Data Submitted (UTC 11): 8/16/2023 6:00:00 AM
First name: Jennifer
Last name: Porter
Organization: Kootenai Tribe of Idaho
Title: Chairwoman
Comments: Dear Mr. Benson,

Kootenai Tribe elders pass down the history of the beginning of time, which tells that the Kootenai people were created by Kwi[ne]qa nupika, the Supreme Being, and placed on earth to keep the Creator[shy] Spirit's Covenant - to guard and keep the land forever. The Kootenai have never lost sight of their original purpose as guardians of the land.

Bands of the Kootenai or Ktunaxa Nation have inhabited Ktunaxa Territory, including portions of Idaho, Montana, Washington, British Columbia, and Alberta, since time immemorial. The Kootenai Tribe of Idaho (hereinafter "Kootenai Tribe") is one of two bands in the United States. Headquartered near Bonners Ferry, Idaho, the Kootenai Tribe of Idaho possesses federally reserved fishing, hunting, and gathering rights within Ktunaxa Territory, as reserved in the Treaty of Hellgate of 1855.

The Tribe and the United States Forest Service (USFS) enjoy a close working relationship and often collaborate on issues of common concern to protect the fish, wildlife, and plant resources within our Territory. Management of these resources within Ktunaxa Territory is essential to fulfilling our Covenant with the Creator to keep and guard the land forever.

The Kootenai Tribe received a letter from the United States Forest Service (USFS) Kootenai National Forest (KNF) on July 12, 2023, which invited the Tribe to government-to-government consultation on the planning effort for Winter Travel and Over-Snow Vehicle (OSV) use in the National Forest System lands on the Libby, Cabinet, Three Rivers, Fortine, and Rexford Ranger Districts across the forest. The Tribe accepts the invitation and looks forward to working with the Forest towards that end.

We outline a few items below for our discussions.

Threatened & Endangered Species

The Kootenai Tribe continues to be concerned about potentially harmful effects on Treaty and cultural resources, including threatened and endangered species. During the planning process, the Tribe and Forest should focus on ways to mitigate such harms. Several Treaty and cultural resources are in this category, including whitebark pine, grizzly bears, caribou, mesocarnivores such as wolverines, and Canada lynx.

The Tribe requests any documentation the Forest currently possesses that details how to protect areas where these species reside and have been located.

We should consider the denning locations and denning periods of species such as wolverines. Known locations of wolverines and their den sites include Northwest Peaks, amongst others.

The grizzly bear denning season should also be considered when planning for opening and closing times for snowmobile use. The Kootenai National Forest (KNF) and Idaho Panhandle National Forests (IPNF) have different denning season dates, which may lead to confusion for forest users. To the extent possible, we should consider making the dates consistent during the planning process.

Currently, the grizzly bear denning dates are:

1. Kootenai National Forest: April 1-November 15 (CYRZ)
2. Idaho Panhandle National Forests: April 1 - November 30 (SRZ)

To establish consistent Spring date closure for den exits, we should consider the impacts of each closure date and implement a single closure date for den exits.

Currently, the closure dates are as follows:

1. December 1 - March 31, closed after March 31st in grizzly bear denning areas
2. December 1 - May 31, open in non-grizzly bear denning areas

The USFS should also consider other issues related to road inventory and closures, including consideration of illegal road and trail issues, especially as they relate to Bear Management Units (BMU) and Bears Outside of Recovery Zone areas (BORZ). We understand there may be a separate process related to these issues, but addressing them in OSV travel planning is also advised.

The Lynx Recovery Plan should also be a topic during the planning process. Specifically, we should consider habitat issues resulting from OSV use and road miles restrictions in Lynx Analysi Units (LAUs).

Consideration for impacts to ungulates and big game winter range, including southern mountain caribou, necessitates an acknowledgement of the need for future efforts to return caribou to the Montana portion of

Ktunaxa Territory.

USFS Enforcement of Winter Travel Plan

A primary concern is USFS enforcement of the Winter Travel Plan. We discussed this issue at length with the IPNF and there are some collaborative mechanisms to ensure OSV use is properly regulated. For example, the USFS should consider snowmobile clubs and their ability to patrol/monitor certain areas. Such a concept would include:

* Snowmobile club(s) aiding the USFS in OSV monitoring certain areas
* Such areas would not be opened until there is a Snowmobile Club Memorandum of Agreement (MOA) to patrol/document/monitor the areas
* This collaborative effort would allow snowmobile clubs to assist the USFS to offset the USFS's needs (e.g. this effort could save the USFS financial costs and equipment)

A good starting point is to assess current monitoring and enforcement requirements, such as personnel, time spent monitoring, etc.

Other OSV Winter Travel Planning Process Considerations

In addition to continued government-to-government consultation, the Tribe recommends coordination with the IPNF to address OSV use issues that affect both Forests. This coordination would involve the establishment of maps detailing OSV travel and where that travel intersects with Tribal concerns (e.g. wildlife habitat). One end result of the planning process should be readily available and easy-to-use maps for both Forests.

The Tribe looks forward to working with USFS as the process continues. Sincerely,