

Swan View Coalition *Nature and Human Nature on the Same Path*



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February 9, 2018

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

Re: Objection to the Revised Flathead Forest Plan and NCDE Forest Plan Amendments
Objection to the Regional Forester's Flathead Species of Conservation Concern
Submitted as PDF to appeals-northern-regional-office@fs.fed.us and hard copy mail
Companion Part 3 DVD submitted via U.S. Postal Service to the above address

Dear Objection Reviewing Officer;

This is an Objection to the Revised Flathead Forest Plan and an Objection to the NCDE Grizzly Bear Amendments to the Helena-Lewis and Clark, Kootenai, and Lolo Forest Plans. The Responsible Officials are Forest Supervisors Chip Weber, William Avey, Christopher Savage, and Timothy Garcia, respectively. It is also an Objection to the Regional Forester's Flathead Species of Conservation Concern; responsible official Regional Forester Leanne Marten.

We cover these in a single Objection because, like the current Flathead Plan, the other current Forest Plans or their relevant FWS Biological Opinions include requirements or recommendations that the Forests apply the OMRD/TMRD/Security Core criteria set forth by the Interagency Grizzly Bear Committee. These criteria were subsequently assigned numeric objectives of 19/19/68 in Flathead Forest Plan Amendment 19 and for other NCDE Forests (see Volume 3 FEIS pages 53, 68, 78, and 89).

The majority of our Objection concerns how the 19/19/68 criteria were developed, how they have been implemented, how they have been misrepresented in the FEIS Volumes for the "no action" alternatives, how they have been redefined in the FEIS Volumes for the "action" alternatives, and how these factors make a truthful and meaningful comparison of the FEIS alternatives impossible. Moreover, the majority of this Objection demonstrates how these misrepresentations and redefinitions will fail to maintain the grizzly bear habitat security conditions present in 2011 - a stated objective and promise of the Forest Plan and Plan Amendments.

This has been a train wreck a long time coming: We informed FWS of these misrepresentations in our 7/30/13 comments on the draft NCDE Conservation Strategy and in our 7/7/16 comments on proposed Habitat Based Recovery Criteria (HBRC). We attached both to our 9/8/16 letter to the Flathead detailing these fatal flaws and the fact

they were found in all three DEIS Volumes, including treatment of the other NCDE Forests. That FWS is complicit in these misrepresentations is no safe haven for the Forest Service, which is responsible for its own compliance with law.

Organization of this Objection

This Objection has three Parts:

Part 1: A Summary of how Forest Plan components are factually and legally inadequate, fail to be consistent with HBRC and other Grizzly Bear Recovery Plan requirements, fail to be consistent with the draft NCDE Grizzly Bear Conservation Strategy, and will fail to maintain bear habitat security at 2011 levels. We use the Flathead as an example of how these shortcomings are already compromising bear security, but these lessons point to what the future holds under the other Plan Amendments as well.

Part 2: A detailed review of FEIS Appendix 8's response to our comments on the DEIS. Many of the responses contend with the issues discussed in the Part 1 Summary and hence would apply to the other Plan Amendments as well. Each response is firstly captured, then we provide our discussion of the issue and the relief that we still seek on that issue. Part 2 broadens the issues we Object to beyond those in the Part 1 Summary.

Part 3: A companion DVD includes documents referenced in our Objection and other supporting documents, including many of those referenced through web links in Part 2. The DVD is organized into Folders, which we will refer to as Folder 01, Folder 02, etc.. When we specifically name a document in a folder, we will use its file name in the reference.

Throughout the Forest Planning and Amendment process, we have submitted numerous comments and documents we either co-authored with Friends of the Wild Swan, WildEarth Guardians, Alliance for the Wild Rockies, and/or Brian Peck - or we incorporated documents of theirs by reference. We hereby incorporate by reference, as a part of this Objection, the Objections filed by them. Those Objections can be found at the following web links:

http://www.swanview.org/reports/FOWS_Forest_Plan_Objection.pdf

http://www.swanview.org/reports/AWR_Forest_Plan_Objection.pdf

http://www.swanview.org/reports/Brian_Peck_Forest_Plan_Objection.pdf

http://www.swanview.org/reports/WG_Forest_Plan_Objection.pdf

Part 1: Summary

A Key Premise of the Revised Flathead Forest Plan and NCDE Plan Amendments

The 10/31/17 Biological Assessment for the revised Flathead Forest Plan, on page 127 states:

Forestwide standard FW-STD-IFS-02 would maintain on-the-ground conditions that have contributed to the growth and expansion of the NCDE grizzly bear

population. FW-STD-IFS-02 states, “In each bear management subunit within the NCDE primary conservation area, there shall be no net decrease to the baseline (see glossary) [12/31/2011 conditions] for secure core and no net increase to the baseline for open motorized route density or total motorized route density on National Forest System lands during the non-denning season . . .

On page 2, the 10/31/17 Biological Assessment on the NCDE Forest Plan Amendments states:

By incorporating consistent direction for management of grizzly bear habitat into the forest plans, the Forest Service will be able to demonstrate to the USFWS that adequate regulatory mechanisms are in place to support potential future delisting of the NCDE grizzly bear population.

We will use the Flathead National Forest as an example of how the Open Motorized Route Density/Total Motorized Route Density/Secure Core (OMRD/TMRD/Secure Core) criteria have been inappropriately compromised through misrepresentation, re-definition and implementation - and how they can't be regarded as adequate regulatory mechanisms that will maintain habitat security conditions that existed in 2011.

Flathead Forest Plan Amendment 19 Limits Roads in Bear Habitat

The OMRD/TMRD/Security Core indices are based in large part on the habitat security parameters established in Flathead Forest Plan Amendment 19. A19 capped the miles of road that can exist by finding that, in order to lower total road densities, roads must be decommissioned, removed from the road “system,” have all stream-aligned culverts removed, and be revegetated so the road no longer functions as a road or trail, motorized or non-motorized. We raised this issue in our 1995 comments on A19. The Flathead's 1995 Amended A19 EA responded on page 97 by showing that the miles of road estimated to need reclamation would also be removed from the total miles of road in the “system” (decommissioned). (See “A19_AmEA&DN.pdf”, “SVC Comments on A19 950103.pdf” and “SVC Comments on A19 950123.pdf” in Folder 01).

It is important to remember that TMRD evolved from Total Road Density [TRD] and that the objective was to limit and reduce TRD, not just get motor vehicles off some roads. See page 43 of “SVC-FOWS Beaver Cr Objection.pdf” in Folder 02, where Bridger-Teton Forest Supervisor Brian Stout on 3/31/94 addresses the IGBC Access Management Taskforce Report's definition of “reclaimed/obliterated road”:

Unnecessary definition. Once a road is reclaimed/obliterated, it becomes a part of the landscape and should be measured vegetatively. Road densities are what is important and reclaimed/obliterated roads are measured by removing them from the open or restricted road categories. Calculated road densities will measure the change.

In other words, a reclaimed/obliterated road should no longer be called a road and should be fully revegetated in order to lower TRD. “Road density” evolved into “motorized route density” in order to include the impacts to bears from motorized

trails. This evolution did not occur in order to allow roads to continue to exist in the road “system” without being counted in TRD/TMRD simply because they are blocked to motor vehicles. (See also my “Third Supplement to TMRD Report.pdf” in Folder 04. My Roads to Ruin and TMRD reports, along with all their Supplements, can also be found at:

http://www.swanview.org/articles/whats-new/supplement_issued_to_roads_to_ruin_report/248).

Limits on Roads Removed circa 2011

The Flathead continued to treat reclaimed roads as decommissioned roads up until about 2011. Then it invented the term “impassable” for roads it wished to essentially ignore without necessarily removing culverts, without decommissioning them, without removing them from the road “system,” and without insuring they are no longer used as trails - and yet not count them in TMRD. It then falsely asserted in Kathy Ake’s 2013 contribution to the draft NCDE Conservation Strategy (Appendix 5) that impassable roads had “been incorporated this way since IGBC motorized access or Flathead NF’s A19 started.”

These roads the Flathead Plan, other Plan Amendments, draft Conservation Strategy, and HBRC claim need no longer count as roads in calculations of Total Motorized Route Density (TMRD). This is in violation of A19 and the science it is based on. This removes the limit on the miles of road that can exist in grizzly bear habitat. The Flathead Plan and other Plan Amendments hence propose no cap on the miles of road that can exist. This will not maintain the habitat security conditions that existed in 2011 because roads blocked to be impassable to motor vehicles still impact bears due to other human uses of those roads and learned behavior by bears to avoid roads. (See “Mace and Manley 1993.pdf” in Folder 24).

An infinite mileage of roads can now exist in bear habitat as allegedly impassable to motor vehicles while continuing to function as seasonally motorized and year-round non-motorized trails. They can remain devoid of vegetation and have only the first 50 feet of road altered to discourage motorized use, leaving them likely candidates for motorized trespass. (See the Flathead Forest Plan Glossary definition of “impassable road” and the supporting documents in Folder 01. These documents and this issue are discussed in detail in Part 2 of this Objection and in our Roads to Ruin report and its Supplements, which are in Folder 04. They are also discussed in our HBRC comments found in Folders 08 and 21. See also Folder 27 for FOIA responses where the Flathead provided us “kml” files of “impassable” roads, some included in TMRD and some not, for display in Google Earth).

The Flathead is Already Busy Reconstructing Previously Decommissioned Roads

The Flathead is already busy increasing the miles of road in its road system and in bear habitat, both by renegeing on prior road decommissioning decisions and by reconstructing previously decommissioned roads and then “storing” them as impassable and/or Intermittent Stored Service “system” roads (ISS). The Bug Creek logging project, for example, proposes to renege on 60 miles of pending road

decommissioning and rebuild nearly 17 miles of previously decommissioned roads, stating clearly: “This project proposes to add the roads back on to the road system from decommissioning in the Crane Mountain salvage decision.”

Moreover, the Bug Creek proposal calls abhorrently substandard A19 grizzly bear security “abundant” bear security, apparently in anticipation of the revised Forest Plan and HBRC-style analyses. (See the Bug Creek scoping documents and our comments on them in Folder 03. See there also the “Crane Mountain Salvage Supplement 1996.pdf”, which clearly shows that bermed or gated roads were to be retained in the road system, while all reclaimed roads would be removed from the system).

The Flathead already reconstructed 3.3 miles of previously decommissioned roads in its Trail Creek Salvage logging project, afterward leaving them in the system as ISS roads and yet not counting them in TMRD even though they are now devoid of vegetation and can be used as non-motorized trails and for motorized trespass. (See the Trail Creek Decision Notice and our Objections to it in Folder 11).

The Flathead proposes to reconstruct 7.6 miles of previously decommissioned roads in its Hungry Lion project, afterward leaving them in the system as stored roads not counted in TMRD. It similarly proposes to reconstruct and store 4 miles of previously decommissioned roads in its Taylor Hellroaring project. Though the Taylor Hellroaring road reconstruction may be outside the NCDE Primary Conservation Area, use of those roads as part of a vast mountain bike trail network is likely to impact the nearby PCA and fragment existing Security Core. (See Folders 05 and 10 for the respective project NEPA documents and our comments on them in this regard. See also our discussion of expanding mountain bike trails, below).

The Flathead is Elsewhere Omitting Stored Roads from TMRD

In its Beaver Creek logging project, among others, the Flathead is proposing to lower TMRD by storing roads rather than decommissioning them. We are litigating this issue and our Amended Complaint provides photos and the legal rationale for: a) why stored roads do not secure grizzly bear habitat the way that decommissioning does and b) for why stored roads cannot be omitted from TMRD. Our Amended Complaint also points out that the Forest Service’s definition of an ISS road indicates it can receive motorized or non-motorized use. (See the Beaver Creek NEPA documents, our Objection to them, and our Amendment Complaint in Folder 02).

Amendment 19 Limits Non-Motorized Trails

Amendment 19 from the outset limited non-motorized trails. Reclaimed/ decommissioned roads could no longer function as either a motorized or non-motorized trail due to the acknowledged displacement of grizzly bears. (See “Mace and Manley 1993.pdf” in Folder 24). High-use non-motorized trails disqualify areas from being considered Security Core, due to the acknowledged displacement of bears similar in magnitude to displacement from a motorized road or trail. (See the A19 documents in Folder 01).

Limits on Non-Motorized Trails Removed and Bear Displacement Ignored

The revised Flathead Forest Plan, NCDE Plan Amendments and HBRC redefine Security Core to be Secure Core, wherein high-use non-motorized trails are allowed without disqualifying bear security. The Plan, Amendments and HBRC do so on the false premise that past displacement from trails and low-traffic roads has apparently resulted in no population-level impacts to the NCDE population, as though its OK to ignore such displacement in the future. (See the revised Forest Plan, its FEIS, Biological Assessment, and Biological Opinion in Folder 13).

This ignores the fact that displacement does have very real consequences for bears and bear mortality. As described in the Taylor Hellroaring EA, on page 3-169, contained in Folder 10:

Grizzly bears have been shown to have a negative relationship with human development and activity. High human activity levels may negatively affect grizzly bears by causing displacement from preferred habitats. Grizzly bears are highly dependent upon learned habitat; displacement into unknown territory may lead to sub-marginal nutrition, reduced reproduction, or greater exposure to adult predatory bears or human food sources, which can lead to human-caused mortality (R. D. Mace & J. S. Waller, 1997; USDA Forest Service, 2017a). Roads and their associated traffic are known to lessen the effectiveness and use of adjacent habitat, and expose bears that do travel on or near them to elevated risks from human-caused mortality (Kasworm & Manley, 1990; R. D. Mace & J. S. Waller, 1997; B. N. McLellan & Shackleton, 1989).

(See also the Flathead's NFMA Compliance document, Planning Record #00246. Pages 89-91 contain an extensive description and citations to scientific literature detailing the harm to and mortality of grizzly bears due to displacement by human activities).

The Flathead is Already Allowing the Expansion of Mountain Bike Trails and Human Use of Stored Roads

The Taylor Hellroaring EA proposes 40 more miles of mountain bike trails in an area already riddled with trails and old roads. It also acknowledges the rapid expansion of mountain bike use and that some of the proposed trails will likely increase trail use in existing Security Core to high-use levels that are currently disallowed. This will fragment Security Core but would not fragment the newly defined "Secure Core." (See page 3-175 of the EA and our comments on it in Folder 10. See also our "Bikes-Trails-Roads NCDE.pdf" in Folder 14 for more discussion on the potential for biker-bear conflicts and mortality. See also in Folder 14 our report and recommendations in light of the death of Brad Treat when he slammed into a grizzly bear while speeding on his mountain bike, as well as the Board of Review report and recommendations in this matter).

The Hungry Lion EA proposes to construct mountain bike trails and include user-created bike trails in bear habitat, 12 miles of it on trail previously removed from the trail system and some of it on old logging roads. (See the Hungry Lion EA and our comments on it in Folder 05).

The Bug Creek project proposes another 15 miles of mountain bike trails in an area devoid of grizzly bear security, and chock full of old roads and illegally constructed mountain bike trails. (See the Bug Creek scoping documents and our comments on them in Folder 03).

The Flathead is Already Allowing Increases in Commercial Recreation Permits

In December 2017, the Flathead issued first-time permits for commercial ski guiding and a snow-cat shuttle service in the area between Essex and the Great Bear Wilderness. This it did while claiming it had the authority to do so “without NEPA, scoping or analysis” in the heart of grizzly bear, wolverine and lynx habitat. We (and even Flathead NF staff) objected to this. While the Forest Supervisor has told the Ranger he does in fact have to conduct “NEPA, scoping and analysis,” he has refused to withdraw the permits. This cavalier attitude and permits like these will not maintain bear security conditions that existed in 2011. Moreover, the snow-cat shuttle is now being used to usher commercial film crews deep into Dickey Creek to film commercials promoting recreation on the Flathead. This marks the continuation of a downward spiral in wildlife habitat security and personal solitude as areas become commercially exploited. (See Folder 07 for documents regarding the permits, commercial filming and promotion, and objections to them).

The Flathead has Already Proposed to Encourage ATV Use over 2011 Levels

Following the rare issuance of a draft “jeopardy” Biological Opinion, FWS in its final 1988 Opinion permitted the Flathead to allow ATV use of a portion of old logging roads in Krause Basin during July and August, provided the routes would “not be marked on the ground.” The intention was to not have the area be known and used as an ATV destination. According to Forest Planning Record #00172, A19 implementation would require that all the ATV trails in Krause Basin be closed to motorized use. (See file 00172_FNFModelingForAlternativeAtoFullyMeet19-19-6820151015.pdf in Folder 13).

The Flathead proposed that its revised Forest Plan Proposed Action nonetheless designate Krause Basin an MA7 Focused Recreation Area, promote it as such, and mark the ATV trails on the ground. This prompted us to file a letter of complaint followed by a 60-day notice of intent to file suit under the ESA in 2015. In response, the Flathead on 4/29/15 agreed to not mark the ATV trails on the ground. Moreover, it asserted: “There is currently no such proposal.” (See these documents in Folder 06).

The revised Forest Plan, however, continues with the same proposal for a Focused Recreation Area with ATV trails marked on the ground, in violation of FWS’s 1988 Biological Opinion and promises made. This will not accomplish the bear security promised under A19, nor will it maintain either the security conditions required in 1988

or the conditions that existed in 2011. (See pages 150-151 of the revised “Flathead Forest Plan.pdf” in Folder 13).

Moreover, MT DNRC’s 10/3/16 comments on the DEIS urge that the desired condition for Krause Basin “would be that existing trails do not facilitate motorized trespass on adjacent state lands,” which are closed to motor vehicles and where trespass has been a longstanding problem. Rather than solve this problem by removing ATV use from trails adjacent to DNRC lands in Krause Basin, the revised Plan would instead promote ATV use of these trails! So much for inter-agency cooperation, promises of bear habitat security and being a good neighbor to the local community!

An Attempted Return to the Use of Berms and Gates

In large part, the revised Flathead Forest Plan, Plan Amendments, Conservation Strategy and HBRC attempt to abandon the concepts and requirements of research-based road reclamation/decommissioning and Security Core. They abandon this in favor of simply rendering roads “impassable” to motor vehicles using perhaps a single culvert removal or minimal obliteration of the first 50’ of road.

Such a reliance on gates, berms and minimal physical closures was once attempted by the Flathead and IGBC NCDE Subcommittee. The attempt was roundly rejected during peer review, as discussed in our July 7, 2016 comments on the HBRC and Conservation Strategy. (See Folder 08, which includes our 7/7/16 comments and also includes in the Attachments folder the peer review “12 McLellan et al 2000 A19.pdf”). Moreover, A19 and its reliance on robust and permanent road reclamation/decommissioning came about due to abundant reports on the ineffectiveness of gates and berms to reduce motorized and human use of roads. (See Folder 15 for some examples and summaries of these reports).

Recap

In summary, the revised Flathead Forest Plan and Plan Amendments are hardwired to allow human impacts to increase and to increasingly displace/harm bears, without it appearing so:

- 1) Unlimited miles of road can be built and retained, including in roadless areas should the Roadless Rule be revoked, without any apparent increase in TMRD.
- 2) Unlimited amounts of non-motorized recreation can occur with no apparent reduction in Secure Core due to high-level use of trails.
- 3) An unlimited amount of biking, hiking, hunting, and motorized trespass can occur on “stored” roads along with allowed wheeled and over-snow motorized use during the denning season - use that is not allowed by A19 on reclaimed/decommissioned roads removed from the system in order to be deducted from TMRD.

None of the above will maintain 2011 habitat security conditions. It is also clear the Flathead began degrading habitat security conditions in about 2011 by redefining and violating A19.

In addition, the Flathead National Forest has demonstrated it cannot be trusted to implement adequate regulatory mechanisms. It failed miserably to fully implement A19 and now abandons it with over 500 miles of road reclamation still required to reduce the incidental take of grizzly bears to “research benchmark levels.” (See “00172_FNFModelingForAlternativeAtoFullyMeet19-19-6820151015.pdf” and “Biological Opinion Flathead Forest Plan 171122.pdf” in Folder 13).

The Flathead failed to annually monitor stream-aligned culverts left in closed roads, in violation of mandatory bull trout “Terms and Conditions” in numerous FWS Biological Opinions. The Flathead Plan’s answer to the problem is not to have fewer roads and fewer culverts, but to have more roads and monitor them only every sixth year - if funding allows! (See our “2017_11_15_NOI_Flathead_NF_Bull_Trout_w_Att_A-F.pdf” in Folder 23 and our Roads to Ruin report and its Supplements in Folder 04).

The Flathead inspected only 46 stream-aligned culverts on 14 Maintenance Level 1 closed roads (that are included in TMRD) in bull trout watersheds in 2017, according to a spreadsheet it provided us on 2/6/18. Of those 46 culverts, 27 (59%) had inlets that were blocked, had a rust line of >35% of the inlet height indicating the culvert is undersized to handle extreme flows, had ponding or overflow indicating the culvert is undersized or incorrectly positioned, or had a crushed inlet. (See “Hammer Summary of 2017 BT Culvert Survey.pdf” and the raw data and photos in Folder 26).

The Flathead’s A19 cautions against using only berms to secure roads in Security Core, urging that roads in Core instead be reclaimed with all stream-aligned culverts removed. Each bermed road in Core is required to have a monitoring program to prevent culverts from failing. The Flathead instead largely favored berms, yet never developed a monitoring plan for even one of the several hundred roads it bermed shut in Core! (See our Roads to Ruin report in Folder 04).

The Flathead dreamt up and misrepresented the notion of “impassable” roads not counted in TMRD as an alternative to “reclaimed” or “decommissioned” roads. It failed to propose and adopt this change through a public revision of A19, then failed to remove all stream-aligned culverts from “impassable” roads - in many cases removing the first few culverts and leaving many orphaned without access to maintain them! (See our 60-day notice of intent to file suit over the Raghorn Road in Folder 12 and our 1/3/18 and 1/23/18 comments on the HBRC in Folder 21. See also our Roads to Ruin report and its Supplements in Folder 04, especially the “Supplement to Roads to Ruin 171205.pdf” which finds in its attached “Impassable Roads Not in TMRD” spreadsheet that 13 of these 78 “impassable” roads still have stream-aligned culverts in place. “Second Supplement to TMRD Report.pdf” then finds that, having been caught leaving such culverts in place, the Flathead is now counting the culvert-bearing “impassable” roads in TMRD).

Last but not least, the revised Flathead Forest Plan and Plan Amendments redefine “impassable” as a “road that has been treated in such a manner that the road is blocked

[for] generally” as little as the first 50’, with discretionary stream-aligned culvert removals. This is not only inconsistent with the scientific basis for A19, it is also inconsistent with the draft Conservation Strategy’s Appendix 5. While Appendix 5 utilizes the flawed notion of “impassable” roads being omitted from TMRD, it nonetheless requires that closure by treatment of the first part of the road must “have the entrance obliterated for >0.1 miles.” That’s 528’, not 50’!

The Flathead can’t simply keep making stuff up as it goes along. It has entertained and misrepresented so many conflicting definitions of OMAD, TMRD, Security / Secure Core, and “impassable” roads that the Biological Assessments and Biological Opinions needed to list various ways of accounting for the 2011 baseline conditions. These differences depend on which definitions of “impassable” and the “no action” alternative is applied to the existing circumstances: a) what the Flathead said in 1995 A19 required, b) how the Flathead implemented A19 from 1995 - 2011, c) how the Flathead now claims it should have been implementing A19 since 1995, or d) how the Flathead has actually been implementing A19 and “impassable” roads since 2011! (Hint: in the above, a and b are consistent with one another, c and d are both inconsistent with a and b, and c and d are inconsistent with one another).

The “no action” alternatives for all Forests are misrepresented and definitions are switched for the “action” alternatives, making a true and accurate comparison of alternatives impossible. Moreover, the Forest Plan components and Plan Amendments do not constitute adequate regulatory mechanisms that can or even intend to maintain 2011 habitat security conditions though they may proclaim to. The inadequacies described in Parts 1, 2 and 3 of this Objection constitute violations of the National Forest Management Act, National Environmental Policy Act, Endangered Species Act, Clean Water Act, and Administrative Procedures Act, among others.

Relief Sought

We ask that the FEIS Volumes, revised Flathead Forest Plan and other NCDE Forest Plan Amendments be ruled inadequate and withdrawn - for the reasons given above and in Parts 2 and 3 of this Objection. We ask that all NCDE Forest Plans continue to implement Amendment 19 and its equivalents until the 19/19/68 objectives are met in all Grizzly Bear Management Subunits. We ask that the revised Flathead Plan recognize the value of wilderness, roadless and restored-to-roadless lands in the conservation of fish and wildlife by implementing the principles of our Citizen reVision alternative. We and overwhelming public comment on the DEISs (98% of 33,744) asked for the implementation of these principles by modifying Alternative C to continue implementation of A19, though we’d like to see the remaining roadless and wilderness-suitable lands omitted from Alternative C recommended for wilderness as well.

This and the other relief detailed in Part 2 of this Objection we still seek, which includes not designating Krause Basin a Focused Recreation Area and closing the old network of ATV trails there to motorized use. Relative to the list of Species of Conservation Concern, we seek the relief sought in the Objections filed by WildEarth Guardians and Alliance for the Wild Rockies.

The Environmentally Preferred Alternative

The Flathead Forest Plan draft ROD incorrectly identifies Alt. B-modified as the Environmentally Preferred Alternative - a claim that is not supported by the DEIS and FEIS. The DEIS and FEIS overwhelmingly support Alternative C's emphasis on wilderness, smaller timber base and less motorized recreation as the Environmentally Preferred Alternative, including its contributions to human use and enjoyment of the Forest. Consider these examples pointed out by The Wilderness Society in its 10/3/16 comments on the DEIS:

"Wilderness does provide the ultimate degree of resource protection for aquatic resources . . . Alternative C would provide the greatest benefit to aquatic species because it provides the greatest amount of recommended wilderness" (DEIS vol. 1, p. 116-117).

"Between alternatives, Alternative C has the least risk of water quality impacts from forest management activities, and retains the greatest benefit from watershed restoration activities" (DEIS vol. 2, p. 208). We argue Alternative C would have even greater watershed restoration benefits if it were modified to include continued implementation of A19.

"Wilderness areas generate significant social and economic well-being by providing world-class recreational settings" (DEIS vol. 2, p. 176).

Alternative C "would provide the highest habitat security and connectivity for species that may be sensitive to high levels of human disturbance" (DEIS, vol. 1, p. 27).

As indicated in the DEIS (Vol. 1, page 329, Table 30), Alternative B would allow OSV use on 69,493 acres of wolverine denning habitat, compared to 18,051 acres under Alternative C.

Alternative B-modified, on the other hand, "would potentially have the highest risk of impact to aquatic species based on the proportion of regeneration harvest (FEIS Vol. 1, page 137. Moreover, the Biological Assessments find Alternative B-modified "may affect, is likely to adversely affect" already threatened grizzly bear, bull trout and Canada lynx.

Simply put, Alternative B-modified will leave our children with an unaffordable bloated road network that cannot be adequately maintained, continues to spread noxious weeds throughout the Forest, continues to displace wildlife from essential habitats, and continues to degrade water quality and aquatic habitats through its disruption of watershed function. Its overemphasis on "active management" will fleece taxpayers to line the pockets of Forest Service employees, the timber industry and the commercial recreation industry through make-work projects that cause great harm to the environment and the public's ability to enjoy it.

The Flathead is failing to recognize the true value of natural ecosystem services and natural ecosystem functions. It is failing to recognize how these are contributing to positive transitions in the local economy without the need for industrial strength recreation that kills the goose that laid the golden egg. It is missing the opportunity to protect all wilderness-suitable lands as wilderness for current and future generations to enjoy. It is failing to improve the future by restoring watersheds and damaged lands through the proper decommissioning of excessive roads.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith J. Hammer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Keith J. Hammer
Chair

Attachment: Part 2 Review of Appendix 8 Response to Public Comments
Enclosure: Part 3 DVD of supporting documents

Part 2: Swan View Coalition Objection to the Revised Flathead Forest Plan Key to Review of Volume 4 FEIS Appendix 8, Response to Public Comments

We reviewed the FEIS Appendix 8 Response to Public Comments (RPC) for each response the Flathead National Forest (FNF) provided to each of the comments it listed as coming from our DEIS comment letters #13, 33, 34, 35, 43, 44, 49, 73, 162, 298, 332, and 2864. We also reviewed the responses to Form Letter #15, which the RPC correctly notes Swan View Coalition sponsored.

In the 54-page table following this title page, we list the FNF's number assigned to our comment letter in the leftmost column 1, followed by the date of our letter in the column 2. In column 3 we list the Appendix 8 page number on which our Concerns (CN) are assigned a Concern Title (CT) or given a Response (RSP) by the FNF. In column 5 we then capture the CN the FNF has ascribed to us, capture the RSP provided, and provide our response, further discussion and Relief Still Sought as RSS.

Column 4 is the PDF page number corresponding to the Appendix 8 page number. The PDF page number is 3 pages larger due to Appendix 8's introductory pages 8-i - 8-iii. (Importantly, the PDF we worked from was extracted from the Volume 4 FEIS to include Appendix 8 only, to assist in quicker searches for key words and numbers).

To reduce redundancy, some of our RSS discussion references those earlier or later, higher or lower, in the table. These references follow the formula of FS letter # - PDF page number. For example, "38-309" references the CN and RSP for letter #38 presented on PDF page 309, along with our associated RSS. The table is presented in ascending order of letter number then PDF page number, so references are easy to find.

The RPC does not respond to all of our letters and emails, nor does the RPC accurately capture all of the concerns expressed in the letters it does respond to. We discuss these wherever possible. Wherever there is an omission of an issue we raised, we hereby rely upon our initial documents, letters and emails to describe the problems and state the relief we seek - including documents we either co-authored with Friends of the Wild Swan, WildEarth Guardians, Montana Ecosystems Defense Council, Brian Peck or documents of theirs we incorporated by reference.

The following table provides some links to cited documents. It also refers to documents contained on the DVD that accompanies this Objection; by Folder # and sometimes specific file name. Many of the linked documents are also on the DVD.

Glossary

Alt=EIS alternative, **APA**=Administrative Procedures Act, **BA**=Biological Assessment, **BiOp**=Biological Opinion, **CS**=draft NCDE Grizzly Bear Conservation Strategy, **CT**=Concern Title, **CN**=Concern, **e-page** or **h-page**=indicates whether the page number references the FNF on-line documents or hard copy documents, **DEIS**=draft Environmental Impact Statement, **DROD**=draft Record of Decision, **ESA**=Endangered Species Act, **FEIS**=final Environmental Impact Statement, **HBRC**=Habitat Based Recovery Criteria, **NEPA**=National Environmental Policy Act, **NCDE**=Northern Continental Divide Ecosystem, **NFMA**=National Forest Management Act, **PDF**=portable document format file, **RPC**=Response to Public Comments, **RSP**=FNF response, **RSS**=relief still sought

FS # SVC Date Apx8 pg PDF pg Concern Title, Concern, Response, and Relief Still Sought (CT, CN, RSP, and RSS)

FS #	SVC Date	Apx8 pg	PDF pg	Concern Title, Concern, Response, and Relief Still Sought (CT, CN, RSP, and RSS)
13	8/15/16	8-24	27	CT: MA7 Focused Rec Areas
	8-238	241		CN: Krause Basin: The Forest should prohibit all-terrain vehicle use of the old, user-created trail network in Krause Basin, restrict all-terrain vehicles to the main Peters Ridge Road and Strawberry Lake Road, and allow this on-road use only during the times Krause Basin is open to motor vehicles and not mark the all-terrain vehicle trails on the ground. The Forest should prohibit motorized use from all but the main Peters Ridge and Strawberry Lake Roads. The Forest should not map Krause Basin as management area 7.
	8-239	242		RSP:Krause Basin: Alternative B modified allocates the Krause Basin as a focused recreation area. Alternative B modified does not change motorized access from the existing situation. Desired conditions specific to Krause Basin specify that existing trails provide summer (July and August) wheeled motorized trail experience on designated and signed routes. This area provides for motorized winter recreation opportunities close to local communities; nonmotorized (hiking, mountain biking, and equestrian) trail opportunities are provided; the old forest conditions of the cedar/hemlock stand containing the interpretive nature trail are preserved and continue to provide the opportunity to educate the public about this forest type. RSS: The RSP misrepresents our concern in that we don't ask for the Peters Ridge Road and Strawberry Lake Roads to be closed to motors in all months except July and August, the months the Krause Basin area closure is in effect. We asked that the Flathead "restrict ATVs to the main Peters Ridge Road and allow this on-road use only during the times it is open to motor vehicles." Peters Ridge Road has a different closure period than the Krause Basin area closure. Nor did we ask that the open/closed to motors status of the Strawberry Lake Road be changed. RSS: No Relief given. CN and RSS similarly dismissed below: There is no mention of SVC's 3/6/15 60-day notice of intent to file suit or FNF's 4/29/15 response stating "routes will not be marked on the ground." These documents are in Folder 06.

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There is no mention of the 1988 Noisy Face BiOp's prohibition of marking motor routes on the ground. This document is in Folder 06 as " FWS Noisy Face BiOp 880314.pdf".

The revised Forest Plan BA and BiOp do not mention or reconsult on Krause Basin particulars.

There is no mention of the 98-signature petition submitted 5/14/15 during Scoping by SVC and seeking the same relief for Krause Basin. The signed petitions and their cover letter are in Folder 06 as "Krause Petitions with Cover 150514.pdf".

The Plan offers no protection of unique hemlock forests other than scant quarter-mile stretch "containing the interpretive nature trail."

Some 98% of the 33,744 total comments received by the Flathead asked for the equivalent of Alt. C modified by retaining Flathead Forest Plan A19, which would close all trails in Krause Basin to motorized use and not designate Krause Basin a Focused Recreation Area. See letter 33-45, below and Planning Record #00172.

RSS: Per letter #13, we asked for no more motorized use the of old trail system, no marking of those routes on the ground, no designation as MA7 Focused Rec Area (as per Alt C), protection of all hemlock forest in Krause Basin (including Echo Creek drainage portion), not just the miniscule stand along one portion of the nature trail.

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8-300 303 RSS: Only one letter (#59 Winder Wildlands Alliance) is reported in the RPC to ask for snowmobile routes in Krause Basin. WWA consulted with SVC and their letter is consistent with our proposal to allow snowmbiles in Krause Basin only on Peters Ridge Road and Strawberry Lake Road, leaving the old roads/ trails for non-motorized use. Virtually no snowmobile use currently occurs off those two main roads. The two main roads allow snowmoblile access for snowmobiling itself and for skiing on Peters Ridge and in Spider Bowl.

A word search of the RPC for "Krause" finds no letter asking for summertime motorized use of the old roads and trails in Krause Basin.

Planning Record #00172 (Ake 10/15/15) clearly states that, under the existing Forest Plan Amendment 19: "All motorized trails in Krause Basin would need to be closed -- 11.3 miles" to meet OMAD.

It is arbitrary and capricious for the Flathead to conclude the desired condition in Krause Basin is a system of motorized trails marked on the ground in a Focused Recreation Area, in violation of the APA, NEPA, NFMA, and the ESA. Such a conclusion is contrary to the 1988 BiOp, results of monitoring, promised grizzly bear security, and overwhelming public comment.

15 Form

8-17 20 CT: Alt C Forest Products
 8-24 27 CT: MA7 Focused Rec Areas
 8-26 29 CT: Recommended Wilderness -IRAs

8-42 45 CN: Select Alt C as it has the right amount of lands suitable for timber production

RSP: "This alternative was considered" when making the decision to select Alt Bmod.

RSS: No relief has been provided. Please implement Alt C aspects of suitable timber base.

Review of FNF Appendix 8 Response to Public Comments (RPC) by Swan View Coalition

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8-51 54 CN: Support for alternative 3 (amendment forests) and/or alternative C (Flathead National Forest) because they provide greater habitat security and connectivity for the grizzly bear. Forest Service should combine alternatives A and C.

RSP: The alternatives are meant to represent a range of possible management options.

RSS: No relief has been provided. Please combine aspects of Alts A and C as described in Form letter 15 and select/implement it, including the relief sought for Krause Basin as described for letter 13, above.

8-238 241 Same CT, CN, RSP, RLP, and RSS as for Letter 13, above, regarding Krause Basin.

8-239 242 Same CT, CN, RSP, RLP, and RSS as for Letter 13, above, regarding Krause Basin.

8-266 269 CN: Recommend all roadless and inventoried roadless areas as wilderness, as in alternative C.

RSP: "In alternative B modified, 37 percent of all inventoried roadless areas on the Forest are recommended for wilderness (management area 1b). About 30 percent of the recommended wilderness areas in alternative B modified were in the wilderness inventory areas."

RSS: Alt Bmod recommends 190,403 ac for wilderness. Alt B recommended 187,741 acres. This is 29.5% and 29.1%, respectively of the 644,899 acres found wilderness-suitable by FNF. Alt Bmod only recommends an additional 0.4% of wilderness-suitable lands for wilderness. Relief has been denied and initial relief is still sought.

33 9/7/16

8-17

20 CT: Alt C General, Alt C with Mods, Alt B and D w/o Additional Wilderness Recommendations

Review of FNF Appendix 8 Response to Public Comments (RPC) by Swan View Coalition

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- 8-42 45 CN: Adopt Alt C; best protects, griz, wildlife, roadless as wilderness, ecology, and ecosystems
- RSP: "The Forest recognizes that there are many different ideas and opinions"
- RSS: The FEIS fails to acknowledge 34,409 public comments were submitted in favor of all roadless lands being recommended for wilderness and continued implementation of A19. See web link: http://www.swanview.org/reports/Documented_34409_FFP_Comments.pdf
- The RPC, page 8-6, does acknowledge receiving 32,923 of the above 34,409 comments (Form letters #3, 4, 16, and 18). This is 97.6% of the 33,744 total comments received.
- It is arbitrary, capricious and disengenuous for the Flathead to try and cast this as 33,744 divergent opinions among which it has difficulty identifying an emerging theme or public will.
- 98% of the commenting public want a judicious combination of Alts A and C, as described, and we remain among them
- 8-43 46 RSP: " (B modified) does include more recommended wilderness than alternative B.
- RSS: Alt Bmod only recommends an additional 0.4% of wilderness-suitable lands for wilderness. Relief is denied and initial relief is still requested.
- 8-43 46 RSP: "Alt B modified does not allow temporary public motorized access in grizzly bear secure core."
- RSS: The RPC provides no reference to where the Plan, draft ROD and/or FEIS says this and prohibits this. We can't tell if it is fact or fiction. Initial relief is still sought.
- 8-43 46 RSP: "Under alternative B modified, plan component MA1b-SUIT-06 states that mechanized transport and motorized use are not suitable in recommended wilderness areas."

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RSS: The Plan uses the term "not suitable" rather than "unlawful." The draft ROD at 23 makes it clear that the "suitability" determination is the "first step" in protection, which will require "site-specific decisions." This is not adequate protection of wilderness characteristics.

RSS: The Forest Plan singles out Jewel Basin only for Standard MA1B-STD's "mechanized transport [] shall not be authorized." This is partially consistent with the current Plan, which goes further and considers mechanized transport in Jewel Basin unlawful. The revised Plan contains no clear and legal prohibition against mechanized uses in recommended wilderness. Make it so.

8-43 46 RSP: "The areas recommended in the draft decision (190,403 acres) are an appropriate mix for the Flathead National Forest in consideration of the wilderness evaluation, alternative analyses, and public comments."

RSS: Alt Bmod recommends 190,403 ac for wilderness. Alt B recommended 187,741 acres. This is 29.5% and 29.1%, respectively of the 644,899 acres found wilderness-suitable by FNF. Relief has been denied and initial relief is still sought.

8-44 47 RSP: "The decisionmaker has the ability to select portions of alternative A, including INFISH standards, amendment 19 requirements, riparian management objectives, riparian and big game thermal and snow intercept management area allocations, or areas suitable for timber production in combination with any of the other action alternatives, including alternative C."

RSS: Yes, but the decisionmaker did not do so and our relief has been denied. Initial relief is still sought.

8-44 47 RSP: "continued effective management of the NCDE grizzly bear habitat [] will be accomplished by measurable standards, as discussed in the final EIS, the biological assessments for the Flathead National Forest [] and the amendment forests [], and the USFWS biological opinions."

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RSS: We included our comments on the draft NCDE Conservation Strategy and the draft NCDE Habitat Based Recovery Criteria with our comments on the DEISs, pointing out how these "measureable standards" fail the test in every regard. We have since submitted further comments on the draft HBRC and our initial comments remain valid. See our comments at:

http://www.swanview.org/reports/SVC_on_NCDE_CS_130730.pdf

http://www.swanview.org/reports/SVC_HBRC_Oral_160707.pdf

with HBRC comment attachments at:

[http://www.swanview.org/articles/whats-](http://www.swanview.org/articles/whats-new/swan_view_testifies_at_grizzly_bear_habitat_workshop/228)

[new/swan_view_testifies_at_grizzly_bear_habitat_workshop/228](http://www.swanview.org/articles/whats-new/swan_view_testifies_at_grizzly_bear_habitat_workshop/228)

http://www.swanview.org/reports/SVC_et_al_HBRC_Comments_180103.pdf

http://www.swanview.org/reports/SVC_et_al_on_HBRC_180123.pdf

Our 7/30/13 comments on the Conservation Strategy are also in Folder 22, our 7/7/16 comments on the HBRC and their attachments are in Folder 08, and our 2018 comments on the HBRC/Recovery Plan are also in Folder 21.

FWS's BiOps are factually and legally flawed, in part as described in our comments listed above. The FS cannot rely upon them. Relief has been denied and our initial relief is still sought.

8-45

48 RSP: Table 152 in FEIS Vol. 2 shows the alternatives and how much land is "not considered suited for timber production because timber production is not compatible with the desired conditions and objectives established by the forest plan."

RSS: That's why we seek a modified Alt. C for relief, because its desired conditions necessitate that far fewer acres be considered suitable for timber production. 98% of public comment on the DEIS agrees with us. Relief has been denied and we still seek the initial relief sought.

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8-48 51 RSP: "The desired condition for these focused recreation areas, under plan component MA7-DC-01, is: Focused recreational opportunities are provided in specific areas in response to increasing demand. Local communities can readily access these areas for a variety of motorized and nonmotorized experiences."

RSS: This desired condition for Krause Basin is not supported by public comment or the administrative record, as described above under letter 13. The community has largely worked out a compromise for this area over the years with virtually no snowmobiling occurring off the Peters Ridge and Strawberry Lake Roads (safeguarding quiet cross-country skiing trails) but those main roads providing access for snowmobiling and upcountry skiing. The sticking point is the largely unlawful/out of season use of motor vehicles on and off the old trails that were to be phased out and never marked under the 1988 Noisy Face Biological Opinion. Amendment 19 would finish the job and close the remaining old trails to motors (Planning Record #00172) while leaving the two main roads open. Promoting more snowmobiling and ATV access in Krause Basin is not only unlawful but will reopen old wounds in the nearby community. There is groomed skiing on DNRC lands immediately south, ungroomed ski trails in the heart of Krause Basin, and snowmobile access up the two main roads that bracket the Basin, as well as up Jewel Basin road to high-marking destinations near Camp Misery. Why does the FS insist on screwing this up for the Krause Basin neighborhood? Per the RPC, public comment is overwhelmingly in support of our proposal and we still seek the relief initially sought and as described for letter 13, above.

34 9/8/16 8-5
8-10

8 Letter 34 is listed under Swan View Coalition and Keith Hammer
13 Letter 34 is listed under Keith Hammer.
Letter 34 is never again listed or mentioned in the RPC.
The Reading Room indicates letter 34 is likely our resubmission of letter 33, but on SVC letterhead.

35 9/8/16 8-23

26 CT: Grizzly Bear Conservation Strategy - Recovery Plan

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8-209 212 CN: Complete HBRC first, then revise or amend Forest Plans.

8-210 213 RSP: FS will revise and amend now; can change Plans later if need be." The responsibility for establishing recovery criteria rests with the USFWS."

RSS: No relief is provided. No FS comment on the substance of our comments on HBRC is provided. Nor did FWS provide meaningful response to our identical comments on HBRC.

RSS: The Plans will not include final HBRC and will meanwhile greatly reduce habitat security without the benefit of final HBRC. Initial relief is still sought. Nor has relief been provided by FWS.

See FWS's two-page response to the 36 comments it received on HBRC in 2016 at:

<https://www.regulations.gov/document?D=FWS-R6-ES-2017-0057-0002>

Read our 1/3/18 response to FWS's proposed HBRC Recovery Plan Supplement at:

http://www.swanview.org/reports/SVC_et_al_HBRC_Comments_180103.pdf

Read our 1/23/18 response to FWS's proposed HBRC Recovery Plan Supplement at:

http://www.swanview.org/reports/SVC_et_al_on_HBRC_180123.pdf

THE ABOVE LINK AND OUR COMMENTS TO FWS ARE IMPORTANT TO THE FS BECAUSE THEY HELP DETAIL, AMONG OTHER THINGS, WHAT WE CONSIDER TO BE A LIE ABOUT NOT COUNTING "IMPASSABLE" ROADS IN TMRD. THE COMMENTS ATTACH KEITH HAMMER'S 12/5/17 SUPPLEMENT TO HIS EARLIER "ROADS TO RUIN" AND "TMRD" REPORTS. WE HAVE SINCE ISSUED A SECOND SUPPLEMENT TO THOSE REPORTS (1/31/18). OUR COMMENTS TO FWS ALSO DOCUMENT HOW FWS IS RENEGING ON TAKING RESPONSIBILITY FOR INCLUDING HBRC IN THE CONSERVATION STRATEGY AND IS PUTTING THAT RESPONSIBILITY BACK ON THE FS AS A MEMBER OF THE NCDE IGBC SUBCOMMITTEE. THE AGENCIES ARE PLAYING A GAME AND MAKING IT DIFFICULT FOR THE PUBLIC TO TELL UNDER WHICH WALNUT SHELL THE PEA IS HIDDEN. BE CERTAIN THESE DOCUMENTS ARE REVIEWED BY THE DECISION-MAKER BEFORE HE OR SHE SIGNS THE FINAL ROD.

Our 2018 HBRC comments to FWS are also in Folder 21 and Keith Hammer's Road to Ruin, TMRD and Supplemental reports are in Folder 04.

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38 9/9/16

8-19

22 CT: Draft EIS - Budget

8-22

25 CT: Grizzly Bear - Road Density and Security Core Habitat

8-29

32 CT: Socioeconomics - Economic Analysis

CT: Socioeconomics - Plan Analysis

8-131

134 CN: Need to disclose total Forest budget and its resource area subtotals - and a clear description of where budget subdivisions are capped by the 2012 planning rule.

RSP: The response points to several sections of the FEIS, states that "forest plans do not make budget decisions," and says Congress emphasizes "specific programs by appropriation." Conversely, the response is that, as "required by the 2012 planning rule (36 CFR 219.1(g)), the responsible official must ensure that plan components are within the fiscal capability of the planning unit."

RSS: None of the referenced FEIS sections provide a clear statement of the total Forest budget, its resource area subtotals, or how these sectors vary by alternative. Nor does the response answer the numerous concerns and questions posed in our letter. The FEIS, among other things, fails to adequately shape alternatives and select an alternative that will comply with (36 CFR 219.1(g)), other regulations and laws. The FEIS economic analyses remain unlawfully biased against Alt. C and fail to reduce the road system to a size that the public can afford to adequately maintain, among other things. The FEIS and draft ROD develop and select an alternative that is far too complex in its infrastructure, management areas and other plan components to be realistic and implementable. We still request the relief sought initially.

RSP: Points to page 4 of the Forest Plan to conclude "attainment of objectives is dependent on actual budgets received in the future."

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RSS: That's why we asked for a clear accounting of realistic budget categories reflected in realistic alternatives. Alt Bmod is unrealistic and its selection is arbitrary, capricious and not in accordance with law.

8-133 136 CN: The Forest should include a better summary of the comparison of alternatives.

RSP: The final EIS includes a comparison of revision topics by alternative (section 2.7).

RSS: There is no Section 2.7 in the FEIS. Section 2.4.7 does include a comparison of alternatives, but it does not include the comparison of budget details we sought, among other things. This is not a comprehensive comparison table like that included in the initial Forest Plan EIS. Our initial relief is still sought.

8-141 144 CN: the difference between \$4.1 million and the \$2.8 million timber budget for alternative C is \$1.3 million, not \$2.2 million

RSP: The "2.2 million dollars" on p. 115 should have been "1.2 million dollars." This figure has been corrected in the final EIS.

RSS: Same error is repeated and has simply shifted from DEIS page 115 to FEIS page 122. The FEIS still states the incorrect figure of \$2.2 million less (page 122). Regardless, the analysis still focuses only on the timber budget and does not include the total and other major budget categories as requested. Relief has been denied and is still requested.

8-151 - 154 - CN: The analysis is biased towards logging and treats budget and grizzly bears as constraints.

8-153 157 RSP: The analysis was done to determine the potential effects of constraints and management considerations on modeled results.

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RSS: This does not address the bias in how the computer model was constrained and hence how it biases the results. Relief is denied and initial relief is still sought.

8-185 188 CN: The Forest Service should finish implementing amendment 19 on the Flathead National Forest. The Forest should reclaim roads in secure core. There should be no open roads in secure core, and secure core should remain in place for 10 years.

8-186 189 RSP: By definition, roads open to public motorized use do not occur in security core.

RSS: The response mischaracterizes the concern, which was the proposal to open roads for firewood cutting and logging in Security Core, even if temporarily. Still seeking no opening of roads in Core.

RSP: The Forest has refined and clarified alternative A in the final EIS, with additional discussion of appendix TT and what it says about reclaimed roads and security core remaining in place for 10 years.

RSS: The Flathead itself interpreted A19 and Appendix TT to mean a reclaimed road must also be decommissioned and removed from the Road System. That is how it responded to our questions in the A19 Ammended EA (by subtracting the miles of reclaimed roads from the total miles in the Road System), in the Road Decommissioning Spreadsheets it used to track A19 road decommissioning, and in its annual A19 reports to FWS. See our Roads to Ruin and TMRD reports (the TMRD is included in the Roads to Ruin report as Appendix A), and their two Supplements in Folder 04 or at these links:

http://www.swanview.org/reports/Roads_to_Ruin.pdf

http://www.swanview.org/reports/Supplement_to_Roads_to_Ruin_171205.pdf

http://www.swanview.org/reports/Second_Supplement_to_TMRD_Report.pdf

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It is arbitrary, capricious, an abuse of agency discretion, and unlawful for the FNF to interpret A19 in one manner from 1995-2011 (reclaim is synonymous with decommission), then attempt to reinterpret it in a different manner and introduce the notion of "impassable" roads exempt from TMRD calculations as it prepares for the Conservation Strategy and revision of its Forest Plan. Appendix TT is not the only document defining A19 and, when read in concert with the Amended A19 EA, acknowledges some reclaimed roads may be needed again in the future but nonetheless are removed from the Road System during the interim and are required to not function as a road or trail, motorized or non-motorized. Relief is denied and our initial relief is still sought.

The Forest Plan's Glossary definition of "impassable" roads only requires treatment of the first 50' of the road "to make it inaccessible to wheeled motorized vehicles during the non-denning season," with denning season December 1 - March 31. See our photos in our Snowmobilings Endless Winter report and in the 5/6/14 email string showing snowmobiles travelling on snow-free roads for great distances and outside the denning season on roads open year-round to snowmobiles (Folder 16, "Snowmobilings Endless Winter.pdf" and "Weber Response 140506b.pdf". The Forest Plan allows "impassable" roads to remain open to snowmobiles, snow-bikes, mountain bikes, skiing, and hiking year-round and open to motorcycles and ATVs during the grizzly bear denning season via simple trespass of a 50' closure treatment. This is unacceptable and the relief we still seek is for roads to be fully reclaimed and decommissioned, have all stream-aligned culverts removed, and be re-vegetated to no longer function as a road or trail, motorized or non-motorized - as required by A19. See our reports in Folder 04 for more details.

8-186 189 RSP: the grizzly bear standards in the action alternatives require that baseline conditions are maintained.

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RSS: Baseline conditions will not be maintained because, for example, more non-motorized trails will be allowed to become high-use and yet not be buffered from Security Core. This allows for an infinite expansion in the trail system and its impacts from what it was in 2011. The same is true for the snowmobile trails, seasonally allowed wheeled motorized trails and non-motorized trails that will be allowed to persist on "impassable" roads that are not allowed to persist under A19 without being included in TMRD. The FS is promising a freshwater fish the same amount of water and then giving it lethal saltwater instead! See also our RSS immediately above regarding the definition of "impassable" road.

8-186 189 RSP: The 2011 baseline was selected because in that year the population size was estimated to be greater than 765 bears, more than double the existing estimate based on sightings of females with young (Kendall et al., 2009).

RSS: The selection of 765 bears as a baseline is arbitrary and comparing the two estimates is comparing apples with oranges. Both the selection and comparison lack scientific integrity.

8-186 189 RSP: Additionally, the recovery criteria for occupancy of bear management subunits had been met and the mortality limits had not been exceeded.

RSS: Habitat based recovery criteria had not been met in 2011. They haven't even been developed yet and the FS disavows any responsibility for HBRC. See letter 35-213. Initial relief still sought.

8-186 189 RSP: Ongoing research and monitoring of the NCDE grizzly bear population indicates that it has been stable to increasing (Costello et al., 2016) and is expanding in distribution.

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RSS: This does not necessarily indicate a recovered population capable of genetic and demographic exchange with other subecosystems like Yellowstone. Nor does it determine whether an expanding distribution is due to population pressures or due to wider ranging for food as the climate warms and bears are perhaps shifting their diets and feeding habits. None of this can be measured against plant- and food-based HBRC because there aren't any. Initial relief is still sought. For more detail, see our three 2018 letters of comment on HBRC in Folder 21.

8-186

189 RSP: Alternative B modified would incorporate management direction for grizzly bear habitat informed by the draft NCDE Grizzly Bear Conservation Strategy, including management direction for motorized access. It would maintain on-the-ground baseline conditions for motorized road access that contribute to the recovery of the grizzly bear population within the NCDE.

RSS: Amendment 19 included management direction for managing non-motorized access as well; a) reclaimed roads could not function as either a motorized or non-motorized trail and b) high-use non-motorized trails must be buffered out of Security Core. The draft Conservation Strategy will do neither, allowing unlimited human access as described above. Initial relief is still sought.

Moreover, the Forest Plan only requires that the first 50' of an "impassable" road be obliterated to not count in TMRD while Appendix 5 of the Conservation Strategy (writtet by the Flathead's Kathy Ake) requires at least 528' be obliterated. Not that we agree with either notion of "impassable" road, but how can the Flathead say Alt Bmod is informed by the Conservation Strategy? Initial relief is still sought.

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Moreover, Appendix 5 to the Conservation Strategy says that, if an "impassable" road is bladed open or barriers removed, it is subsequently classified according to the type of closure put into place after use. So, the Flathead can blade open a previously decommissioned and/or overgrown and/or impassable road, then simply rip up the first 50' of it and it again qualifies as an "impassable" road omitted from TMRD. This does not comply with the Conservation Strategy and it certainly won't maintain the habitat security conditions that existed in 2011! Initial relief is still sought. See the Second Supplement to our Roads to Ruin and TMRD report in Folder 04 for further discussion and examples of how the Flathead is already rebuilding previously decommissioned roads, etc..

8-186

189 RSP: Although the Forest Service acknowledges that this [A19] direction has been beneficial to wildlife and aquatic habitat, the overall ecological conditions (both habitat and species populations) do not warrant additional access restrictions to improve grizzly bear habitat.

RSS: Where are the HBRC on which to base any conclusion about whether further improvement in grizzly bear habitat is necessary? There aren't any HBRC. The Flathead has since about 2011 been "waterproofing" roads and omitting these "impassable" roads from TMRD, rather than removing all stream-aligned culverts as required by A19 in order to omit them from TMRD. As a result, the FEIS and BA acknowledge the Flathead doesn't know how many such culverts it left in its "impassable" roads. We looked at the Flathead's 2017 field review of its "impassable roads not included in TMRD." It found 13 of the 78 roads contained stream-aligned culverts. One road in the important Coal Creek bull trout critical habitat watershed still had "5 stream aligned culverts [culverts] some with alignment issues." This is a clear indication the Flathead has not matured enough to protect fish and wildlife from the effects of roads without A19 in place and faithfully implemented. See:

http://www.swanview.org/reports/Supplement_to_Roads_to_Ruin_171205.pdf

See also our Roads to Ruin report and its two Supplements in Folder 4.

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8-185 188 CN: The final EIS should provide a comparison of alternatives that lists additional acres of security core and additional miles of road to be reclaimed.

8-187 190 RSP: In section 3.7.5 of the final EIS, subsection "Grizzly bear," "Environmental consequences of alternative A," the Forest estimated and disclosed the number of miles of additional roads and trails that would need to be closed to public motorized use to provide security core for continued implementation of alternative A, in compliance with appendix TT of the 1986 forest plan. Under the action alternatives (B, C, and D), additional roads and trails would not need to be closed for the grizzly bear.

RSS: The concern was expressed in the context of asking for a comprehensive alternatives comparison table so the public need not go searching 3,000 pages of documents for key numbers and comparisons. It was also expressed as a way to provide a measure of ecosystem services otherwise left to narrative. Relief is denied. Initial relief is still requested.

8-305 308 CN: Goals that were applied for some alternatives included maximizing timber output and present net value. These are likely biased due to the fact that other benefits from the Forest cannot be analyzed in this quantitative manner.

RSP: goals established to maximize timber output and present net value are done to help develop alternatives by providing a measurable range of alternative outputs and effects, whereas goals based purely on qualitative information would not sufficiently aid in the development of a range of measurable output and effects across decision alternatives

RSS: Then figure out a way to assign measurements to qualitative data. The analysis remains biased. Relief has been denied. Initial relief is still sought.

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- 8-305 308 CN: Economic analysis is skewed based on county selection in the economic area of influence. Missoula and Glacier Counties, among others, should be included due to the influence of the Flathead National Forest on their communities and economic conditions. Sanders County should not be included in the analysis area.
- 8-306 309 RSP: Although recreation ties suggest the inclusion of Glacier County, the extremely light commuting from Glacier County to the other affected counties led us to exclude Glacier County. Lincoln County, on the other hand, is included due to both substantial commuting across county lines and also some timber processing of Flathead NF timber products in Lincoln County. Both Sanders and Lake Counties were included because of commuting, trade and travel corridors across these counties. Even though Missoula does process timber harvested from the Flathead NF and does contain Flathead NF land, we did not include it in the impact area because it is a Metropolitan Statistical Area, and the size of its economy would tend to mask the impacts on the other affected counties.
- RSS: The bias here, among others, is that recreation and metropolitan ties are not considered as important as timber-processing ties. This is especially troublesome when recreation and other sectors of the economy dwarf the timber sectors of the economy. This is a self-defeating means for poorer and more rural counties to remain so by not diversifying their economies or protecting their wild public lands - partly because FS economic analyses show no incentive to do so. Relief is denied but is still sought.
- 8-309 312 CN: Missoula County should be included in the social and economic analysis. See RSP and RSS immediately above (38-309).
- CN: The Forest should assign and report measures of quantifiable ecosystem services and feature them as prominently as vegetation and timber.

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RSP: Measuring ecosystem services is not a requirement under the 2012 planning rule.

RSS: Nor does the 2012 planning rule prohibit measuring ecosystem services. Relief has been denied and is still sought.

43 9/12/16

8-21

24 CT: Grizzly Bear—Portrayal of Alternative A and Amendment 19

8-22

25 CT: Grizzly Bear—Support for Amendment 19 Standards

8-181

184 CN: The Forest misconstrued the existing condition or alternative A in the draft EIS; this should be portrayed correctly in the final EIS.

RSP: Appendix TT uses the term “reclaimed.” It does not use the term “decommissioned,” nor does it say that a road must be removed from the Forest Service road system to meet the definition of a reclaimed road.

RSS: The Flathead itself interpreted A19 and Appendix TT to mean a reclaimed road must also be decommissioned and removed from the Road System. That is how it responded to our questions in the A19 Ammended EA (by subtracting the miles of reclaimed roads from the total miles in the Road System), in the Road Decommissioning Spreadsheets it used to track A19 road decommissioning, and in its annual A19 reports to FWS. See our Roads to Ruin and TMRD reports, and their Supplements at these links:

http://www.swanview.org/reports/Roads_to_Ruin.pdf

http://www.swanview.org/reports/Supplement_to_Roads_to_Ruin_171205.pdf

http://www.swanview.org/reports/Second_Supplement_to_TMRD_Report.pdf

These reports and supplements are also in Folder 04.

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It is arbitrary, capricious, an abuse of agency discretion, and unlawful for the FNF to interpret A19 in one manner from 1995-2011 or 2013 (reclaim is synonymous with decommission), then attempt to reinterpret it in a different manner as it prepares for the Conservation Strategy and revision of its Forest Plan. Appendix TT is not the only document defining A19. So is the Amended A19 EA that acknowledges some reclaimed roads may be needed again in the future but nonetheless are removed from the Road System during the interim. Relief is denied and our initial relief is still sought.

181

184 RSP: As stated in the draft EIS, the Forest does not have complete knowledge of some of the roads it currently manages. In order to account for this uncertainty, the final EIS includes a table that compares the total motorized access density for alternative A, assuming that stream-aligned culverts are still in place on roads rather than assuming there are no stream-aligned culverts.

RSS: The Flathead has willfully rendered roads "impassable" by removing one or more culverts while knowingly orphaning more stream-aligned culverts behind the impassable barrier. See the reports at the links immediately above for examples of numerous roads in Coal Creek being rendered impassable and removed from TMRD calculations while culverts were left in place to harm downstream critical bull trout habitat. If the Flathead has enough knowledge to claim a road is "impassable" and remove it from TMRD, it should damn well know whether or not there are stream-aligned culverts in that road! In our First Supplement, linked to above, you'll find that GIS specialist Katy Ake removed these roads from TMRD while wildlife biologist Reed Kuenen and FWS found that "storm-proofing" these roads would not lower TMRD.

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181 184 RSP: The final EIS clarifies that the difference in assumptions makes a difference in the total motorized route density percentage for some grizzly bear subunits but does not change the on-the-ground condition for the grizzly bear. The roads in question have been determined to be impassable because they are revegetated with tall vegetation, have had a bridge or large culvert removed, and/or have had the first portion of the road (typically 200 to 600 feet) treated in such a manner as to preclude its use as a motorized or nonmotorized travel way during the non-denning season.

RSS: The response ignores the future with its use of the word "or" to claim that omitting "impassable" roads from TMRD "does not change the on-the-ground condition for grizzly bear." A19 does not allow for the removal of the first culvert to serve as a barrier to motorized use and exempt the road from TMRD calculations. The "impassable" definition does allow this by using "and/or." Going into the future under the revised Plan, an impassable road can have an impassable barrier and otherwise be barren of vegetation and serving as a motorized (oversnow vehicles year-round and wheeled motorized vehicles during the non-denning season) and non-motorized trail while still being discounted from TMRD. This is not allowed under A19, which requires revegetation and removal from the Road System. Moreover, while the RSP says the FEIS says impassable roads will typically be treated for the first "200 to 600 feet" to "preclude its use as a motorized or non-motorized travelway during the non-denning season, the Forest Plan Glossary only requires treatment of typically as little as the first 50 feet to render it impassable to wheeled motorized vehicles only during the non-denning season. See our above referenced and linked reports in this regard.

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RSS: The Flathead is so overly-focused on various ways to calculate the 2011 baseline that it is, perhaps intentionally, obscuring how the changed definitions for TMRD and Security Core will indeed result in negative changes to grizzly bear habitat as they are implemented in the future. Besides allowing a road blocked with a single culvert or bridge removal to be deducted from TMRD yet be used as a part-year ATV, year-round snowmobile, or foot, or horse, or bike trail, unlimited miles of trails can be constructed for high levels of non-motorized use without causing a reduction in Security Core. Again, the Flathead is trying to mollify the public by promising fresh-water fish the same amount of water as 2011 - while simultaneously switching to toxic saltwater!

8-182 185 RSP: The EIS clarifies that if a road is impassable, it provides grizzly bear habitat security and is not counted in the total motorized route density for the action alternatives. For more details, see the USFS biological assessment (Kuennen, Van Eimeren, & Trechsel, 2017), USFWS biological opinion (USFWS, 2017b), and the final EIS.

RSS: As described in the entire administrative record for A19 and the science it is based on, simply rendering a road impassable to motor vehicles does not provide the grizzly bear habitat security that a fully reclaimed, decommissioned and overgrown road does. The FIES, BA and BiOp all suffer the from the same flawed reinterpretation of A19.

Moreover, the BA on page 105 uses a different definition of "impassable" road than do the FEIS and Plan. The BA notes part of the criteria for an impassable road is that it is either brushed in or has "the first portion of the road (typically 200 - 600 feet) treated in such a manner so as to preclude its use as a motorized or non-motorized travel way during the non-denning season. (Emphasis added).

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The Forest Plan Glossary, on the other hand, says an impassable road can be omitted from TMRD "as long as the road (generally the fist 50 to 300 feet) has been treated to make it inaccessible to wheeled motorized vehicles during the non-denning season. The Plan definition is far less protective of grizzly bear habitat because it does not attempt to make the road impassable to non-motorized use at all, allows wheeled motorized use during the denning season, allows snowmobile use year-round, and and relies on a much shorter treatment zone to thwart wheeled motorized trespass during the non-denning season.

A 50-foot strip of road ripped or bermed or littered with rocks does not secure grizzly bear habitat. It is not a reclaimed road that can be omitted from TMRD and is instead similar to a bermed road that must be included in TMRD. It is arbitrary, capricious, an abuse of discretion, and contrary to law for the Flathead to be using two sets of definitions to define the 2011 baseline, neither of which comply with A19 definitions, and then implying that use of the second set of definitions will have no effect on grizzly bear security on-the-ground as they are implemented. This is the most deceitful smoke and mirrors scam we have witnessed on the Flathead.

To add insult to injury, the Glossary redefines "decommissioned" road to need only comply with the definition of "impassable" road to be omitted from TMRD, meaning that stream-aligned culverts can be left in the road provided there is "little resource risk."

8-190	193 CN: Alternative A and continued implementation of amendment 19 are beneficial, and the forest plan should continue securing promised grizzly bear habitat by closing hundreds of miles of unneeded roads, restoring the landscape, and reducing the suitable timber base and allowable sale quantity accordingly, as proposed in 2006.
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RSP: The forest plan does not eliminate road density and secure core standards. Under all action alternatives, including alternative B modified, forestwide standard FW-STD-IFS-02 would maintain on-the-ground conditions that have contributed to the recovery of the NCDE grizzly bear population.

RSS: The response is a flat-out lie. As described immediately above, the FEIS and Plan have changed the definitions of and methods for calculating OMRD, TMRD and Security Core. This fact is acknowledged on h-page 535 of Chapter 3 of the FEIS, Planning Record #00191 (Folder 25), and in the Plan's BA, pages 115, 128 and 129. Implementing those new definitions and methods will allow unlimited miles of road and trail to exist because they will be omitted from TMRD. Previously decommissioned roads that have revegetated and no longer function as a road or trail, motorized or non-motorized, can be rebuilt, simply blocked off, and remain on the System as an impassable road being used as a trail without increasing TMRD. Similarly, unlimited miles of high-use hiking, running and biking trails can be constructed or receive unlimited levels of use without ever reducing Security Core.

44 9/13/16	8-17	20 CT: Alternative C—Forest Products
	8-18	21 CT: Alternatives—Blend of All Alternatives
	8-19	22 CT: Aquatics—Riparian Management Zones, Wetland Buffer CT: Draft EIS—Budget
	8-21	24 CT: Draft EIS—General CT: Grizzly Bear—Concerns about Delisting CT: Grizzly Bear—Draft EIS Analysis CT: Grizzly Bear—Habitat Security
	8-22	25 CT: Grizzly Bear—Portrayal of Alternative A and Amendment 19 CT: Grizzly Bear—Support for Amendment 19 Standards
	8-23	26 CT: Grizzly Bear Conservation Strategy—Alternatives

Review of FNF Appendix 8 Response to Public Comments (RPC) by Swan View Coalition

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			CT: Grizzly Bear Conservation Strategy— Recovery Plan
			CT: Infrastructure—Roads, Maintenance
			CT: Infrastructure—Roads, Minimum Road System
			CT: Infrastructure—Roads, Wildlife and Aquatic Impacts
3-24	27		CT: Infrastructure—Stream Crossings
3-25	28		CT: Litigation and Objections
8-30	33		CT: Monitoring—Aquatics
8-32	35		CT: Vegetation Management—EIS Analysis
8-42	45		CT: Wildlife—Analysis Insufficient

CN: The Forest should select alternative C as it has the right amount of lands suitable for timber production and level of timber management, especially within the Swan River valley bottom.

RSP: This alternative was considered by the responsible official when making his decision on the selected alternative and the forest plan.

RSS: Our concern is only approximately represented (we didn't speak specifically about the Swan River valley bottom). The response is essentially a non-response. Relief has been denied and is still sought.

8-49	52		CN: Blend alternatives B and C to allow for more recommended wilderness because of the growing human population and to ensure the diversity and strength of wildlife populations.
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RSP: The preferred alternative (B modified) does include more recommended wilderness than alternative B, including in the Skyline area. Alternative B modified has eight areas totaling 190,403 acres that are recommended for inclusion in the National Wilderness Preservation System. This alternative includes a plan component that states that mechanized transport and motorized use are not suitable in recommended wilderness areas.

RSS: Alt Bmod recommends an additional 0.4% of wilderness suitable lands, while 98% of public comments asked for all roadless lands to be recommended for wilderness. Saying mechanized transport is not suitable in recommended wilderness is not the same thing as legally prohibiting such use. (See RSPs and RSSs above, at 15-269 and 33-45). Relief has been denied and is still sought.

8-92 95 CN: Various commenters expressed support for the increase in buffer sizes.

RSP: Thank you for your support.

RSS: The FEIS and Plan treatment of buffer zones and two-step buffer zones is confusing and not in accordance with law. We do not support it and seek simpler buffer zones with clear prohibitions against roads, road building, logging, etc..

8-131 134 See RSPs and RSSs for letter 38-134 et seq.

8-133 136 See RSPs and RSSs for letter 38-136 et seq.

8-158 161 CN: The Forest Service should not propose management based on the premise that the NCDE population is recovered. The Forest Service should continue habitat protections whether or not the grizzly bear is delisted and should add forest plan components that provide for the continued conservation and recovery of the NCDE population.

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RSP: Statements in the draft EIS asserting that the NCDE population is “recovered” have been removed in the final version. Where appropriate, the Forest Service clarified in the final EIS that the population has been stable to increasing, its size is much larger than the previous estimates derived from sightings of females with young, the population has fully occupied all bear management units, and the mortality limits established in the recovery plan have not been exceeded.

RSS: Whether the word "recovered" is used or not, the FEIS and the response above still rely on population-based criteria to use 2011 as a recovery baseline. HBRC are not used at all and the habitat-security criteria (like A19) that the agencies say helped the bear population increase are redefined and recalculated in the FEIS, BA and BiOp - in a way that absolutely will not maintain the "the on-the-ground conditions for grizzly bear" found in 2011. (See letter 43-184 et seq., above). Relief has been provided via word-smithing only. Substantive relief has been denied and is still sought.

RSP: Part of the purpose of the proposed forest plan amendments is to ensure the adequacy of regulatory mechanisms regarding habitat protection across the national forests in the NCDE in support of delisting of the grizzly bear. It is clearly stated in the final EIS that sustaining the NCDE grizzly population will depend on continued, effective management of the NCDE grizzly bear’s habitat. The forest plan components that contribute to conserving the NCDE grizzly bear population and its habitat will be implemented whether or not the USFWS takes action to delist the population. The USFWS biological opinions for the amendment forests and the Flathead’s revised forest plan (USFWS, 2017a, 2017b) confirm that management direction will not jeopardize the NCDE population and will support recovery.

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RSS: The FEIS, BAs and BiOps all rely on an inaccurately described baseline, inaccurately described existing habitat-security criteria, and an entirely different set of habitat-security criteria that would be used in the future. All falsely claim that use of the new criteria will maintain the 2011 baseline "on-the-ground conditions for grizzly bear," even though the definitions have been changed to allow more roads, trails and human impacts to grizzly bears in addition to the 2011 conditions. And plant-based and climate-based HBRC are entirely absent. (See letter 43-184 et seq., above). By abandoning A19 and other current management programs, "effective management of the NCDE grizzly bear's habitat" will be lost in this overly complex and less than honest attempt to "support delisting of the grizzly bear." Relief has been denied and initial relief is still sought.

8-161 164 CN: The Forest Service should remove all statements in the EIS claiming that the NCDE grizzly bear population is recovered.

RSP: Statements asserting that the NCDE grizzly bear population is "recovered" have been removed. Where appropriate, the Forest Service clarified in the final EIS the available information about the status of the NCDE population.

RSS: See letter 44-161, above.

8-174 177 CN: The decisionmaker should select alternative C in combination with full implementation of amendment 19 (alternative A). The Flathead National Forest must move promptly to close and fully decommission 518 miles of system roads, and 57 miles of trails (mentioned on p. 38, vol. 2 of the draft EIS), and this work should be completed within the next 10 years.

RSP: The responsible official will consider all points of view in making his or her decision.

RSS: Alt Bmod does not continue the implementation of A19. Relief has been denied and initial relief is still sought.

Review of FNF Appendix 8 Response to Public Comments (RPC) by Swan View Coalition

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8-181 184 See letter 43-184 et seq.

8-190 193 See letter 43-193 et seq.

8-208 211 CN: The Forest Service should have a wide range of alternatives that provide for continued management of the grizzly bear as a listed, threatened species in the NCDE. The Forest Service should not assume that the NCDE population is recovered because habitat-based recovery criteria have not been added to the recovery plan.

RSP: The Forest Service has considered a wide range of alternatives. Statements asserting that the NCDE population is "recovered" have been removed in the final EIS.

RSS: Whether the word "recovered" is used or not, the FEIS and the response above still rely on population-based criteria to use 2011 as a recovery baseline. HBRC are not used at all and the habitat-security criteria (like A19) that the agencies say helped the bear population increase are redefined and recalculated in the FEIS, BA and BiOp - in a way that absolutely will not maintain the "the on-the-ground conditions for grizzly bear" found in 2011. (See letter 43-184 et seq., above). Relief has been provided via word-smithing only. Substantive relief has been denied and is still sought.

8-209 212 See letter 35-212 et seq.

8-220 223 CN: The Forest should quit skimming 55 percent off the top of road maintenance funds for timber support and put it directly to work maintaining roads.

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RSP: The Forest's Travel Analysis Report (USDA, 2014c) determined that approximately 55 percent (revised to 65 percent in the report) of the Forest's annual roads funding is reserved for timber sale engineering support and planning and the remaining 45 percent (revised to 35 percent) is available for all road inventory, monitoring, analysis, contract administration, construction, operations, and maintenance. This funding allocation is based on the program of work as set by the Forest Service's regional and national office. It is outside the scope of the forest plan revision to set the annual program of work based on the budget.

RSS: In other words, the Flathead is not being provided enough funding to take care of its road system without channeling those funds through timber sales, which require ever more roads that then need to be maintained. This is a downward spiral and is not sustainable. What the Flathead needs to do, apparently, is to reduce its road system to the size that can be maintained by the 35% of its annual roads funding? The Forest Plan does have the authority to establish the size and location of the suitable timber base and the resulting size of the road system necessary to service the timber base. The response irresponsibly shifts blame elsewhere, shows the funding mechanism we are concerned about is getting worse and fails to provide relief. Initial relief is still requested.

8-221

224 CN: The Forest should have a smaller, financially sustainable road system that fits within the agency's limited budget and minimizes damage to the forest's natural resources and wildlife. The forest plan should include plan components for achieving this smaller road system.

RSP: The Forest has many plan components regarding the NFS road system. The desired condition FW-DC-IFS 03 provides overarching direction that the Forest provides public access to NFS lands and that a well-planned cooperative road system provides improved and cost-effective access to not only NFS but interspersed private and State lands. Objectives such as FW-OBJ-IFS-01 and GA-SV-OBJ-04 for the decommissioning, maintenance, and reconstruction of roads trend the Forest towards this desired condition.

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RSS: FW-DC-IFS-03 states: "Community involvement and user awareness programs (educational and informational) reduce the risk of user conflicts on roads and trails and enhance the recreational experience."

RSS: FW-OBJ-IFS-01 and GA-SV-OBJ-04 both state: "Decommission or place into intermittent stored service 30 to 60 miles of roads. Priorities are roads causing resource damage in priority watersheds and/or roads located within desired nonmotorized recreation opportunity spectrum settings and/or roads within bull trout watersheds.

RSS: FW-DC-IFS-03 is non-responsive. The two objectives are not mandatory and could leave the roads in the Road System as ISS, which does not reduce the size of the Road System. Even if 60 miles of road were decommissioned, it would provide only the slightest token of the decommissioning necessary to arrive at a smaller, financially sustainable road system. Relief has been denied and initial relief is still sought.

8-222 225 CN: The road closure, reclamation, and culvert monitoring programs developed for bull trout and grizzly bear should apply across the entire Flathead National Forest so the benefits are extended to all fish and wildlife and are not dependent upon Endangered Species Act listings and protections.

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RSP: The road closure, reclamation, and culvert monitoring programs are applied across the Forest where bull trout are present, and amendment 19 is applied to grizzly bears under the 1986 forest plan. Access management and associated monitoring would continue across the Forest under the forest plan, with priority given to bull trout watersheds and grizzly bears within the primary conservation area. The Swan Island Unit and Tally Lake Ranger District would be lower priorities for bull trout and grizzly bears, but road closures, reclamation, and monitoring would still occur for other resource objectives such as elk security and westslope cutthroat trout. Road closure standards for the grizzly bear apply to the recovery zone/primary conservation area and to zone 1 (including the Salish demographic connectivity area). These areas encompass the Flathead National Forest. Plan components for access management and monitoring would apply whether or not the grizzly bear and the bull trout are listed under the Endangered Species Act.

RSS: The response ignores the concern, which is that the 1995 A19 program and 2015 Road Maintenance BiOp's annual closed-road bull trout culvert monitoring requirements, already developed, should apply Forest-wide - as described in Keith Hammer's "Roads to Ruin" report. The response then incorrectly states that these" programs are applied across the Forest where bull trout are present." In fact, the Flathead has failed to implement any of A19's road/culvert monitoring requirements for bermed roads in Security Core, has failed widely to implement the 2015 annual closed-road bull trout culvert monitoring requirements either forest-wide or for various projects where FWS's mandatory "terms and conditions" required annual monitoring, and has no intentions of monitoring all stream-aligned culverts left in "stored" and "impassable" roads across the Forest. In fact, the revised Forest Plan, BA and BiOp all attempt to insert a new every-sixth year bull trout culvert monitoring program in order to nullify the prior annual "terms and conditions" and proposes no annual culvert monitoring plan for non-bull trout watersheds. The relief sought has been misrepresented and denied. Initial relief is still sought. See:

http://www.swanview.org/reports/Roads_to_Ruin.pdf

http://www.swanview.org/reports/Supplement_to_Roads_to_Ruin_171205.pdf

http://www.swanview.org/reports/Second_Supplement_to_TMRD_Report.pdf

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http://www.wildearthguardians.org/site/DocServer/2017_11_15_NOI_Flathead_NF_Bull_Trout_w_Att_A-F.pdf

These reports and NOI to file suit are also included in Folders 04 and 23.

8-224 227 CN: The Forest should have plan components to inventory all stream-crossing structures on the Forest and include them in the INFRA database in a manner that ensures inspections and makes sure that problems and repairs are fully accounted for and easily traceable. The Forest should commit to the annual inspection and necessary cleaning of all stream-crossing structures.

RSP: Alternative B modified contains adequate direction for stream-crossing structures. Streamcrossing structures are entered into the INFRA database and are inspected and maintained as needed, based on budget and program management priorities.

RSS: Adding stream-crossing structures to the INFRA database and inspecting/maintaining them as budget and management priorities allow is not adequate. Relief is denied and initial relief is still sought.

8-226 229 CN: The Forest should “recognize litigation is as important as collaboration in helping guide the agency.”

RSP: No response is provided. Litigation is not mentioned, let alone the value of it.

RSS: Relief is denied and initial relief is still sought.

8-247 250 CN: The Forest should monitor culverts on closed roads to reduce effects to bull trout and other species.

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RSP: The Forest has developed a culvert monitoring plan that will monitor culverts on closed roads within bull trout watersheds on a five-year rotational panel. Crews will inventory and clean culverts. Culverts that are identified for replacement or removal will be addressed as funding becomes available.

RSS: Culvert monitoring and maintenance cannot continue to be dependent upon inadequate funding. The Forest Plan BA contains the hastily pasted-in 2016 Version 1.0 Culvert Monitoring Plan. It will not monitor culverts on a five-year rotation. It states: "The general approach of this monitoring plan is to sample groups of watersheds that contain local bull trout populations on a six year rotating panel." FS's and FWS's approval of this Culvert Monitoring Plan is fatally and legally flawed. FWS's 2017 BiOp on the revised Forest Plan "does not contain an explicit incidental take statement" for bull trout even though it amends/removes the annual culvert monitoring requirements from five prior BiOps, including the 2010 A19 BiOp. It is unlawful to replace legally required terms and conditions with non-binding reporting, which is what the 2017 FWS BiOp does. FS's reliance on FWS's 2017 BiOp is similarly flawed and unlawful. For other legal and practical shortcomings of the 2016 Culvert Monitorin Plan, see our NOI to file suit in Folder 23 or: http://www.wildearthguardians.org/site/DocServer/2017_11_15_NOI_Flathead_NF_Bull_Trout_w_Att_A-F.pdf

- 8-329 332 CN: The Forest should explain more clearly in the EIS that the effects of natural disturbances are different than the effects of mechanical treatments. The statements about the benefits of active management to achieve desired ecosystem conditions and resilient forests are biased. The Forest should provide documentation that supports statements on the benefits of active management.

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RSP: The final EIS differentiates between active management (e.g., mechanical treatments, prescribed fire) and passive (e.g., natural disturbances primary) and notes that each have benefits and drawbacks in terms of their contribution to achieving desired conditions across the landscape. Additional information has been added to the final EIS to strengthen and provide more information and clarify the distinction between natural disturbances and active management and to describe the management approaches the Forest is incorporating into the plan (see final EIS, section 3.3.2, subsection "Forest plan management areas and management approaches").

RSS: The actual concern expressed in our letter was: "Recognize that calling logging and other vegetative treatments requiring roads 'restoration' is at odds with considerable science and at odds with ecosystem restoration requiring the removal of roads." Our concern is misrepresented and is not responded to in the RPC or FEIS. Initial relief is still sought.

8-348

351 CN: The draft EIS does not adequately describe what is required in the current forest plan, how standards and requirements for different species can be dovetailed into integrated management, and why or why not various aspects of management programs should or should not be carried forward into a broad range of action alternatives.

RSP: The lengthy response essentially recaps the planning process.

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RSS: What our letter actually asked for was a wide range of alternatives that carry forward the dovetailed grizzly-fish-other species management included in A19. None of the action alternatives carry A19 forward into the future. Alt Bmod fails to provide similar integrated management. It's minimal and option road decommissioning and emphasis instead on "stored/waterproofed" roads in select "conservation watersheds" is wholly inadequate. See our Roads to Ruin report in Folder 04 for a discussion of how poorly the Flathead has done at implementing road reclamation. See also in Folder 04 our 12/5/17 First Supplement to that report detailing the Flathead's failure to remove all problem culverts from "waterproofed" roads in the critical Coal Creek bull trout watershed. Relief has been denied and initial relief is still sought.

49 9/15/16 8-24

27 CT: Management Area 7—Focused Recreation Areas

8-238

241 CN: Krause Basin: The Forest should prohibit all-terrain vehicle use of the old, user-created trail network in Krause Basin, restrict all-terrain vehicles to the main Peters Ridge Road and Strawberry Lake Road, and allow this on-road use only during the times Krause Basin is open to motor vehicles and not mark the all-terrain vehicle trails on the ground. The Forest should prohibit motorized use from all but the main Peters Ridge and Strawberry Lake Roads. The Forest should not map Krause Basin as management area 7.

RSP: Krause Basin: Alternative B modified allocates the Krause Basin as a focused recreation area. Alternative B modified does not change motorized access from the existing situation. Desired conditions specific to Krause Basin specify that existing trails provide summer (July and August) wheeled motorized trail experience on designated and signed routes. This area provides for motorized winter recreation opportunities close to local communities; nonmotorized (hiking, mountain biking, and equestrian) trail opportunities are provided; the old forest conditions of the cedar/hemlock stand containing the interpretive nature trail are preserved and continue to provide the opportunity to educate the public about this forest type.

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RSS: See letters 13-242 et seq. and 15-54 et seq., above. Our concern about logging of the hemlock and other forests in Krause Basin is not captured in the CN. Relief is denied and initial relief is still sought.

73 9/19/16	8-17	20 CT: Alternatives—General
	8-18	21 CT: Best Available Scientific Information—Amendment 19
	8-19	22 CT: Climate Change—Analysis and Science
	8-21	24 CT: Grizzly Bear--Portrayal of Alternative A and Amendment 19
	8-24	27 CT: Management Area 7—Focused Recreation Areas
	8-25	28 CT: Monitoring—General
	8-49	52 CN: The action alternatives all represent risky, uncharted territory not based on the best available science. None of the alternatives represent the requisite forest plan revision based on a rational response to the conditions found through forest plan monitoring and evaluation.
	8-50	53 RSP: The 2012 planning rule requires the responsible official to use the best available scientific information to inform the development of the plan, including plan components, the monitoring program, and plan decisions. The foundation from which the plan components were developed for the forest plan was the expertise of planning team members who have considerable experience from working on the Flathead National Forest for the past 30 years. This interdisciplinary team of resource professionals compiled and evaluated the relevant information for the assessment of the Flathead National Forest (USDA, 2014a), the draft EIS, and the final EIS, including the best available scientific information and analyses therein. The resource specialists considered what is most accurate, reliable, and relevant in their use of the best available scientific information. The best available scientific information includes the publications listed in the reference sections of the Flathead’s assessment and draft EIS, as well as additional information that was used in the final EIS and the planning record exhibits prior to the record of decision. The reference sections of these documents also include opposing scientific information.

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RSS: None of the action alternatives in the FEIS, including Alt Bmod, represent or are supported by a rational connection between the facts found and the conclusions drawn. The Flathead is dangerously and arbitrarily switching horses mid-stream. Relief is denied and initial relief is still sought.

8-103

106 CN: The 20 years of monitoring the implementation of amendment 19 indicate that it may take more than a decade to adequately revegetate a reclaimed road so it no longer functions as a road or trail, and this requires that the security core remain in place longer than the amendment 19 minimum of 10 years. NEPA and the planning rule require that this be addressed through planning that is consistent with the results of monitoring and the best available science.

RSP: Section 3.7.5 of the final EIS, on the grizzly bear and the consequences of alternative A, discloses the effects of continued implementation of amendment 19. The final EIS has been refined and clarified with additional discussion of amendment 19 and what appendix TT says about reclaimed roads and security core remaining in place for 10 years. The 10-year time period used in appendix TT is not based upon the time it takes to revegetate a road; it is based upon the approximate time it takes for a female grizzly bear to reach reproductive age and raise a generation of offspring.

RSS: Our point is that, while Appendix TT does talk about the lag time for reclamation treatments to become effective, that lag time may exceed the 10-year period that security core must remain in place. Perhaps A19 and App. TT need to be updated, rather than abandoned. See the following links for our "Roads to Ruin" and "TMRD" reports, along with our 2017 and 2018 Supplements to them. The Supplements includes a FNF report to FWS explaining how A19's revegetation requirements take longer than initial road reclamation treatments. These reports and supplements can also be found in Folder 04. Relief has been denied and initial relief is still sought.

http://www.swanview.org/reports/Roads_to_Ruin.pdf

http://www.swanview.org/reports/Supplement_to_Roads_to_Ruin_171205.pdf

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http://www.swanview.org/reports/Second_Supplement_to_TMRD_Report.pdf

8-103 106 CN: The forest plan is abandoning the best available science, which is the 1990 Interagency Grizzly Bear Committee meeting summaries and the 1995 Flathead land and resource management plan amendment 19. The Forest should identify which information it considers the best available science to explain the basis for determinations and explain how that information is applied to the issues being considered.

RSP: The 2.5-page response is too lengthy to repeat here. We will respond to it in general and quote portions of the response.

RSS: The response continues the abandonment of A19 and the science it is based on, including Mace et al. 1993 - in favor of a selective interpretation of Mace et al 1996, which performed a multi-variate analysis showing that some bears will use areas within 0.5km of a road receiving up to 10 vehicles/day. The response fails to mention that those bears are drawn nearer roads by prime habitat such as avalanche chutes, where they are then more susceptible to human-caused mortality such as poaching. Much of the science the FNF is relying upon, including Mace et al. 1999, was used in a failed attempt to develop a "rule set" as an alternative to A19, which would return largely to a reliance on gates to secure bear habitat in a system of moveable "seasonally secure areas." This alternative rule set was soundly rejected in a 2000 peer review by McLellan, Sanjayan and Silvy, who instead favored A19's use of permanent road closures and more permanent Security Core. See "McClellan et al 2000 A19.pdf" in Folder 01 or download it here:

http://www.swanview.org/reports/12_McClellan_et_al_2000_A19.pdf

The BAs and BiOps for the Revised Plan and NCDE Amendments are similarly flawed.

RSS: The discounting of the gravity of bear displacement from roads and trails in the FEIS, BAs and BiOps is at odds with the Flathead's own Planning Record #00246, pages 89-90. See "00246_FlatheadNationalForestWildlifeViabilityDiversity2017.pdf" in Folder 25:

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"Displacement from preferred habitats may significantly modify normal grizzly bear behavior patterns (USDI-FWS 2005b, 2014b). As animals that are highly dependent upon learned habitat, displacement into unknown territory (such as subadult dispersal) may lead to submarginal nutrition, reduced reproduction, or greater exposure to adult predatory bears or human food sources, which can lead to human-caused mortality. Grizzly bears are typically independent and vary in their responses to disturbance according to type of activity, season, habitat quality, and bear social or density conditions (McLelland and Shackleton 1989). They report most bear populations appear to be limited by human predation, and habitat quality, but bear density is also regulated by socially induced dispersal. Bears subjected to disturbance can choose to remain or leave, and both have costs (McLellan and Shackleton 1989). If the bear stays, death as a result of human conflict may occur. If it moves away, energy is expended in search of a new and perhaps less productive area. If the population is at carrying capacity, a bear that moves risks the threat of social intolerance from other bears or competition for limited resources. In years of high food abundance, displacement from human activities may have little cost to the bear, but if the bear remains, threats associated by habitat alteration, food/garbage management, and improved road access may increase."

RSS: The reliance on Boulanger and Stenhouse's 2014 report is dangerous and unnecessary when the more precise "moving window" analysis of A19 can as easily be applied. There is no reason to mix linear road densities with precise motorized route densities, other than to confuse the public and provide more human impacts and management discretion in grizzly bear habitat. This habitat is needed to support an expanding population of bears until they have extended their home ranges enough to truly reconnect fragmented segments of the lower-48 grizzly bear ecosystem. The linear road density objectives for these areas will not accomplish this.

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RSS: The response, FEIS, BAs, and BiOps do not adequately "explain how the alternatives could be expected to affect individual grizzly bears and the NCDE population as a whole." Instead, they dismiss the impacts of high-use non-motorized trails (as well as low-use non-motorized trails) as not having any impact because they claim those documented impacts did not result in population-level impacts. These documents dismiss the displacement of bears away from trails as though that displacement has no consequences, which is not the case - it is a harm and taking of grizzly bear that has an unmeasured effect on the population. How much larger would the population be without displacement from trails? How much smaller will the population be when an unlimited number of such trails are allowed because they do not decrease secure core?

RSS: Mace and Manley 1993 (Folder 24) found grizzly bears displaced by even low levels of human use and Mace and Waller 1997 (Folder 24) found bears displaced "significantly further than expected" from trails in Jewel Basin. A19, for example, developed the notion of "high-use" non-motorized trails to approximate the magnitude of displacement from a motorized road or trail - not to ignore the displacement from lesser-used trails. And, while Mace and Waller 1996 (Folder 24) found that bears would use areas near roads with low motorized traffic, they found it was due to attractive habitats near those roads (which puts bears in harm's way, with 8 marked study bears killed by humans and those deaths "directly influenced by road access." See again the passage from Planning Record #00246, above, for the impacts of displacement on bears.

8-104 107 RSP: "For the grizzly bear, one of the best sources of information is the response of the NCDE grizzly bear population to existing conditions and trends in the NCDE. Extensive monitoring of the NCDE grizzly bear population indicates that the current population size substantially exceeds the goal stated in the Grizzly Bear Recovery Plan (USFWS, 1993) and that the population is expanding in distribution (Costello et al., 2016; Mace et al., 2012), even though the Forest does not meet the 19-19-68 percentages of amendment 19 in every grizzly bear management subunit."

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RSS: The FEIS, BAs and BiOps largely ignore the continued incidental take of bears by conditions exceeding the 19/19/68 criteria, even though the BiOp states that such incidental take will continue. Switching from a goal of recovery to a goal/excuse of "no jeopardy" is the surest way to cancel out what gains have been made for bears toward their recovery. The NCDE population is far from expanding its range enough to join robustly with the other lower-48 sub-populations and needs further compliance with 19/19/68 to do so. With the FEIS's simultaneous redefining of the OMRD/TMRD/Security Core parameters to provide less protection than under A19, this is akin to meeting the goals of a diet, then going back to eating junk food because it didn't cause death - as though that will sustain the weight loss.

8-105 108 RSP: With respect to the comment on the draft EIS, figures 1-37 through 1-42, the Forest added additional explanation of the differences in the maps in section 3.7.5 of the final EIS. A figure showing NCDE trails that are considered to be high use can also be found in the biological assessments (Kuennen, Van Eimeren, Trechsel, et al., 2017; Warren et al., 2017).

RSS: More accurately defining the baseline for Security/Secure Core does not account for what will be allowed to occur in that Core in the future. Providing a map of the current high-use trails does not adequately disclose the fact that there will be no limit on how many high-use trails can exist in Core in the future. That increase in high-use trails and bear displacement will not be acknowledge or displayed because it will not show as a decrease in Core, as it would under A19. Bottom line is this scenario does not maintain the on-the-ground 2011 conditions for bears. An example of this problem is discussed in our comments on the Taylor Hellroaring EA, where analysis conducted under A19 "Security Core" indicates increased mountain bike use is likely to become "high-use" and split existing Security Core. Under the revised Plan, this would not surface as a problem because high-use non-motorized trails do not fragment "Secure Core." See "SVC et al Taylor Hellroaring EA Comments 180122.pdf" and "Taylor Hellroaring EA.pdf" in Folder10.

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RSS: In summary, the 2.5-page response treats us as though we just don't understand the changes in definitions and use of science, as though more words and more pages will make it clear. While we appreciate any degree to which this makes things more transparent, it does not change a lie into a truth nor does it justify the selective, risky use of science that affords less protection for bears while claiming the opposite.

8-127 130 CN: The Forest has not provided an adequate analysis in the draft EIS of the effects of climate change on plants and wildlife.

RSP: The response is lengthy but fails to mention that our comment was made in the context of wanting the FEIS to "describe how 2011 habitat conditions will be maintained in the face of climate change." Moreover, the response fails to even mention maintenance of the 2011 habitat conditions.

RSS: The response does not respond to our concern. This is likely difficult because there are no vegetation-based HBRC to begin with, so it is pretty hard to describe changes to something that isn't yet defined. Relief has been denied, the FS disavows responsibility for HBRC, FWS says the FS and other NCDE Subcommittee agencies are responsible for including HBRC in the revised Conservation Strategy, and we're pretty tired of the run-around. Initial relief is still requested.

8-181 184 See letter 43-184 et seq..

8-190 193 See letter 43-193 et seq..

8-238 241 See letter 13-241 et seq., 15-241 et seq. and 49-241 et seq..

8-248 251 CN: The Forest does not have an adequate monitoring strategy and/or is not adequately considering monitoring in the development of the forest plan.

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RSP: The RPC mistates our concern and hence fails to address it.

RSS: Our concern is that the direction of the revised Forest Plan does not follow logically from the results of monitoring in implementing the current Forest Plan. Relief is denied and initial relief is still requested.

162 9/23/16	8-18	21 CT: Best Available Scientific Information—Amendment 19
	8-21	24 CT: Grizzly Bear—Habitat Security CT: Grizzly Bear—Impacts of Motorized and Nonmotorized Recreation
	8-24	27 CT: Management Area 7—Focused Recreation Areas
	8-27	30 CT: Recommended Wilderness—Limit Mechanized Transport/Motorized Uses
	8-32	35 CT: Wildlife—Elk Habitat, Impacts of Roads and Trails
	8-103	106 See letter 73-106 et seq..
	8-174	177 See letter 44-177 et seq..
	8-177	180 CN: The Forest Service should analyze the potential impacts (displacement, grizzly bear-human conflicts) of nonmotorized high-intensity recreation uses such as hiking and mountain biking on grizzly bears and should continue to subtract these trails from secure core. Removing nonmotorized high-intensity-use trails from the secure core calculation means the impacts demonstrated by previous research will be ignored. The impacts are not zero.

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RSP: Under the action alternatives, high-intensity-use nonmotorized trails would not be considered in the identification of secure core. In order to compare the alternatives, the Forest Service calculated the existing percentage of secure core both with and without nonmotorized, high-intensity-use trails for the action alternatives. Removal of high-intensity-use nonmotorized trails does not mean that the effects of nonmotorized trails would be ignored; the baseline is set depending on the definition used.

RSS: The response is irrational and blinded by the baseline. If adding high-use trails to secure core in the future does not reduce the secure core, the impacts of those trails goes unregistered and does not affect the baseline. The impacts in this way are ignored and there is no limit on allowed impacts. See letter 73-108 et seq., above. Relief is denied. Initial relief is still sought.

8-239 242 CN: Crane Mountain: The Forest should not map Crane Mountain as management area 7 because of adverse impacts to wildlife and other forest users and that those impacts to wildlife should be disclosed in the final EIS.

RSP: Crane Mountain: Alternative B modified does include Crane Mountain as a focused recreation area. Effects to wildlife in this specific area would be considered at the site-specific project level, consistent with NEPA and other requirements.

RSS: See "SVC et al on Bug Creek 180121.pdf" and "Bug Cr Scoping Pkg.pdf" in Folder 03, regarding the recently proposed Bug Creek Project on Crane Mountain. Even though the Crane Mountain Subunit is horribly substandard according to A19's 19/19/68 criteria, the Scoping Package claims that "Secure habitat for grizzly bears . . . is abundant." This serves as an example of the alternative universe created by the revised Forest Plan's redefinition of OMRD, TMRD and Secure Core. What is horribly substandard grizzly bear security under the current Plan's A19 is considered "abundant" security under the revised Plan. Relief has been denied and initial relief is still sought.

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8-268	271	<p>CN: The Forest should not allow mechanized transport or motorized use in recommended wilderness.</p> <p>RSP: The forest plan has the following plan component (MA1b-SUIT-06) for management area 1b (recommended wilderness): "Mechanized transport and motorized use are not suitable in recommended wilderness areas." The identification of suitability helps determine whether future projects and activities are consistent with desired conditions. The decisionmaker considered the desired conditions for recommended wilderness and how this plan component would help the Forest achieve the desired conditions for recommended wilderness. These areas have been identified and selected to be managed as recommended wilderness, and because these lands have been selected as recommended wilderness, the Forest will manage to protect the wilderness characteristics of these areas in the long term. The areas being recommended for wilderness do not currently have significant mechanized transport use in them now, and there is motorized oversnow vehicle use allowed in one recommended wilderness area (Slippery Bill-Puzzle).</p> <p>RSS: MA1b-SUIT-06 only addresses suitability and says "the Forest should manage to protect the wilderness characteristics." "Should" is not "shall" and saying an area is not suitable for mechanized use is not the same thing as posting and enforcing adequate closure orders making such us unlawful. Relief is denied and initial relief is still sought.</p>
8-268	271	<p>CN: The Forest should choose the recommended wilderness in alternative C.</p> <p>RSP: Under alternative B modified, the forest plan includes 190,403 acres of recommended wilderness.</p>

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RSS: Alternative C recommends 506,905 acres as wilderness - which still is not all 644,899 acres the Flathead found suitable for wilderness. Alt. Bmod increased recommended wilderness by only 0.4% of the wilderness-suitable acres over Alt. B, while 98% of public comments wanted all roadless lands recommended as wilderness and/or Alt. C. See letters 15-269 et seq. and 33-45 et seq..

8-358 361 CN: The plan should include a comprehensive approach for managing human activities to meet elk objectives, particularly all-terrain vehicle riding and mountain biking, which caused the largest reductions in feeding time and increases in travel time of elk, based upon a study by Naylor et al. (2009).

RSP: Naylor et al. (2009) was considered in the final EIS (see section 3.7.4, subsection "Forest unguulates") . . . Regarding mountain bikes, management areas 1a (designated wilderness) and 1b (recommended wilderness) are not suitable for motorized use or mechanized transport (including mountain bikes) and would contribute to high levels of elk security on much of the Forest.

RSS: Saying recommended wilderness is not suitable for mountain bikes is not the same as being legally closed to mountain bikes and enforced. (See RSS immediately above.) The FEIS (Vol. 1 h-page 446) does mention Naylor et al. 2009, but concludes that the effects of the increased movement of elk in response to human disruption "are unknown." Naylor et al. 2009, on the other hand, on page 334 find: "A potential disadvantage to elk is the energy expense of traveling during each disturbance, coupled with a loss in forage intake. A shift away from disturbance routes (as noted by Preisler et al. 2006) to areas of potentially lesser quality forage could have a cumulative effect on long-term body condition." The Flathead ignores the impacts of elk displacement just as it ignores the impacts of displacement of grizzly bears from non-motorized trails. Relief is denied and initial relief is still sought.

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RSS: The RPC does not respond to our concerns about ultra-marathon races and mountain bike races, which we recommend be confined to the Whitefish Mountain Resort permit area. Instead, Alt Bmod appears to trim back the Jewel Basin and other wilderness recommendations to accommodate these activities and alleviate the need to preserve the wilderness characteristics of those areas. Relief is denied and initial relief is still sought.

298 9/29/16

8-21

24 CT: Grizzly Bear--Draft EIS Analysis
CT: Grizzly Bear--Habitat Security

8-24

27 CT: Miscellaneous—Comments Incorporated by Reference

8-161

164 CN: The Forest Service should take a more conservative approach because of the risk of ecological traps.

8-162

165 RSP: The draft NCDE Grizzly Bear Conservation Strategy incorporated the concept of source/sink dynamics, indicating that the NCDE could serve as a source population to other recovery zones in the United States that remain threatened by small population size (USFWS, 2013, p. 2). The draft conservation strategy (p. 20) further recognized that zone 3 is not expected to be continuously occupied by bears but rather will likely always rely on the primary conservation area as the source for more bears, similar to the source/sink dynamics observed between mountain and prairie habitats along the Rocky Mountain Front in Alberta.

RSS: The issue of reconnecting the various lower-48 sub-ecosystems is paramount in light of Peck and others' 2017 paper on the "Potential paths for male-mediated gene flow to and from an isolated grizzly bear population." While this paper provides some hopeful looking maps of potential paths between the NCDE and Yellowstone, the likelihood that grizzly bears will be able to make the trip appears to be zero. On page 15, the "Peck et al. 2017.pdf" paper (Folder 24) concludes:

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"However, among 20,000 simulations consisting of 3000 steps (equivalent to one active season), very few simulated walks reached the vicinity of the destination population, and none were fully successful."

In other words, male bears can't make the trip in a single season and will have to set up home ranges in the highly-lethal lands along those paths. Nowhere do the draft HBRC or the draft Conservation Strategy establish adequate criteria and standards that will ensure male bears can establish themselves in these intervening lands, let alone female bears also necessary for successful reproduction and genetic exchange. The bears need secure, suitable, occupiable habitat between the sub-ecosystems, not paths.

The NCDE and/or Yellowstone cannot afford to have any sizeable fraction of 20,000 bears perish trying to travel along these potential paths in a real-life enactment of the failed computer simulation. The Peck et al. paper is not a cause for celebration but a sobering reminder that these sub-ecosystems are highly isolated from one another. An adequate Recovery Plan and HRBC are needed to secure grizzly bear occupancy, not just travel, between the sub-ecosystems.

The FEIS, BAs, BiOps, and Conservation Strategy are all fatally premised on the assumption that an NCDE population that existed in 2011 and was growing at 2 or 3% per year is robust enough to afford bleeding off enough bears to make the trip to Yellowstone and other ecosystems without taking up multi-season residency along the way. Ceasing to improve habitat conditions and security in the NCDE, by abandoning further implementation of A19 and failing to apply its 19/19/68 objectives in the Salish Mountains and other intervening lands, will likely hamstring the population growth in the core population source and leave the intervening lands as too large a population sink to effect a robust reconnection of the lower 48 subpopulations. While the papers on ecological traps we submitted have been restated in the RPC, no substantive changes have been made to the Forest Plan in light of them. Relief has been denied and initial relief is still sought.

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8-174 177 See letters 44-177 et seq. and 162-177 et seq..

332 9/30/16 8-18 21 CT: Best Available Scientific Information—Amendment 19
8-22 25 CT: Grizzly Bear--Support for A19 Standards

8-103 106 CN: The RPC does not list or capture our concern, which is that the Flathead has unlawfully dropped the "3 and 7 rule" for grizzly bear subunits where Security Core has not achieved 68%.

RSP: There is no response whatsoever to our concern.

RSS: Relief has been denied and initial relief is still sought, which is to reincorporate the "3 and 7 rule" into A19 implementation, include it in the description of Alt. A, and include it in the action alternatives as well. The Forest Plan's statement that no more than three adjacent subunits can have the OMRD/TMRD/Secure Core indices relaxed for projects simultaneously is a wholly inadequate substitute for the "3 and 7 rule" as bears attempt to find secure areas during displacement by projects.

2864 10/3/16

8-19 22 CT: Draft EIS—Budget
CT: Draft EIS—General
8-20 23 CT: Forest Products—Budget
8-21 24 CT: Grizzly Bear—Habitat Security
8-24 27 CT: Litigation and Objections
CT: Management Area 7—Focused Recreation Areas
8-27 30 CT: Recreation—Motorized Over-Snow Vehicles, Maps
8-131 134 See letters 38-134 et seq. and 44-134 et seq..
8-133 136 See letters 38-136 et seq. and 44-136 et seq..

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8-141	144	See letter 38-144. The \$2.2 million figure did not get corrected in the FEIS.
8-174	177	We cannot determine why our letter 2864 is keyed to these CNs and RSPS.
8-226	229	<p>CN: In addition, because the Forest did not identify a preferred alternative in the draft EIS, “The public is now left with nothing but the formal objection process to make their lingering concerns known to the Forest Service.”</p> <p>RSP: Describes the public involvement process and leaves public comment on the FEIS up to the Objection process.</p> <p>RSS: Our concern was based also on the number of errors and uncertainty in the DEISs, requesting another comment period on a corrected DEIS. Relief is denied and initial relief is still sought.</p>
8-238	241	See letters 13-241 et seq., 15-241 et seq., 49-241 et seq., and 73-241 et seq.
8-278	281	<p>CN: The Forest should clearly indicate on the [snowmobiling] map legend what represents the current state of travel planning. It appears this is what is considered “currently suitable” under each particular alternative, but the currently suitable areas should be the same under all alternatives. How it is shown now, where snowmobiling is currently suitable and where it is proposed as suitable, is confusing.</p> <p>RSP: The motorized over-snow vehicle use suitability map has been revised to better show where the areas that are currently suitable and not suitable to motorized over-snow vehicle use are located.</p> <p>RSS:Thanks. The maps are easier to read.</p>

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none	11/23/16	none	none	<p>CN: Our 11/23/16 letter expresses numerous concerns with the still-imaginary Pacific Northwest Trail and how it would, among other things, violate grizzly bear Security Core and likely destroy solitude in proposed and recommended wilderness areas in the Whitefish Range.</p> <p>RSP: The RPC does not list this letter, let alone respond to it in any way. Volume 1 of the FEIS on page 26, however, notes that Alt. Bmod and the Forest Plan reduce the Tuchuck-Whale recommended wilderness by 887 acres "in order to provide flexibility to allow mechanized transport because a comprehensive management plan is currently being developed for the trail."</p> <p>RSS: The substantive response in the FEIS is absolutely contrary to the Forest Plan's stated goal of designating recommended wilderness areas as "unsuitable" to mechanized use. It instead removes areas from wilderness recommendation in order to allow such mechanized use. Actions contrary to the relief we request have been taken and our initial relief is still requested. Our 11/23/16 letter was submitted in as timely a fashion as possible and was not able to be submitted during the formal DEIS comment period due to deficiencies in the DEIS concerning this trail. This letter is a timely response to "an issue that arose after the opportunities for formal comment," as provided for in 36 CFR 219.54(c)(7). Our letter is located at: http://www.swanview.org/reports/161123_SVC_PNW_Trail.pdf</p>
none	4/20/17	none	none	<p>CN: Our 4/20/17 letter expresses concerns that there is inadequate regulation of mountain biking and human use of "stored" logging roads in the NCDE.</p> <p>RSP: The RPC does not mention this letter and provides no response.</p> <p>RSS: The FEIS, the Forest Plan and the proposed Habitat Based Recovery Criteria do not provide the relief we requested. This is thoroughly described in the beginning narrative portion of this Objection. Our 4/20/17 letter is "Bikes-Trails-Roads NCDE.pdf" in Folder 14 and is also located at:</p>

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http://www.swanview.org/reports/Bikes-Trails-Roads_NCDE.pdf

none 4/29/14 none none CN: "We ask further that you remove all late-season snowmobile areas during Flathead Forest Plan revision and return to the pre-Amendment 24 Forest-wide snowmobile closing date of March 15 to protect grizzly bears emerging from winter dens."

RSP: There is no mention of this email thread in the RPC, nor mention of the 5/6/14 email thread discussed below.

none 5/6/14 none none CN: "When provided the above reports [of damage done by late-season snowmobiling], your predecessor's response was to legalize such nonsense and damage with Amendment 24. You and your staff now have an excellent opportunity to set things right in your Revised Forest Plan."

RSP: There is no mention of this email thread in the RPC. However, Supervisor Weber responded on 5/6/14: "Thanks for sharing your opinion on this. I think having it as input for plan revision is the right approach." See "Weber Response 140506b.pdf" in Folder 16.

RSS: The 4/29/14 through 5/6/14 email thread with photos is provided in Folder 16, as "SVC to Weber et al 140429.pdf" and "SVC to Weber et al 140506.pdf". It concerns the documentation of snowmobiles travelling near dens with emerging grizzly bears and illegal trespass on the Lewis and Clark National Forest facilitated by late-season snowmobiling allowed on the Flathead NF in the Skyland area. The revised Plan still allows late-season snowmobiling in numerous areas, including Skyland. Recommending a bit of wilderness in the Puzzle Creek area and calling it "unsuitable" for snowmobiles will not relieve the impacts of late-season snowmobiling of grizzly bears and does nothing to alleviate the lack of ability to adequately monitor snowmobiling near dens. Relief has been denied and is still sought as stated initially. Also in Folder 16 is the FWS BiOp on Amendment 24 and our "Endless Winter" late-season snowmobiling damage report mentioned in the email string.

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The above email string is also relevant to the Forest Plan's definition of "impassable" roads, which only requires treatment of the first 50' of the road "to make it inaccessible to wheeled motorized vehicles during the non-denning season," with denning season December 1 - March 31. See our photos in the email string showing snowmobiles travelling on snow-free roads for great distances and outside the denning season on roads open year-round to snowmobiles. The Forest Plan allows "impassable" roads to remain open to snowmobiles, snow-bikes, mountain bikes, skiing, and hiking year-round and open to motorcycles and ATVs during the grizzly bear denning season via simple trespass of a 50' closure treatment. This is unacceptable and the relief we still seek is for roads to be fully reclaimed and decommissioned, have all stream-aligned culverts removed, and be re-vegetated to no longer function as a road or trail, motorized or non-motorized - as required by A19. See our reports and their supplements in Folder 04 for more details.

Also included in Folder 16 is the Flathead's "A24 FEIS Clarification 031222.pdf" making it clear that A24's inclusion of the late-season snowmobile areas was a late concession to snowmobilers. This concession was not a part of the snowmobiling lawsuit settlement agreement nor was it agreed to by all parties in the subsequent discussions and drafting of Amendment 24.

POSTSCRIPT: Keith Hammer recently issued a Third Supplement to his Roads to Ruin and TMRD reports. It describes how Total Motorized Route Density evolved from Total Road Density, how it is based in the South Fork Grizzly Bear Study (Mace and Manley 1993), and how in Flathead Forest Plan Amendment 19 it requires that roads be decommissioned, revegetated and removed from the "system" to lower TMRD. It also shows how Mace and Manley 1993 answered the Flathead's questions about how to calculate road densities, showed that Total Road Density must be considered in addition to Open Road Density, and points to why A19 capped the total miles of road that can exist in griz habitat due to the importance of roadless areas to female griz. See: http://www.swanview.org/reports/Third_Supplement_to_TMRD_Report.pdf