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Comments: Hello,

Native Ecosystems Council, the Alliance for the Wild Rockies, and the Council on Wildlife and Fish would like to provide the following comments on the proposed Flat Trail Project. These comments include one attachment that has hard copies of references and/or reports cited in these comments.

Overall, we contend that this project will violate the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Migratory Bird Treaty Act (MBTA), the Endangered Species Act (ESA), and the Administrative Procedures Act (APA). These violations are chronicles below.

1. The agency is violating the NEPA by deferring a site-specific analysis that is required before a decision is made.

There is essentially no analysis of wildlife impacts in the project wildlife report or the EA. For example there is no analysis of road densities on grizzly bears, elk or wolverine. There is no analysis of impacts on wildlife that depend upon snags for habitat. There is no analysis of project impacts on migratory birds.

1. The lack of analysis of wildlife impacts means the agency's determination that wildlife will not be significantly impacted by the project is a violation of the NEPA.

The agency has no basis for claiming there will be no significant adverse impacts to wildlife. For example, snag habitat availability will be severely impacted by clearcutting, including large clearcuts. Grizzly bears and wolverine will be severely impacted by an extremely high open road density. Elk habitat security is never evaluated as well. There is no analysis of project impacts on migratory birds. It is clear that project impacts, both direct, indirect and cumulative that wildlife will experience significant adverse impacts from this project, which requires the agency to complete an Environmental Impact Statement (EIS).

1. The agency is violating both the NEPA and the NFMA by failing to demonstrate specifically how Forest Plan standards and guidelines will be met with the project.

The agency failed to demonstrate how any Forest Plan standards for wildlife will be met in the project. The requirements to Forest Plan direction for snags was not addressed. The requirement to protect known raptor nests was not addressed.

The requirement to maintain or improve elk security was not addressed. The requirement for the agency to evaluate elk habitat via elk management units(EMUs) was not met. The adherence to Forest Plan direction for the lynx was never demonstrated, including for maintaining habitat within Lynx Analysis Units as well as maintaining habitat connectivity.

1. The agency is violating the NEPA by failing to evaluate project impacts on elk, as well as failing to provide high quality information on elk habitat conditions that will occur before and during project activities.

The elk management unit (EMU) required as the Forest Plan was never identified or evaluated for elk for the project. The impact on elk security was not evaluated, as it was falsely claimed logging will not remove security, including larger clearcuts (Hillis et al. 1991). This false claim that security does not require cover is also a NEPA violation, and a Forest Plan violation, as the Forest Plan defines elk security as "generally timbered areas." It is

clear that elk security is severely limited in the project area, or potentially zero security. How this meets with Forest Plan direction is never addressed. The general recommendation as per the Forest Plan and associated FEIS to maintain at least 30% elk security in an EMU was never addressed.

The open road density during project activities will greatly exceed the 50% habitat effectiveness level identified by Christensen et al. (1993) in order to avoid significant displacement of elk. The open road density during project activities was never disclosed, which is also a NEPA violation by failing to provide high quality information to the public. The public had to scan through multiple agency reports in order to calculate what the open road density would be during project activities. This information, or a project area of 3,699 acres that will have 19.5 miles of haul roads, indicates that there will be an active road density of 3.4 miles per section. This is a significant adverse impact on elk, an impact hidden from the public.

1. The agency is violating the NEPA, NFMA and ESA by failing to evaluate project impacts on the threatened lynx; the agency is also violating these laws by failing to provide a measurable criteria for habitat connectivity, which means project impacts cannot be measured for this Forest Plan standard.

There is no analysis of direct, indirect or cumulative impacts on the lynx. The LAU that the project area includes is never identified. The habitat conditions within this LAU are never identified. This includes the amount of early stand initiation habitat, which will be increased by clearcutting. The Forest Plan limits the amount of clearcutting that can occur within 10 years. The amount of clearcutting that has occurred across the affected LAU is never provided, so it is unknown if Forest Plan direction is either currently being met, or will be met post-project. The impact of all vegetation treatments within the affected LAU is never evaluated as well for habitat connectivity. The current best science demonstrates that habitat connectivity for lynx is easily impacted by vegetation treatments (Holbrook et al. 2018). The project will create a long band of avoided habitat from the east to the west side of the project area, which is clearly a barrier for lynx movement. The Forest Plan requires the agency to "maintain" habitat connectivity. This requires some criteria for connectivity, which is lacking in the Forest Plan. So in effect it cannot be measured, a NEPA, ESA and NFMA violation.

1. The Kootenai Forest Plan needs to be amended so that criteria for what constitutes "maintenance" of the Forest Plan standard to maintain lynx habitat connectivity can actually be measured; measurement of habitat connectivity across the landscape is an essential feature of not only the Forest Plan but the ESA as well.

Currently, there are no criteria for the Forest Plan standard to maintain lynx habitat connectivity within an LAU. This means that project impacts on lynx have no valid means of determining impacts on lynx habitat connectivity. This lack of analysis is particularly in a landscape where very large clearcuts are being created, as the Flat Trail Project. It is known that lynx avoid clearcuts for at least 10 years (Holbrook et al. 2018). A definition of this criteria is clearly important as per the Flat Trail project, as there a number of other projects that also include the creation of large clearcuts. There are 4 large openings over 40 acres in size in the adjacent Saw Creek Project. There are 3 large openings over 40 acres in size in the Tuscor project, also in the Clark Geographic Area. The ability of this GA to maintain connectivity for lynx, as is required by the Forest Plan, is unknown, which means the cumulative impacts of the Flat Trail project as per lynx connectivity are also unknown, and certainly can't be defined as nonsignificant.

Nor can the agency claim they are adhering to the ESA by maintaining/promoting lynx habitat and recovery.

1. The agency is violating the NEPA, the NFMA and the ESA as per analysis of, and project impacts, on the threatened grizzly bear; these violations include an invalid definition of grizzly bear security habitat, which means that habitat management as well as analysis of project impacts will be invalid; the open road density currently or during project activities is never disclosed; the existing condition is already an adverse impact on grizzly bears, so claims that the project will not adversely impact grizzly bears is clearly false.

The agency measures grizzly bear habitat as any area of an acre or greater. This is contrary to the current best science, where security is defined as unroaded landscapes at least 2,500 acres in size (Proctor et al. 2020, Proctor et al. 2022). By defining grizzly bear security in an invalid manner, the agency cannot thus provide a valid measure of existing or project impacts, as is the case for the Flat Trail project. Security is defined for grizzly bears as 2 patches of unroaded habitat over 0.5 miles from an active motorized route of 16 and 164 acres. This would provide a level of 5% within the 3,699-acre project area. However, this is also not correct, as these areas do not meet the 2,500 acre requirement (Id). The actual level of security for grizzly bears in this project area is "zero" which may explain the very limited use of this landscape even though it is area immediately adjacent to the Primary Conservation Areas. The current baseline is an adverse impact to bears. The agency did not disclose what the project level active motorized route density would be during implementation. As we noted previously, this would be approximately 3.4 miles per section. The level of open road density that bears will maintain habitat use is one mile per section (Proctor et al. 2020; Proctor et al.2022). Again, the current condition is a severe adverse impact on grizzly bears.

The current best science has provided a measure of how active motorized route density impacts grizzly bears. Bader and Sieracki (2022) reported that the grizzly bear survival rate is 95% when the road density is less than a mile per section.

This' also provides for a static growth rate. When the road density increases to 2 miles per section, the survival rate declines to 85%, and the growth rate is negative. As the road density continues to increase, both the survival rate and growth rate also continue to decline. An active route density for the Flat Trail project of 3.4 miles per section would be well below a 75% survival rate, with what is defined as a "rapid decline" in the growth rate (Table 6 in Bader and Sieracki 2022). So as per this current science, the direct impacts of the Flat Trail project will perpetuate, as well as exacerbate, the existing adverse impacts on the threatened grizzly bear, in violation of the NEPA, NFMA and the ESA.

There was no analysis of the active motorized and total road density within the roaded portions of the Trout Creek Grizzly Bear Analysis Unit (GBAU).

Requirements for open road densities are for roaded habitat, which do not include security habitat (Proctor et al. 2020, Proctor et al. 2022). The agency did not define what the total open road and total road density are for the entire GBAU, which defines landscape habitat quality for the grizzly bear. Again, it seems likely that the current baseline for open and total roads in roaded habitats of the Trout GBAU are already having a significant adverse impact on grizzly bears, an impact that will be exacerbated by the Flat Trail project.

Although grizzly bear security in the Trout Creek GBAU is defined as 36%, this is not a reliable figure as security is falsely measured as just an acre of habitat. This means that again, the baseline for grizzly bear habitat is an existing adverse impact, as the current best science recommends at least 60% security for grizzly bears {{Proctor et al. 2020, Proctor et al 2022}}.

The agency did not evaluate how the combined impact of motorized activity on existing and new roads will displace grizzly bears from habitat, but there was no cumulative measurement of direct impacts from both roads and vegetation treatments. There is be three entries per treatment unit over a period of years, which means that displacement by grizzly bears will be expansive. This represents a loss of habitat {{Proctor et al. 2022; IGBC 1998}} that was never measured for the Flat Trail project, in violation of the NEPA and the ESA.

1. There was no analysis of project impacts on the threatened wolverine.

The agency claims the project will have no adverse impacts on the wolverine, in spite of a lack of any actual analysis. There are at least 2 crucial impacts on this project on wolverine which demonstrate impacts will be adverse. This includes the increase of temperatures in the project area due to deforestation and thinning. Forests

are known to have cooler temperatures than openings {{Milman 2024}). Clearcuts can have temperatures of up to 18 degrees higher than the adjacent forest (Knoss 2016). These higher temperatures tend to equalized with adjacent forests through a process called "vegetation breeze" (Lawrence et al. 2022). The Flat Trail project will clearly increase the project area temperatures for the wolverine, who is known to be highly sensitive to heat stress from higher temperatures {{Copeland et al. 2010}). The agency did not evaluate what the expected average temperature increase will be as a result of deforestation and forest thinning in the Flat Trail project area. But there is clearly a question as to how much this will be, and how it will impact wolverine habitat availability through the year, including access to big game winter range. Without any such analysis, the agency has no basis for claiming the wolverine will not be impacted by this project. Nor was there any analysis of cumulative impacts of forest projects by the agency within the Clark GA. At least 2 other projects have included the creation of large clearcuts as well as forest thinning. The cumulative increases of temperatures in this GA were never addressed for any of these projects, including the Flat Trail project in violation of the NEPA and the ESA.

There was also no analysis in the Flat Trail project as to how roads impact wolverine. The current best science clearly shows that roads impact wolverine habitat use (Scrafford et al. 2018); this research reported that vehicle use as low as 0-30 vehicles per 12 hours affect wolverine space use, and as traffic volume increased, so did its avoidance effect on wolverine; it was noted that interaction between roads and wolverine is likely a natural response to predation risk; they concluded that roads generally reduce the suitability of wolverine habitat so road building should be limited in habitats that wolverine occupy. The average road density in wolverine habitat they studied was one mile per section. This is over 3 times lower than the 3.4 miles per section that will occur during the Flat Trail project.

It is clear that the Flat Trail project will have significant adverse impacts on wolverine, due to existing conditions (high total road densities) and the expected reduction of habitat suitability due to temperature increases. The agency is violating the ESA and the NEPA by claiming this project will not adversely impact wolverine.

1. The agency is violating the NEPA, NFMA and the ESA by failing to do site-specific consultation with the USFWS on grizzly bears, wolverine and the lynx.

The agency claims that consultation with the USFWS on threatened species in the project area has already been addressed with programmatic Biological Assessments (BAs) and Biological Opinions (BiOps). However, the changes in "take" of threatened species due to the site-specific impacts on this wildlife will increase, which requires site-specific consultation and the identification of required actions to mitigation impacts. These site-specific impacts and the need for mitigation cannot be identified through programmatic BAs and BiOps. The broad-scale analysis of programmatic documents cannot address baseline conditions of project areas, or how baseline conditions will change with project implementation, such as open and total road density, connectivity, and project area changes in temperatures. As we noted previously, the Flat Trail project will have adverse impacts on the grizzly bear, lynx and wolverine, impacts that require consultation and a site-specific BiOp for the Flat Iron Project.

1. The agency is violating the NEPA, the NFMA and the MBTA by failing to define baseline conditions for snags in the project area, or how the project will impact habitat availability for snag-associated wildlife; the NFMA is also being violated as the agency has provided no evidence that monitoring of snag retention in harvest units, including large clearcuts, has been an agency activity.

There are several dozen or more (USDA 2018) of birds that use snags for nesting, while there are over 60 species of wildlife that benefit from snags and downed logs (Horowitz 2023). Yet the agency has not provided any inventory of snags either within the proposed treatment units, or within the project area as a whole (3,699 acres). There has already been a significant amount of logging in this project area, including 1,300 acres of logging in the White Pine Watershed, and 4,300 acres in the Lower Beaver Creek Watershed. So this project area has been heavily logged already. Yet the agency did not provide an inventory of snags as per Forest Plan

recommendations. This includes from 1.5-3.5 larger snags per acre in the Warm/Dry vegetation group, and 3.5-8.5 per acre in the warm/moist vegetation group. The agency is also violating the NEPA by failing to provide the public with high quality information, which needs to include current snag habitat in the project area as per Forest Plan recommendations.

Also, the agency has failed to provide any data/monitoring as to how the Forest Plan recommendations for snags can be met within clearcuts. This includes 3 large clearcuts for the Flat Iron Project, of 272, 64 and 191 acres. There is no information as well as to whether these snag levels will actually be left within these large clearcuts. If not, what is the impact on wildlife associated with snags? This needs to be provided to the public.

The lack of any monitoring data on snag retention in clearcuts means that the agency is violating the NFMA by failing to evaluate management impacts on wildlife snag habitat. Without demonstrating that snag habitat is being maintained in clearcuts, the agency cannot claim that a diversity of wildlife is being maintained on the forest, as is required by the NFMA. At a minimum, the agency needs to be adhering to the NFMA by monitoring snag retention within clearcuts, especially those over 40 acres. This monitoring needs to be conducted as timber harvest projects are implemented. The agency needs to provide the public how snag retention has been achieved in 2 other projects ongoing or completed recently in the Clark GA, including Saw Creek (4 openings of 124, 90, 91 and 50 acres in size) and the Tuscor project (3 openings of 384,43 and 87 acres). Currently, the agency has not demonstrated that Forest Plan snag recommendations for clearcuts of any size are being met, and thus maintaining wildlife habitat as defined by the Forest Plan.

Due to a lack of any monitoring data, the agency cannot claim that the Flat Trail project will have significant losses of snag habitat for wildlife, and thus will maintain habitat as is recommended by the Forest Plan. This lack of information means the agency has no basis for claiming this project will have no significant adverse impacts on wildlife.

1. The Kootenai National Forest needs to amend their forest plan to require specific snag habitat requirements for wildlife, in order to meet the requirements of the NFMA to maintain a diversity of wildlife, as well as to adhere to the NEPA by accurately defining habitat management for wildlife associated with snags.

The KNF Forest Plan has no actual requirements to maintain snag habitat for up to 60 species of wildlife that use snags and/or logs (Horowitz 2023). Instead of requiring snags, the Forest Plan allows green trees to be substituted for snags. In essence, leaving some green replacement trees for seed production in logged units will meet the Forest Plan requirement for snag habitat. In effect, the agency is violating both the NEPA and the NFMA by providing a false definition of habitat required for wildlife associated with snags, which green trees instead of actual snags. The Forest Plan needs to be amended to correct this severe flaw, for as it stands now, the agency is not required to maintain a diversity of wildlife as snag-associated wildlife do not require habitat management. The status of up to 67 species of western forest birds is in general decline, including 64% of these species (Rosenberg et al. 2019).

1. The KNF needs to amend their forest plan to provide an analysis of clearcutting impacts on wildlife, so that biological sideboards are provided to prevent significant localized losses of snag habitat, both existing and long-term, for up to 60 species of wildlife that use snags and logs as habitat.

The current KNF Forest Plan FEIS has no analysis as to how clearcutting impacts snag-associated wildlife. And the recommendation that a small number of snags be left in harvest units has been shown to be invalid as per the current best science. Snags also provide other important habitats for wildlife, including foraging, so that just leaving a snag does not mitigate habitat losses from logging (Bull et al. 1997). Currently, the KNF is having severe cumulative impacts on wildlife due to clearcutting. These impacts are exacerbated by the creation of very large clearcuts, including 3 openings over 40 acres of 272, 64 and 191 acres in the Flat Trail project, 4 openings of 124, 90, 91 and 50 acres in the Saw Creek project, and 3 openings in the Tuscor project of 384,43, and 87

acres. Without any restriction on the amount of the landscape that can be clearcut, with a loss of snag recruitment for the next 100 years, the agency cannot demonstrate that snag-associated wildlife are being maintained on the KNF, in violation of the NFMA.

1. The KNF needs to amend their Forest Plan so that the agency is adhering to the 2013 planning rule, that requires Forest Plan to identify and monitor focal species for habitat impacted by management activities; this includes snag habitat; the KFN has no focal species for snag habitat, so impacts on snag-associated wildlife are not being monitored, in violation of the NFMA.

In order to escape monitoring of focal species, the KNF has identified a "land bird assemblage" of insectivores that it claims will be monitored as per impacts on management activities. Although one of these includes the Hairy Woodpecker, we have found no use of this woodpecker species as per KFN populations being used as a measure of logging impacts on snag habitat. In effect, the agency is not actually monitoring logging impacts on wildlife associated with snags. Also, the monitoring of birds being done as per the KNF does not even include actions by this forest, as this monitoring effort has been designated to the forest-wide and region-wide monitoring program being completed by the Regional broad-scale monitoring program, which monitors the population trend of several hundred birds on Region 1 forests as well as the USFWS regional birds of conservation areas.

1. The agency did not identify project design features or include a transportation report for the Flat Trail Project.

The agency is taking NEPA shortcuts for the Flat Iron Project that means the public is not being provided high quality information important to understanding project impacts on wildlife. As noted above, there are no design features provided for wildlife that ensures compliance with the Forest Plan. There is no transportation analysis, which provides important information on project impacts on elk, grizzly bears and wolverine. It appears the use of a EAD is being used in order to avoid meeting the requirements of the NEPA, which is a NEPA violation.

1. The agency is violating the NEPA by having only one action alternative for the Flat Iron Project, along with limiting public involvement; the public input was not used to design the proposed alternatives.

Given that the proposed action will have severe adverse impacts on elk, grizzly bears, wolverine, lynx and birds associated with snags, the agency is clearly violating the NEPA by not considering a range of action alternatives that would take a "hard look" at impacts to wildlife and modify the project in order to reduce/avoid such impacts. And the single action alternative is not based on any public input, as there was no scoping process for this input to affect project design. And the public will have no opportunity to object to the final project design. In effect, this proposed action by the KNF as per an EAD essentially eliminates and/or severely restricts public involvement, in violation of the NEPA. The public needs to be provided ample opportunity for input into the Flat Trail project, as is required by the NEPA. A regular scoping, 30 day EA review, and objection period needs to be provided as per the NEPA.

Regards,

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