

Swan View Coalition Nature and Human Nature on the Same Path



3165 Foothill Road, Kalispell, MT 59901

swanview.org & swanrange.org

ph/fax 406-755-1379

December 14, 2020

Chris Dowling - District Ranger
Swan Lake Ranger District
200 Ranger Station Road
Bigfork, MT 59911

Re: Comments on Bug Creek Project EA
Submitted as PDF to comments-northern-flathead-swan-lake@fs.fed.us

Dear Mr. Dowling;

Please accept these comments on the Bug Creek Project EA. We incorporate by reference our Bug Creek scoping comments dated 1/21/18 and 2/15/18 and we ask that they be read in their entirety as a part of these comments. We also incorporate by reference the comments being submitted in this matter by Friends of the Wild Swan and WildEarth Guardians.

We also submit with these comments two DVDs of supporting documents, numbered 1 and 2. When we reference documents on the DVDs, we will most often use the format DVD X, Folder XX, filename. The documents cited in our 1/21/18 letter can be found on DVD 1, Folders 22, 22, 22, 04, 04, and 01 (per the order in which they are cited). The documents cited in our 2/15/18 letter can be found in DVD 1, Folders 01, 00, 04, and 00 (per the order in which they are cited).

1. Excessive Opening Size of Regeneration Logging Units

NOTE: The late-night (8:17 pm Friday, 12/11/20) notice in this regard changes nothing regarding the adequacy of the EA and what we have written below. That latter notice was not issued as a supplement to the EA and did not reset the 30-day public comment period for the EA. That notice does not explain why it was made necessary, nor whether it replaces the 11/13/20 notice issued in the EA cover letter, leaving the public to wonder why there are now two public notice periods for oversize logging units. Moreover, that latter notice was likely not received by many members of the public (those that still appreciate the sanctity of their weekends) until Monday morning, 12/14/20, the day that public comments on the EA are due and likely after many people had already submitted their EA comments. The issue of oversize logging units is inextricably tied to the EA and the issue of whether it adequately discloses the impacts of those units and the necessity for their excessive size. We argue the EA does not and we provide excessive distances to hiding cover for grizzly bear as one example of harm

caused by the excessive size. WildEarth Guardians' comments, at 19, discuss the impacts of oversized openings on threatened lynx. The Forest Service should be ashamed of giving the public the royal run-around on this!

The EA and its cover letter fail to provide adequate public notice and detail regarding regeneration logging units in excess of 40 acres. Adequate detail must be provided the public in the EA and then an adequate public notice must be issued.

The 11/13/20 EA cover letter states:

This letter also serves to notify and invite a 60-day public review on regeneration harvest openings that would exceed maximum opening size limits established by the Flathead National Forest Land Management Plan. In addition to the 60-day public review, exceedance of the established size limits requires Regional Forester's re-view and approval. Proposed openings are primarily within the WUI and are needed to reduce fuels within the WUI, creating conditions resilient to disturbance, and treat insect and disease issues.

The EA alludes to openings exceeding Forest Plan standards on:

Page 16: "Four openings would be created through regeneration harvest which would exceed the maximum opening size in the forest plan. Regional forester approval would be required for creation of these openings; this approval would be obtained prior to the decision for this project. [Alternative B]"

Page 25: "Three openings would be created through regeneration harvest which would exceed the maximum opening size in the forest plan. Regional forester approval would be required for creation of these openings; this approval would be obtained prior to the decision for this project. [Alternative C]"

Page 112: "Alternative B would create four openings through even-age regeneration harvest that would exceed the maximum opening size in the forest plan."

Page 115: "Alternative C would create three openings through even-age regeneration harvest that would exceed the maximum opening size in the forest plan."

Page 224: "Under 2018 Forest Plan, max opening sizes are variable (up to 150 acres) and linked to potential vegetation type, which are discussed in Table 21 of the Forest Plan on page 75 (USDA 2018b). Therefore, the Bug Creek Draft comment period will be announcing another 60-day public notice for up to four areas exceeding maximum opening size, which includes the addition of proposed activities described under Alternative C, developed from public scoping comments. "

(Note that the above paragraph promises that the public notice on opening size would be issued simultaneously with the "Bug Creek Draft comment period," not at the end of it).

The Forest Plan (page 74) clearly states "The maximum opening size created by clearcutting, seedtree cutting, shelterwood seed cutting, or other cuts designed to

regenerate an even-aged stand of timber in a single harvest operation shall be 40 acres . . . Exceptions to the 40-acre maximum opening size standard may occur when determined necessary to help achieve desired ecological conditions for the plan area.” (Emphasis added).

Yet nowhere in the EA does it disclose what units will create openings that exceed the 40-acre limit set by the Forest Planning Rule at 36 CFR 219.11(d)(4) and / or the Forest Plan's variable acreage standard (FW-STD-TIMB-07) provided under 36 CFR 219.11(d)(4)(i). This variable Forest Plan standard provides maximum opening size of 80 acres on warm-dry and warm moist, 150 acres on cool-moist and 90 acres on cold potential vegetation types.

The public can glean from EA pages 201-2010 that 7 seedtree units and 1 clearcut unit exceed 40 acres on their own (units 21, 26, 37, 49, 51, 97, 115, and 117), but cannot glean what combinations of which units will create openings that exceed 40 acres. Then the EA throws the public a curve ball by alluding to only 3 or 4 “openings” being of excessive size, as described above - and by claiming public notice and Regional Forester approval need be undertaken for only 3 or 4 openings. 36 CFR 219.11(d)(4)(ii) requires that public notice and Regional Forester approval is required for units exceeding the 40-acre Planning Rule maximum and the variable-acre Forest Plan maximums “established in paragraphs (d)(4) and (d)(4)(i).” (Emphasis added).

Moreover, it is impossible to determine from the EA which of the units or combination of units that exceed the 40-acre maximum also exceed which of the three maximums set in FW-STD-TIMB-07, depending on the undisclosed vegetation type. And one must pause here to note that we are at this point discussing a project that is deviating from a “nondiscretionary” Forest Plan standard which itself deviates from the 40-acre Planning Rule maximum - so we are dealing here with exceptions to the exceptions. How absurd!

The EA does not give a site-specific rationale for why this project’s logging regeneration units cannot comply with the 40 acre maximum, let alone why it requires a deviation from the Forest Plan’s larger size exceptions. Lastly, the EA does not include the subsequent detail provided in the late-night 12/11/20 notice. For the foregoing reasons, the public notices on excessive opening size are inadequate and must be reissued in the company of clear, concise information in the EA for all units that in combination create regeneration openings exceeding 40 acres.

Moreover, each violation of the Forest Plan’s 40, 80, 90, and 150-acre opening size “standards” requires an amendment to the Forest Plan. Otherwise, those units are inconsistent with the Forest Plan and violate the NFMA.

These oversize openings are inextricably tied to increased impacts to grizzly bears, for example. Units 37, 38, 115, and 117 are exceptions to/exceed the “600’ to cover maximum” rule intended to “provide cover and connectivity” for wildlife including grizzly bear (EA at 38 and 141). The EA, at 38, points to Forest Plan guideline FW-GDL-TE&V-02 as though the 600’ rule is at least a guideline that “should” be followed - but the Forest Plan makes absolutely no mention of the 600’ rule anywhere, not even in the referenced guideline.

The EA fails to mention that, under the 1986 Forest Plan (at II-31) “No point within the unit can be more than 600 feet from cover” in grizzly bear habitat. This was a non-discretionary prohibition even though listed under “guidelines.” The EA provides no adequate rationale for the 600’ rule, let alone the scientific basis for it, its use in the prior Forest Plan, and the environmental consequences of exceeding the rule. Nor does the EA provide adequate, unit-specific reasons for why each unit that either exceeds the 600’ rule or contributes to openings that exceed the 40, 80, 90, and 150-acre opening size “standards” must be that size and shape and cannot be reconfigured to comply with those rules and standards.

We oppose all units that contribute to openings that exceed these rules and standards due to their increased negative impacts to grizzly bears and other forest resources, as well as the lack of adequate public notice required by law and regulation. This long list of exceptions to the exceptions to the mandatory “standards” also makes a laughing stock of the 2018 Forest Plan and renders it meaningless as a tool for limiting the impacts of road building and logging.

As will be discussed below, these excessively-sized units and openings do not “maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population,” as required by the 2018 Forest Plan. They instead fragment the habitat in ways not allowed under the prior Forest Plan, which was credited with contributing to improvements in the bear population.

2. Grizzly Bear and Road Management

The EA makes no mention anywhere of the 1996 Crane Mountain Salvage decision to decommission over 80 miles of road in the project area, let alone that 60 miles of those roads have yet to be decommissioned (see the Bug Creek Scoping Document). Nor does the EA mention that Amendment 19’s 19/19/68 limits on OMAD, TMAD and Core, (which prompted the road decommissioning in the Crane Mountain Salvage decision) remain the “research benchmarks” by which Fish and Wildlife Service will determine levels of incidental take (IT) of grizzly bear in Bug Creek and other projects. (See FWS’s 11/22/17 biological opinion on the 2018 Flathead Forest Plan). These omissions are not remedied by Appendix E to the EA.

The public is left wondering if the Crane Mountain Salvage decision will some day be implemented and whether that promised road decommissioning is a part of the Bug Creek No Action alternative. We asked in our scoping letters that this No Action issue be clarified but the EA instead is absolutely silent on the issue.

EA page 137 notes the current Crane Mountain Subunit parameters are 28/55/25, but the EA fails to note those conditions are far in excess of the <19/<19/>68 IT benchmarks. Nor does the EA explain that those subpar baseline numbers are a primary reason there will be formal consultation with FWS over the Bug Creek project. Instead, the EA relies on inadequate Forest Plan standards to suggest the area is in plenty good shape for bears. The EA fails to develop and describe an alternative that would minimize the IT of bears by meeting the 19/19/68 research/IT benchmarks. Without such an alternative, the public and decision maker cannot make a reasoned comparison

of other alternatives to the research benchmarks and are left with no idea of what meeting 19/19/68 and minimizing IT looks like on the landscape.

The Bug Creek Project does not “maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population,” as required by the 2018 Forest Plan (see the 10/31/17 Biological Assessment on the revised Forest Plan, at 127). Opening 3.4 miles of Road 9714 to form a motorized loop route, even if 1.6 miles of the Estes Lake Road/Trail is closed to motor vehicles, still results in a “net gain of 1.8 miles of motorized access” (EA at 88). This does not maintain the on-the-ground conditions that have contributed to the growth and expansion of the NCDE grizzly bear population.

In fact, the closure of that portion of Road 9714 was made by previous wildlife biologists to intentionally divide the road system on Crane Mountain to eliminate loop-levels of motorized traffic in order to benefit bears and their recovery. Current wildlife biologists are being intellectually and scientifically dishonest in claiming that reopening that section of road will not have appreciable impacts to bears.

The fact that this “net gain of 1.8 miles of motorized access . . . would not increase OMRD in the Crane Mountain subunit” (EA at 145) points to the inadequacy of the Forest Plan standards to actually measure on-the-ground conditions. It also points up the willingness of the Forest Service to exploit such loopholes by arguing that there are a lot of roads in the area already, so why worry (EA at 145). The Flathead’s Joe Krueger explains how the Flathead sees no problem in building more roads in areas of already high total road density because it can do so without it showing up in TMAD numbers either (see DVD 2, Folder 07, 2020-11-20 Doc. 97-1 Decl _ Keith Hammer.pdf, Exhibit 2). This is what is happening in the Bug Creek Project for both OMAD and TMAD.

Building and opening more roads in areas of high road density does not maintain the on-the-ground conditions that have contributed to the growth and expansion of the NCDE grizzly bear population. Are Flathead Forest staff willing to let unknown people build houses on their private property, between their house and their neighbor’s, simply because they already live in an area with houses? According to the Bug Creek EA and the Forest Plan, this would have no effect whatsoever on the staff’s wellbeing!

The EA, at 18, proposes to construct 3.2 miles of new system road and to build another 10.1 miles of system road on “existing templates,” presumably roads previously abandoned or decommissioned and removed from the system. These roads will then be managed as “impassable” system roads, with some exceptions requiring less intensive closure methods (Id). Impassable roads, however, need only be closed by a physical barrier to motorized vehicles in the first 50 feet and are allowed to continue functioning as a road and trail. Roads reclaimed and decommissioned under the 1986 Plan’s Amendment 19 were required to have the entire road treated in such a way that they no longer function as either a road or a trail, motorized or non-motorized.

Rebuilding these reclaimed, abandoned and decommissioned roads and again allowing them to function as roads and trails fails to “maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population,” as required by the 2018 Forest Plan. Ditto for the new system road

construction. For a more detailed discussion of this problem, see DVD 2, Folder 07, 2020-11-20 Doc. 97-1 Decl _ Keith Hammer.pdf and 2020-11-20 Doc. 97 Plaintiffs Joint Combined Reply.pdf. Please read those documents in their entirety as a part of these comments on the EA. For a broader discussion of these problems, please see in DVD 1 our Forest Plan Objection in Folder 00, our Roads to Ruin report and its supplements in Folder 04, our comments on the NCDE Conservation Strategy in Folder 22, and our comments on the NCDE Habitat-Based Recovery Criteria in Folder 21.

Moreover, even the 2 miles of roads to be decommissioned under the action alternatives would be managed simply as “impassable” roads and not be fully reclaimed (EA at 19). Similarly, a number of roads would have berms replaced with even less effective gates (Id). Worse yet, the newly constructed roads that aren’t managed as “impassable” do get counted in TMRD (EA at 144), but that somehow still does not violate the Forest Plan standard allowing no increase in TMRD over the 2011 baseline!

These lessened protections for grizzly bear security do not “maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population,” as required by the 2018 Forest Plan - even as they avoid detection in baseline parameters and values. The EA fails to discuss the ineffectiveness of berm and gate closures compared to road reclamation, the removal of culverts and bridges, and the re-vegetation of the entire road, rendering the EA inadequate in taking the hard look required by NEPA. (See DVD 2, Folder 07, 2020-11-20 Doc. 97-1 Decl _ Keith Hammer.pdf and 2020-11-20 Doc. 97 Plaintiffs Joint Combined Reply.pdf; and DVD 1, Folder 15, Swan_2004_Rd_Closure_Report.pdf).

The EA most often refers to closure of the Estes Lake “trail” to motorized use, while on page 183 it is referred to as an “NFS [National Forest System] ROAD.” The EA remarkably claims that changing this road to “non-motorized” will increase Secure Core by 10% (page 145) while providing no background on the abuse and trespass of other bermed roads and trails in the area by ATV. To claim an effective increase in Core before the agency has proved the closures to be effective is arbitrary, capricious and an abuse of agency discretion. While we support closure of the Estes Lake road / trail to motorized use, we know from experience in the area that it will be quite some time, if ever, before ATVs and motorcycles quit trespassing all the way from Highway 35 at Woods Bay up through DNRC and FS land to Crane Mountain Road 498, as has been going on for decades.

See DVD 2, Folder 10, Weber Kehr Meeting 110620.pdf, pages 18-45 for photos and maps of ATV, motorcycle, and mountain bike trespass and unlawful trail building in this area. The EA makes no mention of the long history of such trespass and unlawful trail building, providing a biased view of building and/or designating new trails and roads in the area. We will go into this further when we get into the trail proposals in section 3 below.

Most importantly at this juncture, the EA fails to include a map of Secure Core in the affected subunits. Nor does it mention whether such maps exist in the Project File. It is impossible to figure out what the EA is talking about without a map of Secure Core before, during and after the project. The EA is totally inadequate in this regard and

must include these maps in the EA, not just in the Project File, as described in WildEarth Guardians' comments on page 5 and elsewhere.

Similarly, the EA provides no adequate timeline for the reportedly temporary increases in OMAD and TMAD or the temporary decreases in Secure Core. Nor does the EA adequately explain how these temporary deviations apply to the 10-year Bug Creek Project (EA at 136) when projects are not supposed to last more than 5 years and when such deviations are averaged over 10 years (see also WildEarth Guardians' comments at 17).

Nor does the EA provide an adequate timeline for these Bug Creek project deviations alongside the Mid-Swan project, which the EA (at 147) acknowledges "could have activities that contribute potential for disturbance to grizzly bear beginning in 2024 overlapping with the potential timeframe for implementation of Bug Creek activities." Nor does the Bug Creek EA provide a map of the grizzly bear subunits affected by the Bug Creek project, let alone those affected by the Mid-Swan and other nearby projects like Weed Lake and March Madness - all of which must be coordinated in time and space according to the Forest Plan in order to limit the displacement of grizzly bear from subunits. This leaves the public and decision maker blind in these regards and also is a failure to adequately disclose and discuss cumulative effects.

Similarly, the EA paints a confusing picture of denning habitat in the project area. On page 140, the EA says that restricted roads used for the project are "further than 3 km" from modeled denning habitat. It also says that almost "50% of the denning habitat in the project area is within 1 km to an open road (NFSR 498)." It also says alternative B and C have the potential to affect 43% and 36% of denning habitat, respectively, during the denning season, in addition to the ongoing impacts of snowmobiling and snowmobile grooming of Road 498 during those winter denning months. Yet the EA provides no map of where the denning habitat is located so the public and decision maker can better understand these significant impacts. These are among the many reasons that an EIS is required, in addition to those described by WildEarth Guardians on pages 2-4 of their comments.

3. Proposed and Existing Trails

The EA fails to adequately describe the existing and past circumstances regarding unlawful road and trail trespass and construction in the project area. The area where trails are proposed to be added to the system is riddled with unauthorized routes that the Forest Service has refused to physically close to use by ATVs and mountain bikes. Now the Forest Service wants to reward that unlawful activity by designating some of those routes as non-motorized system trails, as though the decades-long ATV use will simply disappear and the unlawful trail building will magically cease.

See the entire contents of DVD 2, Folder 10 for a small fraction of the 7 gigabytes of photos and other documentation we compiled of the unauthorized trail building, ATV trespass and unauthorized building of mountain bike "features" on then-already-system trails on Crane Mountain (Beardance, Crane Creek and Phillips trails):

Weber Kehr Meeting 110620.pdf is a slide show presented to the Forest Supervisor and District Ranger in 2011, summarizing the unauthorized expansion of the Crane Mountain trail network for mountain biking, the unauthorized building of mountain bike “features” on already-system trails by a Forest Service volunteer, and the unlawful use of a number of these trails and roads by motorized ATVs and motorcycles. This summary includes on page 37 an acknowledgement by then Recreation Forester Andrew Johnson that unauthorized trails can take 50 years to heal.

Probable Cause Statement re Cron.pdf is a 2011 Statement of Probable Cause by Forest Service Law Enforcement Officer Jody Freund, documenting his issuing Ron Cron a Violation Notice for constructing an unauthorized mountain bike trail on Crane Mountain in 2009.

The Subfolder “Facebook” contains a series of Facebook posts by Ron Cron and others in the “Open Group - Crane Mountain Trails Supporters, A group of dedicated mountainbikers that are willing to build and maintain a trail system on Crane Mountain.”

Cron to Hammer 110612.pdf is a message from Ron Cron to Keith Hammer, denying him access when the Crane Mountain Trail Supporters group switched to “private” on Facebook.

The Subfolder “Press” contains articles about the public controversy surrounding the Crane Mountain trails and other mountain biking issues.

Bear Dance Trail Cron 110610.mov is an audio recording of Ron Cron at his fundraiser for Crane Mountain trails claiming he had Forest Service permission to build mountain bike jumps the whole length of the Beardance Trail.

Sprunger Bike Cartoon.pdf is a political cartoon by Jerry Sprunger from the Bigfork Eagle newspaper, inspired by the Crane Mountain controversy and depicting the conflicts between speeding mountain bikers and hikers.

SVC to Kehr re Beardance 111009.pdf is a letter from Swan View Coalition to the District Ranger, thanking him for the removal of some of the mountain bike jumps and ramps from the Beardance and Crane Creek trails, but asking for the removal of more of them.

Kehr to SVC 121017.pdf is a letter from the District Ranger to Keith Hammer/SVC, thanking him for walking the Beardance Trail with him, his recreation staff, and Ron Cron - and announcing some of the mountain bike features would be removed from the Beardance Trail to meet Forest Service Handbook directives: “At a number of locations, constructed mountain bike features have been added by volunteers and others. Some of these features provide a path through wet areas or water crossings while other features were added for the sole purpose of providing challenge features for mountain bikers.”

121030 SVC to Kehr opt.pdf is SVC's response to the District Ranger, thanking him for writing he'd remove "challenge features" but asking him to be more specific about which features would remain or be removed. We received no feature-by-feature response to the photos we provided. While many of those features were subsequently removed, a number of them remain to this day.

The Subfolder "Crane Maps from Pinkbike" are maps posted by Ron Cron to Pinkbike.com. They show a complex network of trails both above and below Road 10213, a couple of which are documented in Weber Kehr Meeting 110620.pdf. One of those maps is included below, as an example:



The EA relates none of this history. On page 87, the EA instead vaguely alludes to the fact that some of these trails already exist by saying a "proposed trail system would create or designate approximately 17 miles of non-motorized trails," concluding "As various user groups develop a sense of ownership for their favorite trails, then volunteer to adopt and maintain them, the need to utilize Forest Service funds for maintaining many of these trails may decline over time."

The EA is being unacceptably coy about what parties and “various user groups” want the proposed trail system and what parties the Forest Service might accept as volunteers and partners in this undertaking. It’s pretty obvious one user group already built a bunch of mountain bike trails in the area. Will the “pack and saddle” trails connect with trails on adjacent private lands and would those trails be available for guided horseback trips? NEPA requires full disclosure of what is being contemplated here, before commitments are made or actions are taken. Instead the EA is silent and the Forest Service has allowed actions to be taken.

The Forest Service took two years to fine one person for building one of the unauthorized mountain bike trails (after the unauthorized trail building was exposed publicly) where the adoption of numerous such trails into the trail system is now proposed. Then the FS refused to issue legal closure orders to keep those trails from being used and maintained as mountain bike trails, with a number of them also being used as unauthorized motorized trails. Now the EA portrays the situation as though the FS is starting from scratch and that it and its volunteers can be trusted to do the right thing.

This type of behavior sets a horrible precedent, especially when the Forest Service turns around and sanctions trails that were unlawfully constructed. A similar situation is unfolding in Krause Basin as mountain bikers clear living trees, deadfall and brush from unauthorized routes and reportedly add those routes to maps on trailforks.com. Swan View Coalition showed Ranger Dowling some of this route clearing on 8/10/18, but the trail clearing has continued while “collaborative” planning for the Krause Basin area is not scheduled to begin until 2021. How many of these unauthorized routes will mountain bikers and ATV riders champion during that process because the Forest Service stood aside and let unauthorized trails be cleared?

The Bug Creek EA contains no adequate map of the existing unauthorized road and trail system on Crane Mountain. Nor does it adequately describe the law enforcement problems that the proposed designation of 17 miles of trails is supposed to magically remedy. Nor does the EA show which of the many trails that apparently already exist (see DVD 2, Folder 10, Subfolder “Crane Maps from Pinkbike” and the map above) would be designated as “system” trails and whether the others, including the now long-established network below Road 10213, would continue to receive mountain bike and motorized use as we have documented before. Nor does the EA describe how motorized and non-motorized use will finally be barred from these non-designated trails, if that is even the intention of the Bug Creek Project.

Human uses of these trails, both motorized and non-motorized, displaces wildlife including elk and bears. The EA, at 146, claims that non-motorized recreation has not been shown to have population-level effects on grizzly bear - immediately after citing Fortin et al. (2016), which did find such population-level effects. Nor is population-level effects the only appropriate scale for determining project-level effects and IT.

The EA fails to mention the research of Preisler et al (2013) that finds that mountain bikes are a close second to motorized vehicles for displacing elk and are more disruptive than hiking or horseback riding. The EA also fails to mention Naidoo and

Burton (2020), who found that mountain bikes displace moose and grizzly bear more than motorized vehicles! (See DVD 2, Folder 04 for these research papers).

Nonetheless, the EA at 146, claims that “Secure Core created by the removal of motorized use on Estes Lake trail would overlap proposed non-motorized trails.” This bit of magic is only accomplished by discarding the former Forest Plan Amendment 19’s acknowledgement that high-use non-motorized trails disqualify areas from being considered Security Core. Building, allowing and designating high-use non-motorized trails in areas considered Secure Core does not “maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population,” as required by the 2018 Forest Plan. It instead institutionalizes human impacts to bears and other wildlife without it registering as a decrease in Secure Core or an increase in route densities. (See DVD 2, Folder 07, 2020-11-20 Doc. 97-1 Decl _ Keith Hammer.pdf and 2020-11-20 Doc. 97 Plaintiffs Joint Combined Reply.pdf. See also in DVD 1 our Forest Plan Objection in Folder 00, our Roads to Ruin report and its supplements in Folder 04, our comments on the NCDE Conservation Strategy in Folder 22, and our comments on the NCDE Habitat-Based Recovery Criteria in Folder 21).

The EA’s assessment of the effects of non-motorized trails is wholly inadequate. Moreover, the EA unsuccessfully attempts to argue that roads and logging do not have population-level impacts on grizzly bears either, a slap in the face to decades of research and policy documents even the NCDE Conservation Strategy dared not confront (EA at 136). Rather than attempting a revision of history, the EA should perhaps look at more recent research showing that all sorts of human disturbances displace grizzly bears and effectively shrink their habitat - and that proxies such as road densities are not as adept at estimating that displacement than the Cumulative Outdoor Activity Index proposed. (See DVD 2, Folder 04, Corradini et al 2020 in Press.pdf).

4. Cumulative Effects

In the two years since the 2018 Forest Plan was finalized, the Flathead has proposed or implemented 7 timber sale projects of note, including Bug Creek. Those 7 projects are rebuilding 26.3 miles of historic roads and returning them to the road system to be managed as “impassable” to motor vehicles. In addition, they are building 43.5 miles of new permanent system roads, for a total of 69.8 miles. This is more than 20 times the road miles built in the Flathead’s grizzly bear habitat from 1996 - 2010 under Amendment 19 (3.2 miles that were largely road re-routes. See DVD 2, Folder 07, 2020-11-20 Doc. 97-1 Decl _ Keith Hammer.pdf)! This does not “maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population.” Those 2011 conditions were governed by Forest Plan Amendment 19, which primarily drove the decommissioning of 900 miles of roads under the 1986 Forest Plan (2018 Forest Plan DEIS, Vol. 1, at 117).

Those 7 projects being planned and implemented in the first 2 years of the 2018 Forest Plan, propose only 46 miles of road decommissioning - with only 2 miles of that proposed in Bug Creek. Almost all of it is proposed as aquatic restoration in the Mid-Swan Project, which notes that funding for that decommissioning is not guaranteed, while renegeing on 59.8 miles of road decommissioning never funded and implemented

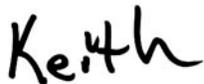
in the Crane Mountain area, as mentioned above. (See DVD 2, Folder 07, 2020-11-20 Doc. 97-1 Decl _ Keith Hammer.pdf). Moreover, the Mid-Swan road decommissioning, if it gets implemented, is likely to be the bulk of the 30 - 60 miles that might be “decommissioned or stored” over the 15-year life of the 2018 Plan. (11/22/17 FWS BiOp on the 2018 Forest Plan, at II-49).

Perhaps equally as important, those 7 projects propose to build 68 miles of new mountain bike, horseback and hiking trails, all human uses known to displace grizzly bears and other wildlife. (See DVD 2, Folder 07, 2020-11-20 Doc. 97 Plaintiffs Joint Combined Reply.pdf; DVD 2, Folder 04, Naidoo and Burton 2020.pdf; and DVD 1, Folder 24, Fortin et al 2016.pdf, Kasworm Manley 1990 roads and trails.pdf, Ladle_et_al-2018-Journal_of_Applied_Ecology.pdf, Mace and Manley 1993.pdf, Mace and Waller 1997.pdf, and Mace and Waller_1997 errata.pdf).

Nowhere does the 2018 Forest Plan, its EIS or the Bug Creek EA provide an adequate cumulative effects analysis to determine whether the Plan and its various projects are “maintain[ing] the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population,” as required by the Forest Plan. We have provided good evidence that they are not maintaining those on-the-ground conditions due to design, definition and implementation. We repeat here our request for a Bug Creek EIS that adequately details these cumulative effects and remedies the other inadequacies of the EA that we have detailed in these comments.

Thank you for this opportunity to comment and please keep us posted about this project.

Sincerely,

A handwritten signature in black ink that reads "Keith". The letters are cursive and slightly slanted to the right.

Keith J. Hammer
Chair