reductions in snowshoe hare due to direct habitat removal and habitat fragmentation; we requested that the agency summarize the number of snowshoe hare home ranges that would be destroyed with this project, and determine if this loss would be significant on the local snowshoe hare population; we requested that the identified average size of a female lynx home range, or 13,500 acres, be used as the size for LAU analysis, including in critical habitat; we requested that the agency demonstrate compliance with the Forest Plan standard of maintaining lynx habitat connectivity in the project area; we requested that the agency evaluate road impacts on lynx, especially traffic levels; we requested that population trend data be provided in the analysis; we requested that agency dollars be spent on monitoring lynx occupancy in the project area with a method that have proven both effective and cost effective, or remote cameras.

We raised a concern about the lack of wildlife surveys in the Stovepipe Project Area, even though the Flathead Revised Forest Plan (RFP) requires that the nesting sites for black-backed w oodpeckers, goshawks, and flammulated owls be protected during vegetation management projects. The agency's potential failure to ever complete adequate surveys for these species across the Flathead National Forest means the agency cannot provide claims in NEPA documents that these species are staying viable across the forest, as is required by the National Forest Management Act (NFMA). We also raised the concern that the RFP is providing false mitigation measures to the public about maint aining sensitive wildlife species, since surveys are not actually required. We asked that the results for all surveys that would occur in the Stovepipe Project area be provided to the public before a decision is made.

We raised a concern about old growth managem ent. We requested that all existing old growth stands be defined as per Green et al. (1991) for stand size, and old growth type. We asked that the existing old growth levels be evaluated as to effectiveness for wildlife viability based on the current best science. We noted that if the levels of old growth recommended by the current best science are not being met in the Stovepipe Project Area, why wouldn't significant impacts be present? We noted at #33 that distribution of old growth needs to be provided

for every 10,000 acres of the landscape.

We raised a concern about the failure of the RFP to pro vide valid conservation strategies for wildlife associated with snags. The RFP assumes that leaving a few snags in harvest units will ensure viabilit y of wildlife associated with snags, without any actual documentation that this is a valid management strat egy. We also raised a concern about snag recruitment in harvest unit s. To date, the agency has not demonstrated that snag habitat can be maintained in harvest units as pre [shy] harvest levels, which is a significant change in habitat values for wildlife.

We raised concerns about wolverine management, including the impact of roads on this sensitive species. We are concerned that the agency will use the standard

rationale to avoid actual assessments of project impacts on the wolverine by claiming that they only use the "rocks and ice" habitats in the project area, rather than any forested habitat or big game winter range.

We raised a concern ab out the agency's definition of the Wildland Urban Interface (WUI). This WUI needs to be defined by criteria of the number of people occupying the landscape, to be consistent with the NFLMD. If the WUI is not defined correctly, the agency will be misapplying the exceptions and exemptions allowed in the NRLMD for the WUI.

We raised a concern that the agency provide a valid analysis of the impact of forest openings, including those over 40 acres in size, on wildlife, including barriers to species as the lynx and pine marten. We also requested

that the agency evaluate the cumulative impact of both openings and thinned forests, which lack hiding cover for big game as well as species as the lynx. These combined non-cover areas need to be assessed for connectivity across the project area.

We requested that the agency provide maps of current and proposed elk security areas, as define by the current best science. We also requested that the agency provide the current and proposed habitat effectiveness level for elk, and assess all motorized levels as disturbances to elk that exceed 2-4 vehicle trips per 12 hours. We also requested that the current and projected level of elk vulnerability be assessed, including how displacement impacts to private lands will be impacted.

Since elk displacement is a well-documented management concern by both the Montana Fish, Wildlife and Parks and the public, the NEPA requires that project impacts on this issue be fully addressed.

We noted that the RFP is a violation of the NEPA and NFMA, because it does not include any valid standards for wildlife, to ensure that wildlife populations remain persistent across the planning area during the ongoing planning period.

Vegetation management activities can be implemented without any protections for wildlife.

We noted that the RFP direction for grizzly bears is a violation of the NEPA, the NFMA and the Endangered Species Act (ESA) because the mortality levels that are triggered by roads and associated human activities are not cont rolled . As a result, mortality levels for grizzly bears will likely be significantly higher than during the previous planning period, when Amendment 19 was in force. This significant change in mortality risk to grizzly bears requires an Environmental Impact Statement (EIS) for all project implemented in grizzly bear habitat on the Flathead National Forest, including the Stovepipe Project, as they are all part of a cumulative increase in potential grizzly bear mortality.

We raised a concern about logging impacts on forest songbirds, which are in significant decline across North America, including in the west. We asked that there be a valid assessment of project impacts on this large group of wildlife.

We asked that the agency include an action alternative that addresses our issues on wildlife, including one that does not include the mortality risk to grizzly bears, maintains all current snowshoe hare habitat, maintains at least 20% old growth in the project area while progressing to historical levels, maintains at least 50% dense mature forest habitat for lynx and songbirds, contains at least 30% elk security as per the Hillis Paradigm, maintains the recommended levels of security for the grizzly bear.

We noted that the Flathead RFP never addresses how the current management strategies for wildlife has been based on the monitoring data obtained during the previous planning period. For example, the continued use of the previous snag management direction was never verified as eff ective. Also, no verification was ever provided that the old growth strategy in the previous Forest Plan was effective, or needed to be increased to ensure viability of old growth-associated

wildlife. We concluded that projects such as the Stovepipe Project should not go forward until the Flathead National Forest addresses the many shortcomings of the RFP for wildlife, since there are basically no standards to ensure viability of wildlife will be achieved on this forest. We suggested that the best way to achieve assurances that wildlife will be maintained on this forest is to have a Forest Plan alternative that protects every other drainage across the forest from any vegetation management activities. Providing 50% of the forest for wildlife would be true multiple use management, since logging as well as the associated roads are incompatible with wildlife viability, including forest raptors, forest songbirds, forest carnivores as the pine marten, lynx, wolverine and grizzly bear, and for maintaining elk on public lands throughout the spring-summer-fall seasons.

5. Remedy

Due to the many violations the Stovepipe Project will trigger in regards to the NEPA, the NFMA, the ESA and the Administrative Procedures Act (APA), we believe that this project should be withdrawn. Currently, the Flathead National Forest also does not have a valid programmatic Biological Opinion (BiOp}} from the U.S.Fish and Wildlife Service (hereafter "FWS") for any vegetation management projects in occupied grizzly bear habitat. As well, the current programmatic BiOp for vegetation projects in occupied lynx habitat, and lynx critical habitat, is invalid due to a failure to use the current best science in determining impacts across the Flathead National Forest. This BiOp needs to be redone so that it represents actual potential impacts to lynx and lynx critical habitat based on the current best science. As well, the RFP lacks any valid conservation strategy for wildlife associated with old growth forests, snags, and in general, habitat needs of western forest birds. The impacts of openings and forest thinning remains unevaluated for almost all wildlife on the forest, from songbirds to big game species. The agency's use of the RFP direction as a substitute for adherence to the NEPA means that a project designed by RFP direction will not provide any valid assessments on wildlife, although this is required by the NEPA.

6. Statement of Reasons why the Proposed Stovepipe Project Violates the Law

This Statement of Reasons follows the previously-provided summary for #5 above, regarding the various issues and concerns NEC and AWR raised during scoping for the proposed project.

A.The Proposed Stovepipe Project will violate the NEPA, the NFMA, the ESA and the APA.

1. The agency failed to notify NEC and AWR about the 30-day comment period for the Stovepipe Project, even though we had submitted scoping comments on this proposal on June 22, 2020.

Since neither NEC or AWR received any notification about the 30-day comment period opened up for the Stovepipe Project, we believe that a new 30-day comment period for this project be opened, with notification provided to both NEC and AWR. This would provide an important part of the public involvement process, whereby NEC and AWR would be able to review the agency's response to our comments.

2. The agency has no valid programmatic BiOp for the implementation of vegetation management projects and new roads in occupied grizzly bear habitat.

Since the current programmatic BiOp for management of grizzly bears on the Flathead National Forest has been invalidated by a Montana Federal Court, the

Forest Service is required to renew consultation of the FFP impacts on grizzly bears, and receive a new BiOp from the FWS before any vegetation management projects in grizzly bear habitat be implement ed. This includes the proposed Stovepipe Project.

3. The proposed management in the Stovepipe Project Area is a violation of the NEPA, NFMA and ESA. The proposed Stovepipe Project will dramatically increase the risk of mortality and displacement for the threatened grizzly bear. Although not identified in the EA, the agency will dramatically increase the active motorized route density in the project area. During project implementation, all these roads including permanent

and temporary, will receive heavy motorized use for vegetation treatments. None of this activity is identified by the agency as a disturbance impact or mortality impact on bears, because the roads will not be used by the general public. The agency has provided no data to indicate that motorized use affects bears based on the type of individual driving the vehicle. After the project and new road construction is complete, these roads will continue to be used by illegal ATVs, hikers, hunters, and mountain bikers. All of these activities will increase mortality risk to grizzly bears (Mattson 2019}}. An open road density over 1.0 mile per section has been recommended for grizzly bear management in the 1973 grizzly bear recovery plan (USDI 1973}}, by the Montana Fish, Wildlife and Parks (MFWP 2013}}, and by the current best science, including 6 grizzly bear experts (Proctor et al. 2020}}. There will be 14 miles of new permanent roads constructed in the Stovepipe Project Area, all of which will remain permanently available for public use due to ongoing maintenance, even though these routes may be closed with gates. All permanent and temporary roads that are used during logging and do not have effective barriers will remain open to illegal ATV use as well. The increased mortality risk to grizzly bears from this project needs to be estimated as per the NEPA, so that the FWS can provide a valid "take" statement for this new level of mortality. Otherwise, the increase in grizzly bear mortality to be triggered by the Stovepipe Project will be a violation of the ESA.

The EA also violates the NEPA by failing to provide the public a map of the current and proposed grizzly bear security areas. There are no maps of these areas provided in the EA. Also, the definition of grizzly bear security areas used in the RFP is invalid, as it has no biological basis. The Grizzly Bear Conservation Strategy (ICST 2007) defines grizzly bear security as an area at least 10 acres in size that is over 500 meters from a road. However, the scientifically-based description of grizzly bear security areas in the NCDE (Protocol Paper 2008), which includes areas at least 2,500 acres in size, has more recently been confirmed by 6 grizzly bear experts. Proctor et al. (2020) again noted that grizzly bear security areas need to consist of at least 2,500 acres. Thus the science for secur ity areas at least 2,500 acres has remained consistent for roughly the last 12 years.

The Grizzly Bear Conservation Strategy also fails to identify a minimum percentage of the landscape that needs to provide grizzly bear security, in order to limit mortality of grizzly bears. The 2008 Protocol Paper, a paper developed for Amendment 19 on the Flathead National For est, recommended 68% of the landscape provide grizzly bear security. Now, 12 years later, 6 grizzly bear experts recommend only a slightly lower level of securit y, or 60% of the landscape occupied by grizzly bear s.

The agency did not identify what the current level of active motorized routes and scientifically-defined grizzly bear security is in the Stovepipe Project area. So the ongoing level of take on grizzly bears is unknown to the FWS, and unknown to the public due to a lack of analysis and disclosure.

There was no analysis of the impact of hunters, mountain bikers, and in general, recreationists in the Stovepipe Project area on grizzly bears. Commenters noted there are many trails throughout the project area, including

many that are user[shy] created. The Protocol Paper notes that the levels of recreational use on trails will impact grizzly bears at high levels. All of these impacts will displace and increase grizzly bear mortality risks (Mattson 2019; Proctor 2020). This information is required to be provided so the agency can determine how to design the project. It

is required to be provided to the FWS so that they can determine the ongoing and planned level of take of grizzly bears. And this information is required to be provided to the public so that they understand the wildlife impacts that will result from the proposed vegetation treatments.

4. The agency will violate the NEPA, NFMA and ESA due to planned impacts on lynx and critical lynx habitat.

The current RFP direction for lynx was developed in 2007, and is severely outdated. There are many very recent publications that identify characteristics of productive lynx habitat (Holbrook et al. 2018, Holbrook et al. 2019). These papers indicate that productive lynx habitat needs to occur within the average home range of a female lynx, which is roughly 13,500 acres. The average percentage of such a home range of dense, mature forest habitat is 50%. The average percentage of openings in this home range is 4%. Connectivity levels average roughly 70%. The NRLMD, and its incorporation into the Flathead RFP, does not require any of these habitat conditions for lynx, including in critical habitat. The NRLMD also does not limit the size of openings, given that the average crossing distance of openings for lynx is 343 feet (Squires et al. 2010). Even thinned forests reduce mobility of lynx, due to significant avoidance (roughly half of previous use), including for some types of thinnings, as well as clearcuts, for 34 or more years. Also, the NRLMD has no requirements for maintaining any level of snowshoe hare habitat. The proposed vegetation treatments will all eliminate, and or fragment, snowshoe hare habitat with both overstory and understory treatments (Holbrook et al. 2017). Due to complete lack of any valid conservation measures in the NRLMD, this strategy is a violation of the ESA because it is promoting the extinction of the lynx.

Application of an invalid conservation strategy for lynx across the Flathead National Forest, and as such, within the Stovepipe project area, is not only a violation of the ESA, but also the NEPA for providing false information to the public without being updated to be consistent with the current best science. Also,

the NFMA requires that Forest Plan direction be updated every 15 or so years, which would ensure consistency with the current best science. Instead of updating the NRLMD with the revision of the Flathead Forest Plan, the agency simply rolled over these severely outdated and invalid standards for the next planning period. This ensures that lynx are slated for extinction on this forest.

The analysis of lynx for the RFP, as well as the Stovepipe project, do not include any information on lynx population trend. This is not actually required for the NRLMD, as no population monitoring is required for this conservation strategy. Instead, the proxy for population trend is acres of exemptions and exceptions completed. There has never been any correlation made between acres of these exemptions/exceptions to lynx population trend. And there is to date no analysis provided to demonstrate that the NRLMD is maintaining lynx populations where it is being applied, including on the Flathead National Forest. Thus conclusions in

the Stovepipe BA that the project will not adversely impact lynx populations in the project area or accordingly, on the Flathead National Forest is a violation of the NEPA and the APA. Without monitoring of lynx populations in landscapes where the NRLMD is being applied, there is no basis for claiming no adverse impacts are resulting on local lynx populations.

There was no analysis in the Stovepipe Project as to specifically, how is lynx habitat connectivity being maintained. This is a Forest Plan standard. So this standard has been violated because the agency failed to demonstrate this standard is being maintained. According to the current best science, this requires roughly 70% of the landscape (50% mature dense forest and 20% stand regeneration habitat) occur in the LAU. Given the extent of the proposed forest thinning through both commercial and noncommercial treatments, the likelihood that habitat connectivity for lynx will be maintained is extremely low.

There was also no analysis in the Stovepipe Project as to how motorized use would impact lynx. The current best science indicates that vehicle trips of 8 or more a day will impact lynx (Squires et al. 2010). logging roads, as well as other

administrative road use, will certainly exceed this level during project implementation, which will adversely impact lynx. This adverse impact was not disclosed for the project, in violation of the NEPA and the ESA.

5. The lack of actual wildlife surveys for sensitive species means that there are no actual mitigation measures ensured for these species, which means project impacts are unknown but potentially significant.

There were no wildlife surveys provided in the EA for the proposed treatments on 7,277 acres in the Stovepipe Project area. Mitigation measures have to be demonstrated to be effective if they are being used to avoid

significant impacts to wildlife. The agency is not able to demonstrate that valid wildlife surveys for sensitive species, including the black-backed woodpecker, the goshawk and flammulated owl have been done, even though the agency has determined there will be no significant impacts on these species. This is not only a violation of the NEPA, but also a violation of the APA, since it is illogical for the agency to claim these species will be protected even though their location is unknown in the project area. In addition, the results of these surveys will not be provided to the public, in violation of the NEPA. Thus the public has no idea as to whether or not these sensitive species occur in the project area.

6. The agency did not provide a valid analysis of project impacts on old growth habitat, in violation of the NEPA and the NFMA.

The Flathead National Forest has identified at least 23 species of forest birds associated with old growth habitat at some time of their life cycle (USDA 2018) . This is roughly a third of the 67 species of western forest birds that may occur in the Stovepipe project area (Rosenberg et al. 2019). Yet there is no analysis of how current conditions, or those to be created by the Stovepipe project, will impact all

these species. The current best science recommends from 20-25% old growth for forest birds (Montana Partners in Flight 2000, Bull and Holthausen 1993, Reynolds et al. 1992). This is the low end of what historically occurred in the Northern Rockies (Lessica 1996}}, which was from 20-50%. There is no summary of the old growth stands in the project area as per the Green et al. 1991definitions, including by forest type. There is no summary of the size of old growth patches.

There is also no information provided on where recruitment old growth will be managed. Thus the current and long-term management of old growth, and associated 23 species of forest birds, is never evaluated in the Stovepipe Project, even though NEC and AWR raised this management as one of our concerns. The agency has no basis for concluding that the project will not have significant impacts on old growth-associated wildlife, due to a lack of any analysis. Given past logging in this landscape, it is likely that existing levels of old growth are insufficient for associated wildlife, which needs to be provided roughly evert 10,000 acres (Suring et al. 1993). It is also possible that recruitment old growth is inadequate in this landscape, and will has even less acreage after this project is implemented. It appears that the lack of any old growth analysis for this project is because there are no specific standards for old growth in the RFP. However, the RFP does not eliminate the requirements to meet NEPA in project evaluations.

7. The agency is applying invalid conservation measures for snag[shy] associated wildlife, in violation of the NEPA, the NFMA and the Migratory Bird Treaty Act (MBTA) and associated Memorandum of Understanding (MOU) with the FWS.

The Flathead National Forest has identified roughly 3o species of western forest birds that are associated with forested snag habitat (USDA 2018). Yet the snag direction in the RFP is obsolete by over 20 years. Research on the black-backed and three-toed woodpeckers published in 1989 (Goggans et al. 1989}} reported that these species require snag habitat WITHIN a forest, not within a harvest unit . A part of this habitat they require are populations of forest insects which are associated with older, more dense forest habitats. This research was

subsequently supported by a publication produced by the Pacific Northwest Research Station of the Forest Service. Bull et al. (1997}} reported that most forest birds using snags require snags within a forest; as well, they noted that the initial management criteria for snags provided by Thomas and others is invalid because it only addresses snags as nesting habitat, when snags are needed as foraging habitat as well.

Since the RFP does not require actual forested snag habitat needed by almost all b bird species associated with snags, it has no function in conserving viable populations of these species. As well, the Stovepipe project uses this RFP snag standard as a measure of environmental impact on forest birds. As such, due to this invalid measure of project impacts on snag-associated forest birds, as well as the absence of any other type of evaluation on project direct, indirect and cumulative impacts on forest birds associated with snags, the agency has no basis for concluding this project will not have significant adverse impacts on snag[shy] associated forest birds, in violation of the NEPA.

8. The RFP has no valid conservation strategy for the wolverine, because the only habitat management planned is for the "rocks and ice" areas of the Forest and/or project areas.

The impact of the project on the wolverine was not accurately summarized by the agency because all the habitat this species uses throughout the year was not assessed. Instead, the agency claimed that wolverine only occur at high elevations throughout the year, even though no science was provided to support this claim. The current best science indicates that wolverine are highly sensitive to motorized activity on roads, and as well, avoid closed r oads. This science also indicates that wolverine use a variety of elevations as habitat at some time of the year, including big game winter ranges in the winter, and elk/mule deer calving/fawning areas in the spring. The proposed project will result in a dramatic increase in motorized routes in the project area, remove security cover for

wolver ine across 7,772 acres, and reduce mule deer winter range on 4,041 acres. All these impacts will reduce wolverine habitat quality in this landscape. Yet there

was no assessment as to whether or not these habitat impacts would significantly alter wolverine use of this landscape.

There is also no valid conservation strategy in the Flathead RFP to wol verine. Attempts to reduce disturbances in high elevation denning habitat are certainly beneficial to wolverine, but only address a small amount of their landscape use. Without any valid conservation strategies for this sensitive species in the RFP, the wolverine is doomed to extinction across the Forest. The Forest Plan needs to be amended, including with public involvement, to create a valid conservation strategy for this sensitive species.

9. The definition of the WUI was not verified in the EA and BA; the definition of the WUI in the NRLMD has to be used.

Because the WUI has not been accurately defined for the Stovepipe project, the agency is using this to increase the exemptions and exceptions allowed by the NRLMD. There was no actual mapping in the EA as to what the density of occupied homes is in the various portions delimited as the WUI. This type of documentation is required in order for the agency to validate the WUI has been correctly defined, including application of exceptions and exemptions in critical habitat.

10. There was no valid analysis of openings, including those that are planned to be over 40 acres in size.

An analysis of openings, including those over 40 acres, was specifically raised as an issue by NEC and AWR. Yet there was no such analysis in the EA or BA. First, openings create a significant barrier for the threatened lynx (Squires et al. 2010). It is a violation of the ESA to create large openings in occupied lynx habitat, including in critical habitat. The cumulative impact of these openings on lynx

habitat use also was not evaluated. Given that forest thinnings have been identified as areas that are significant avoided by lynx for up to 34 years, with significant meaning less than 50% prior use (Holbrook et al. 2018), the combined impact of openings and forest thinnings is essential for any analysis of opening impacts. As is demonstrated on the maps of proposed treatment units on 7.722 acres, there are combined areas of movement barriers to lynx of hundreds and hundreds of acres. These areas are never tabulated by the agency in order to assess their impacts on lynx movement.

There is also no assessment of why large openings need to be created in lynx and lynx critical habitat that remove their key prey species, the snowshoe hare. Given that the average home range size for a hare is up to 25

acres, large openings will eliminate many hare home ranges over the project area. This adverse impact to lynx is never identified in the EA, even though the agency claims that lynx will not be adversely impacted by the project. There is no science that demonstrates that removal snowshoe hare habitat in large openings will not adversely impact lynx. Since there is no analysis of the impact of these large proposed openings on either lynx movement or lynx prey habitat, the agency has no basis for claiming this project will not significantly affect lynx and snowshoe hares.

Another important failure of the agency to assess the impacts of large openings is that these opening irretrievably remove the potential for old growth and recruitment old growth, as well as forest snag habitat, for at least 100 years.

Given that western forest birds are in decline (Rosenberg et al. 2019) and facing impacts from severe weather events created by global warming (D'Ammassa 2020; USGS 2020), the management of old growth and forested snag habitat is essential for the agency to comply with the NFMA, as well as the MIBTA and associated MOU. When the overlap between old growth-associated birds, and those associated with snag habitat, there are at least 40 species of western forest birds that will irretrievably be adversely impacted by large patches of their habitat that will beremoved for the next 100 years. As well, forest birds that are dependent upon conifer seeds, such as crossbills, will be irretrievably impacts by large openings as well (Benkman 1993). The agency has provided no analysis as to

how these essential habitat features will be maintained across the Stovepipe landscape, well distributed every 10,000 acres (Suring et al. 1993), so that there is at least 25% old growth and 25% old growth recruitment habitat. This 50% of the landscape will ensure that habitat is being provided for bird species that require old growth forests, snags forests, and forests with abundant conifer seeds. This would be the majority of the 67 species of western forest birds that may occur in the Stovepipe project area.

Another aspect of the long-range planning necessary to provide habitat for 67 species of western forest birds is that the size of habitat patches is important. For large patches of be provided, these have to be planned across the landscape.

There was no such planning in the Stovepipe analysis. It is likely that what ever little remains of old growth and snag forest habitat, it will be further fragmented with the Stovepipe project. Just the little brown creeper, an old growth dependent species, has a recommended patch size of old growth of at least 250 acres. For the black-backed and three-toed woodpeckers, patch size for just one pair ranges from roughly 500-1,000 acr es. For the pileated woodpecker, at least 900 acres of forest, with no clearcuts, is recommended, with 3 adjacent patches recommended to be together for 3 pairs of woodpeckers. This would require an overall block size of mostly older, undisturbed forest of al most 3,000 acres . These patch sizes would also meet the requirements for security for the grizzly bear, which is 2,500 acres (Protocol Paper 2008, Proctor et al. 2020).

The proposed large openings in the Stovepipe project area are a violation of the NEPA and the NFMA because there has been no analysis of how these openings will impact elk and grizzly bear security, as well as habitat for 40 species of western forest birds that require 20-25% of the landscape as old growth and forested snag habitat. The analysis of openings also did not evaluate how they will impact elk habitat, including hiding cover and elk security. There are 2 studies that have demonstrated that hiding cover is an essential aspect of elk security

{{Lyon and Canfield 1991; Lowrey et al. 2020). Large openings will eliminate any potential for that portion of the landscape to provide elk security patches of at least 250 acres. Elk security has been noted by collaborative recommendations of

the Forest Service and MFWP as an important management issue to retain elk on public lands in the hunting season. In this regard, the Stovepipe NEPA analysis did not evaluate how the proposed large openings will impact elk displacement to private lands in the fall hunting season. Without this type of assessment, the decision to implement these large openings is a violation of the NEPA as well as the APA.

11. The agency did not provide requested analysis by NEC and AWR information on elk management.

There is no information in the EA in regards to elk habitat effectiveness, or elk security levels based on the current best science. This requires an analysis of the open road density during project activities. AS per a Forest Service research publication (Christensen et al. 1993), any road that receives motorized activity in the summer displaces elk. Also, the collaborative recommendations developed by the Forest Service and MFWP note that vehicle trips from 2-4 per 12 hour periods displace elk (USDA-MFWP 2013). The Stovepipe project analysis assumes that as long as the motorized use is not by the general public, there is no impact to elk.

The basis for this determination was never provided. It is clearly a NEPA violation, since this misrepresentation of road impacts on elk is being used to conceal what is likely significant adverse impacts on elk from the project. A habitat effectiveness level of over 2 miles per section is noted by Christensen et al. (1993) to not provide any management for elk, and as such, indicates that significant displacement effects are occurring to elk. This habitat effectiveness level needs to be disclosed to the public, and if it will exceed 2 miles per section during project implementation, the agency needs to define these impacts as significant.

There was also no analysis in the EA as to how the provision of valid elk security levels would impact elk displacement to adjacent private lands, which is a noted management issue by both the Forest Service and MFWP (USDA-MFWP 2013). The current level of elk security areas as per either the Hillis Paradigm or the Lowrey et al. 2020 canopy level of security needs to be provided by the agency in

order to meet the requirements of the NEPA for evaluating and disclosing the impacts of the proposed vegetation treatments to the public.

One newer issue in regards to elk displacement from roads in the fall hunting season is the 2020 research results published in the Journal of Wildlife Management by Lowrey and others is that elk avoidance of roads was noted to be considerably farther than half a mile. They found that elk preferred security areas that were from 1.3 up to 2 miles from active motorized routes. Taking this new research into consideration, the analysis of elk security areas in the Stovepipe project should assess the distance of security areas from a range of distances from roads, up to 2 miles.

12. The proposed removal of 20% of white-tailed deer winter range may trigger significant reductions in the local population of white-tailed deer; the reduction in the population was never evaluated, in violation of the NEPA.

Appendix A of the NEPA analysis for the Stovepipe project notes that there are currently 16,530 acres of white-tailed deer winter range. There will be 3287 acres of this winter range logged, which will reduce the canopy cover of these stands and thus reduce existing levels of thermal cover. Thermal cover is defined as forest stands with a canopy cover of 70% of greater, although smaller, dense stands of conifers can also provide thermal cover to deer, since they are smaller than elk (Black et al. 1976). The proposed logging of 20% of this existing white[shy] tailed deer winter range is never defined as to why it is needed for deer management. Instead, the agency claims it is needed to reduce the risk of crown fires, although the opposite is just as likely to occur based on the current best science . So this proposed treatment on white-tailed deer winter range is controversial, and is opposed by MFWP. As is required by the NEPA, the agency should have includes an action alternative that addressed this public concern, and as well, considered that the stated purpose and need is not scientifically solid. To

use questionable rationales for destroying white-tailed deer winter range is a violation of the NEPA and the NFMA, as well as the APA. The agency did not provide any actual data to indicate that the proposed treatments will not reduce the white-tailed deer carrying capacity of this local landscape by 20%. This may be a significant reduction, and was ignored by the agency in order that they could avoid completing either an EIS, or drop the proposed winter range logging.

The agency claims that only units 70, 71, 72 and 73 will actually impact the thermal cover values of this white-tailed winter range, which is 754 acres of the total proposed treatments of 4,041acres. There was no monitoring data or current science provided to demonstrate that commercial thinning and understory removal on 4,041acres

of this winter range has maintained wildlife use levels. As a result, the agency needs to conclude that without any actual data, the carrying capacity of this white-tailed deer winter range could be significantly reduced as a result of the proposed treatments. At best, the impacts are unknown, and therefore potentially significant.

The agency in fact note that white-tailed deer winter range will be adversely impacted by this project, but that this is needed to achieve the purpose of the project, which does not include wildlife management. Given that the agency never actually demonstrated that this project will reduce wildfires, the impact on white-tailed deer winter range is not justified. In particular, given there are concerns by MFWP on these impacts, there should have been an action alternative that eliminated any logging on this winter range.

13. The request for the agency to include a wildlife alternative in the proposed Stovepipe Project was not addressed.

The agency claims that any alternative that promotes wildlife would not meet the purpose and need of the project. However, that means that there can never be a wildlife alternative, because projects are implemented to produce timber volume

via various activities, either current production or future production through increased growth. The agency also falsely claims that logging and fuels reduction is needed to reduce the potential for wildfires, even though this is a controversial claim at best. Regardless of the purpose of the project, which is timber production, the agency is required to meet the viability requirements of the NFMA. It is also required by the NEPA to demonstrate that proposed mitigation measures are effective. There is no action alternative that meets these 2 requirements. The project has no effective conservation strategies for the threatened grizzly bear (no valid road density management, no valid security area requirements), for the threatened lynx (the NFLMD includes no current science for lynx conservation), no requirements for surveys for sensitive wildlife species, no conservation strategy for the wolverine, and no conservation strategy for 67 species of western forest birds, that includes roughly 40 species dependent upon old growth and snag forest habitat. Thus the all of the proposed alternatives create legal violations. The agency needs to develop at least one action alternative that meets the needs of wildlife, adheres to the ESA, and addresses public issues, including those identified by NEC and AWR. This alternative would

ensure 25% old growth/snag habitat, and 25% recruitment/snag habitat. This 50% level of habitat would also meet the requirements of the threatened lynx, for 50% of the landscape to be provided in relatively dense mature forest habitat. These areas would provide at least half of the landscape in suitable snowshoe hare habitat. It would also meet the needs of forest birds that require large blocks of older forest habitat with abundant conifer seeds at least during some years, since this seed production is sporadic. These areas would also provide elk and grizzly bear security, which for grizzly bears needs to be at least 60% of the landscape.

The additional 10% older, undisturbed and unroaded habitat could be brought in from riparian areas. The added

level of security for elk {{60% instead of the 30% recommended by the Hillis Paradigm) would most likely significantly reduce the current level of elk displacement to adjacent private lands in the fall.

14. There was no analysis of how the project would impact hiding cover.

The removal of 7,277 acres of hiding cover within the 32,400 acre project area means that hiding cover will be reduced by at least 22%. The clearcuts will remove hiding cover. Precommercial thinning will remove hiding cover. Fuel treatments that eliminate the understory will eliminate hiding cover. And commercial thinning, both canopy and understory removal, will eliminate hiding cover. It is unknown if the recommended level of 40% hiding cover (Black et al. 1976) will be maintained in this project area. If not, the project will create significant impacts to wildlife. Without this analysis, the agency has not basis for determining if the project will have significant impacts on wildli fe due to a loss of hiding cover. This hiding cover impact is also important for the agency to define project impacts on elk security, which requires large blocks of hiding cover (Hillis et al. 1991, Christensen et al. 1993, Lowrey et al. 2020).