February 22, 2016

Via email and certified mail

Objection Reviewing Officer
USDA Forest Service, Northern Region
P.O. Box 2779
Missoula, Montana 59807

Transmitted via email to: appeals-northern-regional-office@fs.fed.us

Objection to the St. Joe District Travel Management Project, Draft Decision Notice

Dear Objection Reviewing Officer:

Pursuant to 36 CFR Part 218, the Friends of the Clearwater ("FOC" - Lead Objector), Alliance for the Wild Rockies (AWR), WildEarth Guardians (Guardians), and Kootenai Environmental Alliance (KEA)—collectively "Objectors") file this objection to the Draft Decision Notice ("Draft DN") for the St. Joe District Travel Management Project ("St. Joe TMP" or "TMP"), issued by Responsible Official Matthew A. Davis, the St. Joe District Ranger, on the Idaho Panhandle National Forests (IPNF).

The draft DN states, "I have decided to implement Alternative D, as described in the St. Joe Travel Management Environmental Assessment." Objectors have previously filed timely comments on the Environmental Assessment (EA) and during earlier phases of the St. Joe TMP public process. Our submissions include the following letters—sometimes in cooperation with other organizations:

1. EA comments 9/8/2015 FOC, KEA, AWR
2. EA comments 10/13/2009 FOC, KEA, AWR, Guardians[1]
3. EA comments 10/2/2009 KEA
4. scoping comments 12/15/2008 FOC, AWR, Guardians
5. scoping comments 12/15/2008 AWR
6. scoping comments 12/10/2008 KEA
7. pre-scoping comments 1/22/2008 FOC
8. pre-scoping comments 1/2/2008 KEA

Please note that when discussion from the above letters are mentioned in this objection [36 CFR § 218.8(d)(6)], the format often used will be the **number** of the letter from the above list followed by a colon, then the page numbers where the discussion occurred (e.g. **1**:3,5-7 means the cited discussion is found on pages 3 and 5-7 in the 9/8/2015 EA comment letter from FOC, KEA and AWR).

INTRODUCTION

Although some of our objection focuses on the failure of the St. Joe TMP to meet the minimization criteria found in Executive Orders and the Travel Management Rule, which deal

[1] Wildlands CPR is now WildEarth Guardians

with the effects of off-road travel by motorized vehicles mostly on trails[2] and areas, the ORV and STM issue is but a microcosm of the main ecological and economic problem facing the St. Joe Ranger District, the IPNF, and national forests throughout the Inland Northwest and U. S. Northern Rocky Mountains, which is the existing excessive network of roads potentially accessible by all motorized vehicles. Although the main focus of the Travel Management Rule was to be this excessive road network, by design the Forest Service (FS) sidesteps the issue at every juncture—in the design of the Revised Forest Plan (RFP), in the design of projects implementing the forest plan which is how this St. Joe TMP is characterized, and in the systematic avoidance of conducting its duties under Subpart A of the Travel Management Rule, which requires the agency to minimize the ecological and economic liabilities of the excessive road network by significantly downsizing it.

The ecological and economic liabilities of excessive road network deserve expanded discussion. First, the economic. The Analysis of the Management Situation (AMS), published by the Forest Service in 2003 as a requirement of the process leading to the revision of the IPNF's forest plan, presents the following information:

> The first two columns in Summary of Roads Table 1-26 show how many miles of road were inventoried on the KNF and IPNFs in 1987 and what is currently in the inventories. This Table shows a 22% increase on the IPNFs and a 26% on KNF. It should be noted that this increase did not result entirely from new road construction. Over the last few years, a more thorough and accurate accounting of previously un-inventoried roads contributed to the current total miles. Columns 3 and 4 show the miles of road that are open yearlong on each forest. The last two columns display the miles of road on each forest that are currently seasonally restricted or restricted yearlong.

(AMS Technical Report, 112-113) The AMS also presented information on the financial liabilities of that 11,62l miles of National Forest System Roads:

> For the IPNFs, the annual maintenance budget would need to be approximately $6.6 million dollars and the cost to bring all roads up to their assigned maintenance level is estimated at $520 million dollars.

Table 1-28: Summary of Road Miles and Estimated Maintenance Costs by Objective Maintenance Levels

FOREST	Total Miles	Estimated Annual Maintenance Costs	Estimated Deferred Maintenance Costs
Idaho Panhandle			
Objective Maint. Level 5	99	$206,415	$99,000
Objective Maint. Level 4	258	$894,228	$1,291,290
Objective Maint. Level 3	1,965	$3,075,225	$44,275,380
Objective Maint. Level 2	2,452	$1,500,624	$96,008,060
Objective Maint. Level 1	6,819	$988,755	$378,454,500
TOTAL	**11,593**	**$6,665,247**	**$520,128,230**
Kootenai			
Objective Maint. Level 5	98	$576,534	$76,815,242
Objective Maint. Level 4	121	$3,477,540	$91,161,521
Objective Maint. Level 3	1,526	$7,347,690	$190,441,748
Objective Maint. Level 2	1,759	$3,410,701	$34,173,852
Objective Maint. Level 1	4,419	$14,043,582	$122,927,742
TOTAL	**7,923**	**$28,856,047**	**$515,520,105**

Source: USFS Infra database
Note: Approx. 28 miles of road on the IPNFs has unassigned Objective. Maint. Levels.
Approx. 31 miles of road on the KNF has unassigned Objective. Maint. Levels

[2] For simplicity purposes this objection mostly refers to these vehicles as ORVs (4-wheeled off-road vehicles < 50” wide) or STMs (single track motorized or motorcycles).

(AMS Technical Report, 115.) It is important to note that the $6,665,247 estimated annual maintenance costs far exceed all published estimates of road maintenance funding the IPNF has received annually at least since the AMS was published. And although the FS never likes to analyze or disclose the forest-wide ecological impacts of its road maintenance funding shortfalls, projecting from discussion in Gucinski et al. 2001 (cited in the AMS) helps to get an idea of the scale of the impacts:

- Budgetary constraints on land management agencies may lead to lack of maintenance, resulting in progressive degradation of road-drainage structures and functions, increased erosion rates, and the likelihood of increased erosion (Furniss and others 1991).
- Raw ditch lines and roadbeds are continuing sources of sediment (Miller and others 1985), usually because of lack of maintenance, inadequate maintenance for the amount of road use, excessive ditch line disturbance, or poorly timed maintenance relative to storm patterns (Swift 1984, 1988).
- Serious degradation of fish habitat can result from poorly planned, designed, located, built, or maintained roads (Furniss and others 1991, MacDonald and others 1991, Rhodes and others 1994).
- Poor road location, concentration of surface and subsurface water by cross-slope roads, inadequate road maintenance, undersized culverts, and sidecast materials all can lead to road-related mass movements (Lyons and Beschta 1983, Swanston 1971, Swanston and Swanson 1976, Wolfe 1982). Sediment production from logging roads in the Idaho batholith was 770 times higher than in undisturbed areas; about 71 percent of the increased sediment production was due to mass erosion (Megahan and Kidd (1972), leaving 29 percent due to surface erosion.
- Road-stream crossings can be a major source of sediment to streams and result from channel fill around culverts and subsequent road-crossing failures (Furniss and others 1991). Plugged culverts and fill-slope failures are frequent and often lead to catastrophic increases in stream channel sediment, especially on abandoned or unmaintained roads (Weaver and others 1995). Unnatural channel widths, slope, and streambed form are found upstream and downstream from stream crossings (Heede 1980), and these alterations in channel morphology may persist for long periods.

While the above statements from Gucinski et al., 2001 are cited to identify some of the problems of a road system that is chronically under-maintained, it is important to recognize the ongoing ecological damage of roads—regardless of the adequacy of maintenance funding:

> Undesirable consequences include adverse effects on hydrology and geomorphic features (such as debris slides and sedimentation), habitat fragmentation, predation, road kill, invasion by exotic species, dispersal of pathogens, degraded water quality and chemical contamination, degraded aquatic habitat, use conflicts, destructive human actions (for example, trash dumping, illegal hunting, fires), lost solitude, depressed local economies, loss of soil productivity, and decline in biodiversity.

(Gucinski et al., 2001) And from the AMS:

> Changes in access (especially motorized) have had an effect on many aspects of wildlife, including habitat effectiveness and security. Direct mortality (related to access) from trapping, legal hunting, and illegal shooting has impacted all wide-ranging carnivores (e.g. lynx, wolverine, grizzly and black bears, wolves), fur-bearing species (e.g. mink, fisher, marten), ungulate species (e.g. bighorn sheep, mountain goat, elk, moose, mule deer), and some small mammals (e.g. Columbian ground squirrel). Direct mortality from collisions with vehicles may be impacting several of the carnivore and ungulate species, as well as

small mammals, reptiles and amphibian populations. Displacement (due to human activity on or near roads) from suitable habitat has also occurred for many species. Roads can also be barriers to movement between habitat blocks for some species (e.g. amphibians). (AMS Technical Report at 47.)

Roads can have some of the greatest effects to watersheds and aquatic biota. Roads can change the runoff characteristics of watersheds, increase erosion and sediment delivery to streams, and alter channel morphology (Furniss et al. 1991). These direct effects lead to changes in habitats for fish and amphibians. Roads also often fragment the habitat of these animals, and may be a significant cause of death for migrating amphibians. Although current BMPs for road construction are designed to minimize the damage to watersheds, many miles of road existing on the landscape were not built to these standards or are no longer maintained. As a result, these roads either continue to degrade watersheds through chronic erosion or are at risk for mass failure from crossings or locations on sensitive landtypes. Approximately 168 stream segments or water bodies on the two forests have been listed by the States of Idaho and Montana as impaired under section 303(d) of the Clean Water Act (as of Nov. 2002, 123 on the IPNFs and 45 on the KNF). Impaired water bodies are described in subsection 303(d) of the Clean Water Act as water quality (including stream conditions) that do not meet State water quality standards, which is a broad term that includes water quality criteria, designated uses, and antidegradation policies. (AMS Technical Report at 90.)

Vegetation and roads analyses done in preparation for the Forest Plan revisions show that physical and biological components of terrestrial wildlife habitats have changed, and these changes must be recognized. These changes have resulted in increased or decreased suitable habitat, depending on the wildlife species and are listed below. (AMS at 34.)

Since 1987, our understanding of the impacts of roads …has increased. The transportation system on NFS lands impacts suitable habitat in many ways. Roads remove fertile land from production, provide access for the public, and facilitate the extraction of natural resources. Each of these characteristics of roads has costs and benefits to different wildlife species. One of the areas where new direction is required is access management. Demands on access to public lands have increased dramatically over the past two decades, well above those anticipated in 1987 Forest Plans. The 1987 Forest Plans do not contain adequate management strategies for snowmobiling in lynx, wolverine, or bog lemming habitat, off road vehicle use, or providing adequate security levels for big game. (AMS at 35.)

Since the 1987 Forest Plans were developed, motorized and non-motorized modes of travel have increased and diversified. In the case of the IPNFs, communities like Spokane, Coeur d'Alene and Sandpoint have experienced significant population growth. …This growth in population has resulted in an increase in the numbers and types of users of NFS lands. Roads that were originally constructed and used for timber harvest are now predominantly used for recreation purposes, and resource protection and restoration.
Technological advancements in recreational equipment has resulted in forest users accessing areas that were not accessible fifteen years ago and pursuing recreational activities in ways that were not possible historically. Motorized vehicles, such as snowmobiles and ATVs, can access areas much further into the forest than they could historically. (AMS at 41.)

These days, the FS likes to claim that just about all of its management projects are "restoration," but such claims are mostly overhyped because their focus on "vegetation" (i.e., logging) again misses what really needs restoration action—the overbuilt road system. Wisdom et al., 2000 (a scientific reference cited extensively in the Revised Forest Plan FEIS) point out issues the FS wants to ignore:

> Our analysis also indicated **that >70 percent of the 91 species are affected negatively by one or more factors associated with roads.** Moreover, maps of the abundance of source habitats in relation to classes of road density suggested that road-associated factors hypothetically may reduce the potential to support persistent populations of terrestrial carnivores in many subbasins. Management implications of our summarized road effects include the potential to mitigate a diverse set of negative factors associated with roads. **Comprehensive mitigation of road-associated factors would require a substantial reduction in the density of existing roads as well as effective control of road access in relation to management of livestock, timber, recreation, hunting, trapping, mineral development, and other human activities.**
>
> **...Efforts to restore habitats without simultaneous efforts to reduce road density and control human disturbances will curtail the effectiveness of habitat restoration, or even contribute to its failure; this is because of the large number of species that are simultaneously affected by decline in habitat as well as by road-associated factors.**

(Emphases added.) The Wilderness Society, 2014 provides a comprehensive literature review of the effects of roads (and motorized routes). The Revised Forest Plan (RFP) FEIS and the St. Joe TMP EA fail to adequately analyze and disclose all the adverse impacts of roads.

Early in the IPNF forest plan revision process, the FS recognized the opportunity the process provided for addressing the excessive road system on the IPNF. This was indicated in statements made in the AMS:

> The revised Forest Plans need to be in compliance with new laws, regulations, and management direction. Forest Plans also need to incorporate new research and science that has been developed. The new strategies have been developed to aid in the sustainability of all native and desired non-native species.
>
> In January of 2001, a new Forest Roads Rule and Policy was issued which revised regulations concerning the management, use, and maintenance of the National Forest Transportation System. Forest Plan Revision provides the opportunity to incorporate this direction into the Forest Plans (USDA 2001b).
>
> **Possible Strategies in Revising Management Direction for Access and Recreation:**
> • Provide management direction for Access and Travel Management Planning, including criteria for developing access strategies by appropriate modes and season of use.
>
> Incorporate Forest-scale Roads Analysis in Alternative development.

Poised to take bold, necessary strides towards reforming its roads and access management into something ecologically sustainable, last year the FS issued the IPNF RFP and FEIS which failed to analyze or address the problem, then followed that up with a perfunctory Region 1-directed Travel Analysis Process that failed to follow the Travel Management Rule Subpart A requirements for involving the public in a science-based effort to identify the forestwide

minimum road system (e.g., Travel Analysis Report For Idaho Panhandle National Forest, Last updated: July 24, 2015).

Objectors recognize that the St. Joe TMP authorizes less overall ORV and STM access on St. Joe Ranger District trails than what appears to be authorized under the RFP. However, "The Forest Service cannot rely upon a forest-wide reduction …as a basis for demonstrating compliance with the minimization criteria. The TMR is concerned with the effects of each particularized area and trail designation. The minimization criteria must be applied accordingly." *WildEarth Guardians v. USFS* 790 F.3d 920 (9th Cir. 2015). Regardless, there would be ORV or STM increases in some specific areas. Ultimately, the situation could be much better if the agency would take seriously its responsibilities under the Travel Management Rule.

Remedy:
Complete the science-based Travel Analysis Process (TAP) as required by 36 C.F.R. § 212 Subpart A, supplanting the non-scientific process as represented by the "Travel Analysis Report For Idaho Panhandle National Forest, Last updated: July 24, 2015."

ST. JOE TMP FAILS TO COMPLY WITH THE TRAVEL MANAGEMENT RULE AND MINIMIZATION CRITERIA

Objectors' comments raised this issue: **1**:2,3,5-6 **2**:1,2-3,5,6,7 **4**:1,2 **5**:4-5 **7**:2,3

The St. Joe TMP EA failed to demonstrate that it implemented or applied the minimization criteria in the route designation process, consistent with the objective of minimizing impacts. Furthermore, the Idaho Roadless Rule and the RFP did not designate emphasis land units or management areas using minimization objectives and criteria. Therefore, the St. Joe TMP Draft DN and National Environmental Policy Act (NEPA) analysis does not adequately reflect how the FS applied the minimization criteria in its motorized trail and area designations, and the agency's draft DN is arbitrary and capricious and violates the Administrative Procedure Act (APA), NEPA, the National Forest Management Act (NFMA), the Travel Management Rule and the ORV Executive Orders, as detailed below.

When designating off-road vehicle trails and areas, federal agencies are required to minimize damage to forest resources, disruption of wildlife, and user conflicts. Exec. Order No. 11,644 § 3(a), 37 Fed. Reg. 2877 (Feb. 8, 1972), *as amended by* Exec. Order No. 11,989, 42 Fed. Reg. 26,959 (May 24, 1977). The FS must locate designated trails and areas in order to minimize the following criteria: (1) damage to soil, watershed, vegetation, and other public lands resources; (2) harassment of wildlife or significant disruption of wildlife habitat; and (3) conflicts between off-road vehicle use and other existing or proposed recreational uses. 36 C.F.R. § 212.55(b)(1)-(3). *See also, WildEarth Guardians v. USFS,* 790 F.3d 920 (9th Cir. 2015).

Pursuant to the APA, courts must hold unlawful and set aside agency actions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A), (D).

If a travel management plan decision does not adequately reflect how the FS **applied** the minimization criteria in its motorized trail and area designations, the agency's decision is in violation of the Travel Management Rule and the ORV Executive Orders. The agency must demonstrate **how** the minimization criteria were implemented or applied in the route designation

decision process, consistent with the objective of minimizing impacts. The EA and DN have failed to make such a demonstration on a trail-by-trail basis, and in terms of specific impacts along trails addressed in submissions and comments.

The EA falls short of the requirements for a proper NEPA analysis, and does not provide sufficient information to allow the IPNF to comply with its obligations under the Executive Orders to minimize impacts from off-road vehicle trails and areas.

The Draft DN states, "Alternative D ...minimize(s) damage to resoureces (sic), minimizes conflicts betweeen (sic) motor vehicle use and existing or proposed recreational uses, and addresses other direction in the Travel Management Rule... The purpose of the project is to designate public motorized access routes to minimize damage to resources." (Draft DN at 10.)

FOC comments on the EA stated:

> A significant shortcoming of the EA is that it conflates "minimize" under Executive Orders 11644 and 11989 and the Travel Management Regulations with "reduce." Repeatedly the EA concludes that, since action alternatives B, C, and D, reduce impacts from the existing situation, the impacts are "minimized." The EA fails to justify such a conclusion. For example, the EA has such a narrow and biased range of alternatives that crucial roadless and backcountry areas would receive either motorized off-highway vehicle (OHV) or motorcycle (STM) designations under every alternative. A huge body of science exists that recognizes the immense value of roadless areas—as compared to roaded and more heavily managed areas—provided because they are unmotorized. Furthermore, with the proliferation of ORVs and motorcycles, there are growing conflicts with those who wish to experience nature under its own terms, without assistance by machines and in the absence of the disturbance from others who recreate with machines.
>
> Another example of this conflation appears in the EA at 108:
>
>> Alternative B would minimize damage to watersheds by eliminating motorized access on 17.5 miles of road and trail within riparian areas (415 miles existing) in 4 of the 14 watersheds with TMDLs (Table 26, and PF: W-2, W-14). This proposed change would likely result in reduced amounts of erosion and sediment, and would contribute to long term compliance with respective TMDLs in those 4 watersheds.
>
> Similarly, the EA also concludes in several resource analyses that the small steps action alternatives B, C, and D in reducing motorized access are sufficient to protect natural resources and opportunities for quiet recreation. Such conclusions are based upon insufficient information. The 1987 Forest Plan required monitoring. Since the FS failed to conduct the required monitoring for many forest resources under that plan, the EA's cumulative effects analyses are underinformed and cannot comply with NEPA.

As described below in subsequent sections of this objection, in many places and for many resources, the EA failed to explain how it is *applying* the minimization criteria in its motorized route designations.

In order to satisfy the Travel Management Rule, "the Forest Service must actually explain how it aimed to minimize environmental damage in designating routes." *Central Sierra Envtl. Resource Ctr. v. U.S. Forest Serv.*, 916 F. Supp. 2d 1978, 1095 (E.D. Cal. 2013); *WildEarth Guardians v. USFS*, 790 F.3d 920 (9th Cir. 2015).

In *Idaho Conservation League v. Guzman*, the Idaho district court concluded that the Forest Service must do more than just "consider" the Executive Order "minimization" criteria, as set out in 36 C.F.R. § 212.55(b). Rather, the agency must document in the administrative record how it applied the criteria in its designations on the record:

> The language "with the objective of minimizing" means that the whole goal or purpose of the exercise is to select routes in order to minimize impacts in light of the agency's other duties. Simply listing the criteria and noting that they were considered is not sufficient to meet this standard. Instead, the Forest Service must explain how the minimization criteria were applied in the route designation decisions.

766 F. Supp. 2d 2056, 1074 (D. Idaho 2011). As the court explained, "'[m]inimize' as used in the regulation does not refer to the number of routes, nor their overall mileage. It refers to the effects of route designations, i.e. the [Forest Service] is required to place routes specifically to minimize 'damage' to public resources, 'harassment' and 'disruption' of wildlife and its habitat, and minimize 'conflicts' of uses." *ICL v. Guzman* at 1073 (quoting *Ctr. for Biological Diversity v. U.S. Dept. of Interior*, 746 F. Supp. 2d 1055, 1061 (N.D. Cal. 2009)). *See also, WildEarth Guardians v. USFS*, 790 F.3d 920 (9th Cir. 2015).

Before designating any trails or areas for motorized use, the IPNF's NEPA analysis must show how it actually applied the minimization criteria to all trails, and areas designated for motorized uses. The IPNF has failed to do so in the EA for this project. The St. Joe TMP will designate trails for motorized use that damage public resources, harass and disrupt wildlife and wildlife habitat, and perpetuate user conflicts.

Objectors appreciate that Alternative D would decrease some of the conflicts associated with motorized trail use in some areas. But in opening previously undesignated routes (Draft DN Appendix A) and sanctioning many other current routes without properly applying the Executive Order minimization criteria, the FS has acted in a manner that is arbitrary, capricious, an abuse of discretion, not in accordance with the law, and without observance of procedure required by law. 5 U.S.C. § 706(2)(A), (D). The FS fails to take a hard look at impacts from off-road vehicle trails and areas, and those impacts will significantly affect the quality of the human environment.

By the plain terms of the Executive Order, the St. Joe TMP is insufficient to satisfy the FS's obligation. Rather, the agency must *locate* routes to minimize impacts in the first instance. The FS can and should apply mitigation, but that should be viewed as a second step in the process.

The IPNF's failure to apply minimization criteria to the St. Joe TMP results in continuing harmful environmental, wildlife, recreation, and resource consequences.

Remedy:
Address minimization criteria by addressing the problems described in the other sections of this objection.

FOREST SERVICE FAILED TO MINIMIZE IMPACTS ON RECOMMENDED WILDERNESS, THE GRANDMOTHER MOUNTAIN WILDERNESS STUDY AREA AND OTHER INVENTORIED ROADLESS AREAS.

Comments submitted by Objectors raised this issue: **1**:5-6 **2**:3-4,5,6,7-8,17-18 **4**:6-8

Below section of this objection discusses conflicts in these special areas, and we incorporate that section herein.

This project authorizes motorized access into these special areas and thereby harms their wilderness characteristics. During the process of designing the RFP, Objectors informed the FS of its deficiencies in protecting wilderness character lands. We also informed the FS about the shortcomings of the Idaho Roadless Rule process and its outcome. The Idaho Roadless Rule and the RFP did not designate emphasis land units or management areas using minimization objectives and criteria. We fully incorporate our previous input on the Idaho Roadless Rule and the RFP on this site-specific project proposal. (See documents in folders "RFP process" and "Idaho Roadless Rule.") In addition, we offer the following discussion.

The Big Creek Roadless Area #143 provides an example of how the EA's analysis failed to explain how the FS will be minimizing adverse impacts on wilderness characteristics. The current situation is described in the EA: "A non-motorized user can usually enjoy solitude on mid-week treks into the area; however, sounds from roads that intrude into the area, such as Road 1907, can be heard. Most trails are currently traveled by motorized users." (P. 175.) The EA goes on to describe the impacts of the action alternatives (D being the preferred in the draft DN):

> Opportunities for solitude would increase slightly in the Big Creek Roadless Area for all three action alternatives, with Alternative B providing the most opportunity compared to the existing condition (Table 72). There would be no change to motorized use on existing roads with any of the action alternatives, and approximately 4.6 miles of road within the roadless area would remain open for motorized use (PF: REC-39); however, fewer miles of trails would be designated for motorized use in all action alternatives. An additional 13.3 miles of trail would be non-motorized in Alternative B, an additional 6.7 miles would be non-motorized in Alternative C, and an additional 4.9 miles would be non-motorized in Alternative D. Prohibiting cross-country motorized use may improve the naturalness in the Big Creek Roadless Area with all action alternatives because it would reduce potential damage to the resources associated with a natural environment (Table 71). There would be no change in the other wilderness attributes and their corresponding roadless characteristics, and there would be no irreversible or irretrievable commitment of resources on wilderness attributes or their corresponding roadless characteristics. Selection of any of the action alternatives would not affect future consideration for wilderness recommendations. For additional information see project file documents: REC-4, REC-22, REC-27, and REC-36.

(EA at 175.) Nowhere is there a discussion on **how** motorized impacts on solitude in the Big Creek Roadless Area are being minimized—especially where the FS prefers the alternative that reduces motorized routes in the roadless area the least. "What is required is that the Forest Service document how it evaluated and applied the data on an area-by-area basis with the objective of minimizing impacts as specified in the (Travel Management Rule)." …"(I)t is apparent that the Forest Service must provide a more granular minimization analysis to fulfill the objectives of Executive Order 11644, which the TMR was designed to implement." *WildEarth Guardians v. USFS.*

The Grandmother Mountain Inventoried Roadless Area is another example of how the FS has failed to minimize impacts. In an August 9, 2011 letter to the St. Joe Ranger District and the Bureau of Land Management, FOC described numerous problem areas on trails. (See "FS Letter" and photos in the folder, "FOC photos and letters.) The letter describes soil and trail damage, as well as illegal ORV travel.

The EA's analysis is also flawed in that it equates existing “allowed” motorized use on trails to motorized use actually happening. The EA states, “Foehl Creek Trail 120 is a very popular loop with Trail 595 and 318.” That is simply not reality. The folder, “October 2015 Report with photos” is a report and photographs concerning conditions on trails in the Foehl Creek watershed late in 2015, which revealed that some trails designated for motorized travel under Alternative D (including all or portions of Trails 120, 595 and 318) show no sign of significant motorized travel. This highlights the FS's lack of reliable data on motorized use and impacts for trails in general. Thus, the EA fails to disclose the additional impacts of motorized use on trails that will now be specifically identified and designated for motorized use, including those in roadless areas. (The Fisheries BO acknowledged: “The IPNF's proposal will ...presumably lead to a greater concentration of riders utilizing the remaining trail systems and crossings.”)

Desires for motorized “loop trips” outweighed the impacts to existing non-motorized use in premier wildlife, roadless areas, and potential wildernesses. Under NO alternative were these prime non-motorized recreation areas closed to motorized use.

In other ways, the EA’s explanation of how illegal intrusions would be reduced are too vague, or rely upon the same level of enforcement that is, admittedly inadequate. For example:

> The bottom of Grandfather Mountain Trail 275 is mostly gone from the landscape and would require major reconstruction to re-establish. Some OHV ≤ 50” users have been forging their way onto parts of this trail and creating access in others. Since this portion of this trail would not be reconstructed illegal motorized access would be decreased. …We would monitor illegal motorized access on the bottom portion of the abandoned section of Grandfather Mountain Trail 275, and take appropriate measures (e.g., physically block access).

The EA states:

> Prevention of violations is more desirable than apprehending violators. Many actions can be taken to prevent inadvertent violations of travel restrictions. These include: (1) providing a clear easy to understand MVUM; (2) educating the public to use and carry the MVUM when they are on the District; (3) improving trail signing showing travel restrictions; and (4) use FPOs to educate visitors and enforce the travel plan. Law enforcement can serve as an education tool to produce positive travel management on the Forest. (EA at 24.)

The EA does not adequately disclose how the above measures will be performed, and how effective they are expected to be based on monitoring or experience, in order to minimize effects on resources.

The Executive Orders and Travel Management Regulations' minimization criteria must be applied to designation of all motorized trails and areas. The St. Joe TMP EA failed to properly address how both the ORV Executive Orders and the Travel Management Rule minimization criteria were applied to minimizing effects on these special areas. The FS cannot simply focus on how impacts from motorized uses are going to be reduced or mitigated. A supposed reduction in impacts does not equate with a minimization of impacts. As the courts in both *Idaho Conservation League* and *Center for Biological Diversity* explained, “‘[m]inimize’ as used in the regulation does not refer to the number of routes, nor their overall mileage. It refers to the **effects** of route designations, *i.e.* the [Forest Service] is required to place routes specifically to minimize ‘damage’ to public resources, ‘harassment’ and ‘disruption’ of wildlife and its habitat, and minimize ‘conflicts’ of uses.” *ICL v. Guzman* at *16 (quoting *Ctr. for Biological Diversity v.*

U.S. Dept. of Interior, --- F.Supp.2d ----, 2009 WL 7036134, at *20 (Sept. 28, 2009), emphasis added.).

Remedy:
Close all roads in IRAs, WSAs and RWAs. Designate all trails into these same areas as nonmotorized.

Big Creek Roadless Area: close trails to motorized uses from the trailhead.
Grandmother Mountain IRA: close trails to motorized uses from the trailhead.
Foehl Creek Trail: close to motorized uses.
Mosquito Fly, Midget Peak, and Stateline Roadless Areas: close trails to motorized uses from the trailhead.

ST. JOE TMP WILL PERPETUATE USER CONFLICTS

Comments on the EA submitted by Objectors raised this issue: **1**:2,6 **2**:2,3,4,6,16,17-18

The minimization criteria discussed above apply equally to Subpart B and C of the Travel Management Rule. The vast majority of forest visitors enjoy quiet, nonmotorized forms of recreation. And, as noted above, a key element of the minimization criteria is to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses. 36 C.F.R. § 212.55(b)(3).

Objectors EA comments stated:

> (T)he St. Joe has received numerous complaints about motorized use in and around Grandmother Mountain. Problems persist even though the trails have been closed to ATV use. In any case, the issue simply isn't one of user conflict. It also involves habitat and watershed protection and citizen desires for preserving natural areas on the St. Joe Ranger District.
>
> ...The EA admits many people come here for the backpacking and other nonmotorized experiences. This being the case, why create conflicts in traditional non motorized places (Foehl Creek) which is an important backcountry area and has been long recognized as such.

Our comments asserted that the Mosquito Fly, Midget Peak, and Stateline Roadless Areas in the upper St. Joe drainage receive considerable hiking/horse use. The St. Joe TMP would authorize STM or ORV travel in roadless areas. Continuing or adding motorized use is incompatible with the values these areas hold for quiet recreation.

The EA discloses that "Motorized use occurs on trails in the Grandmother Mountain Roadless Area, with occasional intrusions of unauthorized OHV ≤ 50" access."

Although overall reducing motorized trail mileage, Alternative D would open up some trails to motorized uses and increase motorized use on some other routes in the St. Joe District. Whereas the action alternatives promote, so some extent, heavier motorized uses in some areas, the EA does not consider the additional impacts. Only in the Fisheries BO was this acknowledged: "The IPNF's proposal will ...presumably lead to a greater concentration of riders utilizing the remaining trail systems and crossings." (P. 35.)

As discussed in the next section, Alternative D authorizes motorized use adjacent to and within Inventoried Roadless Areas (IRAs), continuing the motorized noise that would be experienced by recreators within the IRAs seeking the benefits associated with roadless areas. Moreover, some closed roads would be open as routes for ORVs, further displacing non-motorized recreationists who use these closed roads. Thus, the St. Joe TMP would increase or perpetuate the potential for major user conflicts on routes designated as open to motorized use.

Alternative D also designates motorized trails that begin away from, but lead into roadless. This situation perpetuates motorized/nonmotorized conflicts and inevitably leads to illegal motorized uses within IRAs, WSA, and Recommended Wilderness. This is a particularly important issue for which the Executive Orders and Travel Management Rule must address minimization criteria.

The EA provides no specific plan, funding sources or design criteria to ensure effective law enforcement to address illegal motorized use. There is high probability that unauthorized routes will be created, further enabling conflict with non-motorized users.

Trails that lead into Recommended Wilderness, the WSA or roadless areas closed to motorized and mechanized at the boundary, are proposed to remain open to motorized uses for some distance from the trailheads. This is a recipe for confusion, violations, and enforcement problems.

Remedy:
Close trails to motorized uses within the IRAs and, in addition, outside the IRAs down to trailheads or intersections with open trails since confusion, violations, and enforcement problems would exist.

FOREST SERVICE FAILED TO MINIMIZE IMPACTS ON WILDLIFE AND WILDLIFE HABITAT. ST. JOE TMP IS INCONSISTENT WITH BEST AVAILABLE SCIENTIFIC INFORMATION FOR MAINTAINING VIABLE POPULATIONS OF VERTEBRATE SPECIES.

Comments by Objectors raised this issue: **1**:2-3,6,7 **2**:1,2-3,5,8-10,13.14 **4**:2,3,4,5,6 **5**:1,2,3,4,6,7,8,10,11,12,13 **7**:2,3,4

For the Sensitive species discussed below, the EA concludes that the St. Joe TMP "May Impact Individuals or Habitat But Will Not Likely Contribute to a Trend Towards Federal Listing or Loss of Viability to the Population or Species." The Ninth Circuit Court of Appeals has ruled that the Forest Service "must both describe the quantity and quality of habitat that is necessary to sustain the viability of the species in question and explain its methodology for measuring this habitat." (*Lands Council v. McNair*). Assuring viability of most wildlife species is forestwide issue. The cumulative effects of carrying out multiple projects simultaneously across a national forest makes it imperative that population viability be assessed at least at the forestwide scale (Marcot and Murphy, 1992; also see Ruggiero et al., 1994a). The St. Joe TMP fails to assure population viability of wildlife species, most of which are directly, indirectly, or cumulatively impacted by motorized travel. The St. Joe TMP EA fails to use, disclose, consider, or apply the best available relevant scientific information regarding the highly adverse impacts of roads and motorized recreation on forest resources. Further,

the RFP itself contains inadequate direction, based upon the best scientific information, to assure that viability would be maintained.

We believe all forms of recreation are optional and flexible in location. Wildlife species are far more limited in flexibility. We believe that wildlife needs should be identified and given deference above recreational desires, given the fact that such prioritization is almost always the opposite on lands of non-federal ownership. In the St. Joe TMP EA, the FS failed to apply the data it compiled to show how it designed the routes open to motorized use "with the objective of minimizing …harassment of wildlife," 36 C.F.R. § 212.55(b).

Huge bibliographies of scientific information indicate the highly significant nature of departures from historic conditions that are the impacts on forest ecosystems caused by motorized travel routes and infrastructure. Wisdom et al., 2000 is cited extensively in the RFP FEIS. That there are no road density standards in the RFP suggests the biased and arbitrary manner of the FS's use of its own "best available science." From the Wisdom et al. (2000) Abstract:

> Our assessment was designed to provide technical support for the ICBEMP and was done in five steps. … Third, we summarized the effects of roads and road-associated factors on populations and habitats for each of the 91 species and described the results in relation to **broad-scale patterns of road density.** Fourth, we mapped classes of the current abundance of source habitats for four species of terrestrial carnivores in relation to **classes of road density** across the 164 subbasins and used the maps to identify areas having high potential to support persistent populations. And fifth, we used our results, along with results from other studies, to describe broad-scale implications for managing habitats deemed to have undergone long-term decline and for managing species negatively affected by **roads or road-associated factors**. (Emphases added.)

Our Objection to the RFP raised several other issues in regards to wildlife biology, population viability, and the inadequacies of RFP direction. We fully incorporate that Objection and related documents within this Objection, and include them along with this submission.

In his review of our Objection to the RFP, Reviewing Officer Gregory Smith stated:

> The Idaho Panhandle is directed by the 2012 planning regulations (36 CFR 219.12(c)) to modify its plan monitoring program to be consistent with the requirements of those regulations by May 2016 or as soon as practicable. In doing so, the use of MIS will be discontinued and replaced with focal species as an indicator of ecological conditions.

Since it is likely MIS may be replaced by focal species before or during this project's implementation, the St. Joe TMP must demonstrate project consistency with this implication from the RFP. Indeed, the most recent EA was prepared because of the adoption of the RFP after the original EA was made public. This was an issue we raised ion our Objection to the RFP.

On the subject of focal species, the Committee of Scientists (1999) state:

> To ensure the development of scientifically credible conservation strategies, the Committee recommends a process that includes (1) scientific involvement in the selection of focal species, in the development of measures of species viability and ecological integrity, and in the definition of key elements of conservation strategies; (2) independent scientific review of proposed conservation strategies before plans are published; (3) scientific involvement in designing monitoring protocols and adaptive management; and (4) a national scientific committee to advise the Chief of the Forest Service on scientific issues in assessment and planning.

The Committee of Scientists (1999) mentions focal species in the context of more emphases on the importance of monitoring:

> The proposal is that the Forest Service monitor those species whose status allows inference to the status of other species, are indicative of the soundness of key ecological processes, or provide insights to the integrity of the overall ecosystem. This procedure is a necessary shortcut because monitoring and managing for all aspects of biodiversity is impossible.
>
> No single species is adequate to assess compliance to biological sustainability at the scale of the national forests. Thus, several species will need to be monitored. The goal is to select a small number of focal species whose individual status and trends will collectively allow an assessment of ecological integrity.

Monitoring of populations is a critical component of assuring population viability. The St. Joe TMP EA fails to cite, analyze, or disclose sufficient monitoring information in order to provide this critical component of assuring population viability. The EA does not present an analysis explaining how meeting the direction in the RFP assures that population viability is maintained.

The cumulative effects analyses for wildlife are inadequate. The following statement for the fisher is exemplary, incorporating a document without providing even the briefest of summaries: "See the wildlife report for effects of specific past, present, and reasonably foreseeable actions (PF: RR-WL)."

The analyses in the EA contain no discussion whatsoever as to how the St. Joe TMP minimizes effects on the fisher, as required under the Executive Orders and Travel Management Rule. As we discuss elsewhere the range of alternatives is too narrow to consider better outcomes for wildlife.

"Snowmobile use has been recorded in areas identified in the Forest Plans as closed." (AMS Tech. Rep. at 45.) In declining to conduct an analysis that is consistent with the Travel Management Rule Subpart C, the EA fails to analyze and minimize the cumulative effects of snowmobiles on wildlife habitat.

Ongoing and future motorized access in the St. Joe Ranger District is now and will continue to adversely affect fisher, Canada lynx, boreal toad, wolverine, moose, elk, bighorn sheep, mountain goats, grizzly bear, black-backed woodpecker, westslope cutthroat trout, and bull trout. Viability for some is already uncertain, as evidenced by their listing under the Endangered Species Act or presence on the Sensitive species list.

A. Elk and Elk Habitat

The RFP direction for elk is summarized in the EA: "There is no set numerical percent security standard for individual EMUs; however existing security should be maintained (USDA 2015)." Our Objection to the RFP (incorporated herein) included an OBJECTION STATEMENT: "Road Density. Outside of grizzly bear habitat specified by the Access Amendment, the LMP has no road density standards." In sum, the issue is that the FS cannot demonstrate it is "minimizing" motorized trail impacts on elk habitat when it fails to include an analysis of the best scientific information on the impacts of road densities on elk and other wildlife.

The EA does not present an analysis explaining how meeting the elk security direction in the RFP assures that population viability is maintained, or maintains quality hunting opportunities. In fact, the elk analysis in the EA has no discussion whatsoever as to how the St. Joe TMP minimizes effects on elk. Whereas security would be increased under each action alternative, as we discuss elsewhere the range of alternatives itself is too narrow to consider even better outcomes for big game including elk. Table 69 shows that under even the best scenario, security remains low in many Elk Management Units (EMUs).

EA comments 10/13/2009 by FOC, KEA, AWR, and Guardians stated:

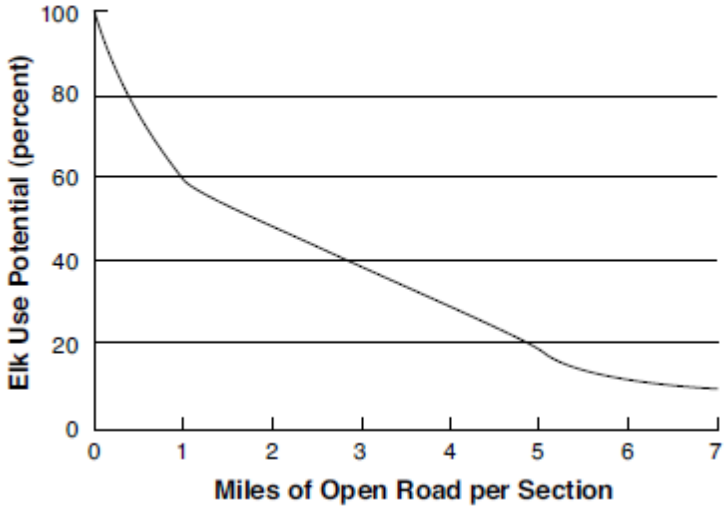
> The EA does not differentiate between the important elk habitat identified in the Forest Plan and other elk habitat. For example, the under no alternative would trails in crucial roadless, historically nonmotorized elk habitat in Foehl Creek, Indian Creek, or Big Creek (Shefoot) be closed to motorized use. Given the Forest Plan direction, those areas should be closed (see also Forest Plan appendix R).

The FS did not respond to that comment. Although the special emphasis areas did not carry over into the RFP, the FS did not explain how the RFP protects the special values the 1987 Forest Plan identified.

The science is clear—motorized access via trail, road, or oversnow adversely impact habitat for the Management Indicator Species (MIS) elk. Servheen, et al., 1997 indicate that motorized trails increase elk vulnerability and reduce habitat effectiveness, and provide scientific management recommendations.

Christensen, et al. (1993) is a Region One publication on elk habitat effectiveness. Meeting a minimum of 70% translates to about 0.75 miles/sq. mi. in key elk habitat, as shown in their graph:

5. Levels of habitat effectiveness:



Carnefix and Frissell, 2009 make a very strong scientific rationale for including ecologically-based road density standards:

> Roads have well-documented, significant and widespread ecological impacts across multiple scales, often far beyond the area of the road "footprint". Such impacts often create large and extensive departures from the natural conditions to which organisms are adapted,

> which increase with the extent and/or density of the road network. Road density is a useful metric or indicator of human impact at all scales broader than a single local site because it integrates impacts of human disturbance from activities that are associated with roads and their use (e.g., timber harvest, mining, human wildfire ignitions, invasive species introduction and spread, etc.) with direct road impacts. Multiple, convergent lines of empirical evidence summarized herein support two robust conclusions: 1) no truly "safe" threshold road density exists, but rather negative impacts begin to accrue and be expressed with incursion of the very first road segment; and 2) highly significant impacts (e.g., threat of extirpation of sensitive species) are already apparent at road densities on the order of 0.6 km per square km (1 mile per square mile) or less. Therefore, restoration strategies prioritized to reduce road densities in areas of high aquatic resource value from low-to-moderately-low levels to zero-to-low densities (e.g., <1 mile per square mile, lower if attainable) are likely to be most efficient and effective in terms of both economic cost and ecological benefit. By strong inference from these empirical studies of systems and species sensitive to humans' environmental impact, with limited exceptions, investments that only reduce high road density to moderate road density are unlikely to produce any but small incremental improvements in abundance, and will not result in robust populations of sensitive species.

Our comments on the EA included, "Please disclose the effectiveness of the type of proposed closures in the EA, based upon monitoring completed in the St. Joe Ranger District."[3] We did not find the FS response.

Fisher (Sensitive species)
High risk from trapping of fishers due to access would continue under any alternative.

The EA states, "The U.S. Fish and Wildlife Service recently concluded that fisher in the Northern Rocky Mountains are not likely to become endangered within the foreseeable future throughout all or a significant portion of its range USDI 2011a)." More recently, the U.S. Fish and Wildlife Service stated, "listing the fisher (Northern Rockies population) may be warranted..." (https://www.federalregister.gov/articles/2016/01/12/2016-00157/endangered-and-threatened-wildlife-and-plants-90-day-findings-on-17-petitions). The IPNF must re-evaluate the EA's findings based on this new information.

Ruggiero et al. 1994b state, "(T)he fisher is unique to North America and is valued by native and nonnative people as an important member of the complex natural communities that comprise the continent's northern forests. Fishers are an important component of the diversity of organisms found in North America, and the mere knowledge of the fisher's existence in natural forest communities is valued by many Americans." Ruggiero et al. 1994b discuss fisher habitat disruption by human presence:

> …The fisher's reaction to humans in all of these interactions is usually one of avoidance. Even though mustelids appear to be curious by nature and in some instances fishers may associate with humans (W. Zielinski, pers. obs.), they seldom linger when they become aware of the immediate presence of a human. In this regard, fishers generally are more common where the density of humans is low and human disturbance is reduced. Although perhaps not as associated with "wilderness" as the wolverine (V. Banci, Chapter 5), the fisher is usually characterized as a species that avoids humans (Douglas and Strickland 1987; Powell 1993).

[3] The Idaho Department of Fish and Game 9/29/2009 letter also specifically raises the issue of closures.

Also Jones, (undated) recognizes:

> Roads are directly correlated with trapper access, and consequently, fisher vulnerability. Even in areas where fishers cannot be legally trapped, trapping pressure for other furbearers (i.e., marten) may contribute significantly to fisher mortality. Roads bisecting or adjacent to preferred habitats (i.e., drainage bottoms) have the greatest potential of increasing a trapper's probability of encountering fishers."

And Witmer et al., 1998 state, "The range and population levels of the fisher have declined substantially in the past century, primarily the result of trapping pressure and habitat alteration through logging (Powell and Zielinski 1994)."

Heinemeyer and Jones, 1994 stated:

> Fishers are susceptible to trapping, and are frequently caught in sets for other furbearers. Additionally, populations are vulnerable to trapping, as even light pressure may cause local extinction. Western fisher populations may have lower natality and higher natural mortality rates as compared to eastern populations. Consequently, western populations may be more susceptible to over-trapping. It has been suggested that incidental captures may limit population growth in some areas.

The EA states:

> (H)igh road densities can lead to trapping mortality for fisher. One of the management strategies for fisher (Heinemeyer and Jones 1994) includes classifying major watersheds for their trapping-vulnerability risk based on road densities. The density of motorized routes by 5th level HUC (Figure 7) is used to measure trapping vulnerability and potential effects on fisher. ...Four of the five watersheds have a "high" risk classification, three of which would continue under all alternatives.

The RFP's protections for the fisher revolve entirely around the rather random likelihood of a fisher den site being detected, so that measures might be taken: "Management activities on NFS lands should avoid/minimize disturbance at known active nesting or denning sites for other sensitive, threatened, or endangered species not covered under other forestwide guidelines." (FW-GDL-WL-25**)** The RFP provides no further direction on how motorized activities would be avoided or minimized other than vaguely stating, "Use the best available information to set a timeframe and a distance buffer around active nests or dens." (Id.)

<u>How</u> motorized access impacts are to be minimized or avoided is not discussed. And nowhere in the RFP or St. Joe TMP can be found a description of the quantity and quality of habitat that is necessary to sustain the viability of the fisher along with an explanation of the FS's methodology for measuring this habitat.

<u>Western (Boreal) Toad</u>

Montana Fish, Wildlife & Parks, 2005 discuss western (boreal) toad habitat:

> Habitats used by boreal toads in Montana are similar to those reported for other regions, and include low elevation beaver ponds, reservoirs, streams, marshes, lake shores, potholes, wet meadows, and marshes, to high elevation ponds, fens, and tarns at or near treeline (Rodgers and Jellison 1942, Brunson and Demaree 1951, Miller 1978, Marnell 1997, Werner et al. 1998, Boundy 2001). Forest cover in or near encounter sites is often unreported, but toads have been noted in open-canopy ponderosa pine woodlands and

closed-canopy dry conifer forest in Sanders County (Boundy 2001), willow wetland thickets and aspen stands bordering Engelmann spruce stands in Beaverhead County (Jean et al. 2002), and mixed ponderosa pine/cottonwood/willow sites or Douglas-fir/ponderosa pine forest in Ravalli and Missoula counties (P. Hendricks personal observation).

Elsewhere the boreal toad is known to utilize a wide variety of habitats, including desert springs and streams, meadows and woodlands, mountain wetlands, beaver ponds, marshes, ditches, and backwater channels of rivers where they prefer shallow areas with mud bottoms (Nussbaum et al. 1983, Baxter and Stone 1985, Russell and Bauer 1993, Koch and Peterson 1995, Hammerson 1999). Forest cover around occupied montane wetlands may include aspen, Douglas-fir, lodgepole pine, Engelmann spruce, and subalpine fir; in local situations it may also be found in ponderosa pine forest. They also occur in urban settings, sometimes congregating under streetlights at night to feed on insects (Hammerson 1999, P. Hendricks personal observation). Normally they remain fairly close to ponds, lakes, reservoirs, and slow-moving rivers and streams during the day, but may range widely at night. Eggs and larvae develop in still, shallow areas of ponds, lakes, or reservoirs or in pools of slow-moving streams, often where there is sparse emergent vegetation. Adult and juvenile boreal toads dig burrows in loose soil or use burrows of small mammals, or occupy shallow shelters under logs or rocks. At least some toads hibernate in terrestrial burrows or cavities, apparently where conditions prevent freezing (Nussbaum et al. 1983, Koch and Peterson 1995, Hammerson 1999).

From USDA Forest Service, 2003a:

Little quantitative data are available regarding the boreal toad's use of upland and forested habitats. However, boreal toads are known to migrate between the aquatic breeding and terrestrial nonbreeding habitats (TNC Database 1999), and that juvenile and adult toads are capable of moving over 5 km between breeding sites (Corn et al. 1998). It is thought than juveniles and female boreal toads travel farther than the males (Ibid). A study on the Targhee National Forest (Bartelt and Peterson 1994) found female toads traveled up to 2.5 kilometers away from water after breeding, and in foraging areas, the movements of toads were significantly influenced by the distribution of shrub cover. Their data suggests that toads may have avoided macro-habitats with little or no canopy and shrub cover (such as clearcuts). Underground burrows in winter and debris were important components of toad selected micro-sites in a variety of macro-habitats. The boreal toad digs its own burrow in loose soil or uses those of small mammals, or shelters under logs or rocks, suggesting the importance of coarse woody debris on the forest floor. …(T)imber harvest and prescribed burning activities could impact upland habitat by removing shrub cover, down woody material, and/or through compaction of soil.

Maxell et al., 1998 state:

We believe that the status of the Boreal toad is largely uncertain in all Region 1 Forests. …Briefly, factors which are a cause for concern over the viability of the species throughout Region 1 include: (1) a higher degree of genetic similarity within the range of Region 1 Forests relative to southern or coastal populations; (2) a general lack of both historical and current knowledge of status in the region; (3) indications of declines in areas which do have historical information; (4) low (5-10%) occupancy of seemingly suitable habitat as detected in recent surveys; (5) some evidence for recent restriction of breeding to low elevation sites and; (6) recent crashes in boreal toad populations in the southern part of its range which may indicate the species' sensitivity to a variety of anthropogenic impacts.

The EA points out that "motorized routes can pose several threats to amphibian populations: direct mortality from traffic, habitat disruption (e.g., dust, noise, trampling of vegetation, etc.) from on- and off-road use, sedimentation or contamination of streams from road or trail runoff, and facilitation of introduction of non-indigenous predators and/or pathogens (Maxell and Hokit 1999). … Vehicle traffic on existing open roads and restricted roads constitute an identified risk to the western toad (Maxell 2000)." Other adverse impacts are discussed in the EA.

The EA concludes, "The remaining road and trail network would pose a reduced risk of direct mortality (collisions) and adverse habitat modifications (including potential spread of chytrid fungus). As a result, all alternatives may impact western toads or their habitat but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species."

The RFP's protections for the western toad revolve entirely around the rather random likelihood of a burrows or debris shelter being detected, so that measures might be taken: "Management activities on NFS lands should avoid/minimize disturbance at known active nesting or denning sites for other sensitive, threatened, or endangered species not covered under other forestwide guidelines." (FW-GDL-WL-25**)** The RFP provides no further direction on how motorized activities would be avoided or minimized other than vaguely stating, "Use the best available information to set a timeframe and a distance buffer around active nests or dens." (Id.)

How motorized access impacts are to be minimized or avoided is not discussed. And nowhere in the RFP or St. Joe TMP can be found a description of the quantity and quality of habitat that is necessary to sustain the viability of the western toad along with an explanation of the FS's methodology for measuring this habitat.

Wolverine

Lofroth (1997) in a study in British Columbia, found that wolverines use habitats as diverse as tundra and old-growth forest. Wolverines are also known to use mid- to low-elevation Douglas-fir forests in the winter (USDA Forest Service, 1993).

The EA states:

> Roads and human density are important factors influencing current wolverine distribution (Carroll et al. 2001); and wolverine habitat selection is negatively correlated with human activity – including roads (Krebs et al. 2007). Wolverine occurrence has shown a negative relationship with road densities greater than 2.8 mi/mi^2 (1.7 km/km2) (Carroll et al. 2001).
>
> (T)he presence of roads can be directly implicated in human-caused mortality (trapping) of this species. Trapping was identified as the dominant factor affecting wolverine survival in a Montana study (Squires et al. 2007). Although wolverine cannot be legally trapped in the project area, prior to 2014 trapping was legal in Montana (PF: WL-62) (adjacent to the St. Joe River drainage); and the State of Idaho offers a reward for trappers who report accidental capture of this species (implying that some level of inadvertent wolverine trap mortality occurs in Idaho). While most trapping is done from over-snow vehicles, roads and occasionally trails often provide breaks in forest vegetation that can facilitate over-snow vehicle use (and trapper access).

The EA states that under any alternative, "motorized route densities do not approach the 2.8 mi/mi^2 threshold identified by Carroll and others (2001) as negatively influencing wolverine

occurrence." However, this is misleading because areas of the St. Joe Ranger District exceed that road density, and the EA fails to conduct an analysis that recognizes that fact.

The RFP's protections for the wolverine revolve entirely around the rather random likelihood of a wolverine den site being detected, so that measures might be taken: "Management activities on NFS lands should avoid/minimize disturbance at known active nesting or denning sites for other sensitive, threatened, or endangered species not covered under other forestwide guidelines." (FW-GDL-WL-25**)** The RFP provides no further direction on how motorized activities would be avoided or minimized other than vaguely stating, "Use the best available information to set a timeframe and a distance buffer around active nests or dens." (Id.)

How motorized access impacts are to be minimized or avoided is not discussed. And nowhere in the RFP or St. Joe TMP can be found a description of the quantity and quality of habitat that is necessary to sustain the viability of the wolverine along with an explanation of the FS's methodology for measuring this habitat.

Canada Lynx

A big problem with the Northern Rockies Lynx Management Direction (IPNF RFP) is that it allows with few exceptions, the same forest management activities that occurred prior to Canada lynx ESA listing. The FS must conduct formal consultation on its Northern Rockies Lynx Management Direction (NRLMD) over the entire range of the NRLMD in light of the more recent Critical Habitat designations, as 9th Circuit case law requires.

The EA does not demonstrate compliance with RFP/NRLMD Guideline HU G3, which requires: "Recreation developments and operations should be planned in ways that both provide for lynx movement and maintain the effectiveness of lynx habitat."

Again, **how** motorized access impacts to lynx are to be minimized or avoided is not discussed.

The USFWS identified several conservation recommendations for lynx in their 2007 BO for the NRLMD. Recommendation 1 states that the Forest Service should ensure to the extent possible that unoccupied habitat continues to facilitate and allow dispersal of lynx into the future; therefore, the USFWS recommends the management direction regarding linkage areas and connectivity be applied in the unoccupied areas (NRLMD ROD at 30-31). Squires et al. (2013) noted that long-term population recovery of lynx, as well as other species such as the grizzly bear, require maintenance of short and long-distance connectivity.

Squires et al. (2013) noted in their research report that some lynx avoided crossing highways; in their own report, they noted that only 12 of 44 radio-tagged lynx with home ranges including 2-land highways crossed them.

A publication in the Journal of Wildlife Management reported that lynx winter habitat should be "abundant and spatially well-distributed across the landscape." (Squires et al. 2010). That science report also noted that in heavily managed landscapes, retention and recruitment of lynx habitat should be a priority. *Id*.

Remedy:

Describe the quantity and quality of habitat that is necessary to sustain the viability of at-risk wildlife species and species of conservation concern, including ESA-listed and Sensitive species, and explain the methodology for measuring this habitat.
Elk: reduce open road densities to below one mile per square mile in key elk habitat.
Fisher and Western (Boreal) Toad: reduce route road density to the extent possible in proximity to known or potential denning sites.
Lynx: reduce open route density in lynx analysis units.

ST. JOE TMP WILL PERPETUATE IMPACTS TO WATER QUALITY. INCONSISTENCY WITH TRAVEL MANAGEMENT RULE AND EXECUTIVE ORDERS MINIMIZATION CRITERIA. PROJECT AUTHORIZES SEDIMENT DEPOSITS INTO CWA § 303(D) IMPAIRED STREAMS. NEPA VIOLATIONS

Comments by Objectors raised this issue: **1**:5,7,8 **2**:21-22,23, ,24 **3**:1-3, **4**:8,9, **5**:3-4,6,7,9,10,11,12 **7**:2,3,4

While driving on roads has long been identified as a major contributor to stream sedimentation (for review see Gucinski 2001), recent studies have found ORVs to be a significant cause of stream sedimentation as well. (See The Wilderness Society, 2014 for a comprehensive literature review of the effects of roads; also, Sack and da Luz 2003, Chin et al. 2004, Welsh et al. 2006). While roads often have greater erosion and contribute to stream sedimentation more than trails, this is not always the case. One study found that ORV trails produced five times more sediment than unpaved roads. (Welsh et al. 2006). It has also been demonstrated that sediment yield increases with increased ORV traffic. (Foltz 2006). A study by Sack and da Luz 2003 found that ORV use resulted in a loss of more than 200 pounds of soil off every 100 feet of trail each year.

The EA states, “In the St. Joe River and St. Maries River Basins several streams are listed on the current 303(d) lists for water quality impairment (PF: W-1A, W-1B, W-1C, W-1D), and Total Maximum Daily Loads (TMDL) for pollutants have been set.”

The EA explains the challenges of estimating sediment yield in this complex situation:

> It was determined that an accurate or meaningful sediment model is not available for a project of this scale. One of the biggest challenges with watershed modeling is the “scale problem” (Lai 2006); WEPP Modeling, a popular quantitative model, is limited to spatial scales of less than a few square miles (Lai 2006). The analysis area for this project is approximately 2,414 mi^2, of which approximately 1,135 mi^2 are NFS lands. WEPP: Road documentation states that "[a]ny predicted runoff or erosion value—by any model—will be, at best, within plus or minus 50 percent of the true value" (Elliot et al. 1999). Even with a model (e.g., WEPP) it is difficult to account for all the variables (Tysdal et al. 1999). WEPP sediment modeling only allows for short segments of road and trail to be analyzed (< 1,000 feet), and, for accuracy and validity, the model requires site specific information of variables (e.g., traffic levels) for each segment. The FS does not have annual vehicle use numbers for roads and trails on the St Joe Ranger District. Without this information it not possible to accurately predict sediment based on use. (EA at 97.)

The EA does not explain, however, why the FS did not break down the St Joe Ranger District into smaller watersheds, where this “scale problem” would not exist. This would allow the FS to demonstrate that motorized routes and their use is consistent with the Clean Water Act and TMDLs in 303(d) listed streams, which the EA cannot do with the FS’s refusal to look closer.

The EA doesn't even examine TMDLs that are in effect, and compare the effects of the St. Joe TMP with their requirements.

We note that the Fisheries Biological Assessment broke the analysis area into smaller watersheds: "The cumulative effects area is the individual 6th code HUCs on the St Joe Ranger District which include actions associated to this project."

The 2015 Bitterroot National Forest Travel Management Planning Project FEIS explains how it estimated sediment contributions from travel routes:

> (T)o estimate potential direct and indirect effects to water resources those areas and routes open to motorized use that are within 300 feet of streams, ("connected disturbed areas" or "CDA") were determined with Geographic Information System (GIS) layers, and then modeled for sediment potential or "risk." The model results are intended as an indicator to compare sediment risk between alternatives, rather than an absolute value of motorized sediment.
>
> …A background sediment load was calculated for each watershed (303(d)-listed, non-listed, and all watersheds) for each alternative, using Kirchner et al.'s (2001) values for landscape-level background sediment in nearby large watersheds.
>
> Sugden and Woods' (2007) rates for road surface erosion in Western Montana and the CDA for each watershed were used for road and trail surfaces within 300 feet of streams, at the widths described above, to develop a motorized sediment risk indicator. The potential sediment risk estimates for each alternative with their differing proposed levels of motorized access are then compared to the existing conditions and each other. (Id.)

If the FS does not have any idea how much sediment is being delivered to streams currently then it is impossible know whether and how much the Preferred Alternative will or will not minimize sediment delivery. This constitutes a failure to comply with NEPA and the Clean Water Act (in addition to the minimization criteria, as explained above). Because the FS fails to take a hard look at sediment delivery impacts, the Project violates NEPA.

Remedy:
Comply with requirements of existing TMDLs for streams and rivers in the St. Joe Ranger District. Reduce route road density in RHCAs of all 303(d) listed streams.

ST. JOE TMP PERPETUATES IMPACTS TO FISH HABITAT AND THUS IS INCONSISENT WITH TRAVEL MANAGEMENT RULE AND EXECUTIVE ORDERS MINIMIZATION CRITERIA. VIOLATION OF ENDANGERED SPECIES ACT: BULL TROUT. VIOLATION OF NFMA: BULL TROUT AND WESTSLOPE CUTTHROAT TROUT.

We incorporate the previous section on water quality within this section.

The project Biological Opinion (BO) describes the precarious status of the endangered bull trout, the following for the St. Joe River watershed portion of the St. Joe Ranger District:

> The IDFG believes that the Coeur d' Alene Lake Basin, which includes the St. Joe River, is a stable population. However, this population is at high risk because of extremely limited numbers and/or only a few streams producing the majority of bull trout. Thus, bull trout

> within this core area are highly vulnerable to extirpation should a catastrophic event occur in the near future (Hardy et a1. 2010 p. 18). Because only a few streams are producing the majority of redds in the Coeur d' Alene core area, the IDGF states that it is imperative that efforts should remain in place to protect these habitats at all costs (Hardy et a1. 2010, p. 19).

The BO also identifies threats to fisheries in the St. Joe Ranger District, related to project activities:

> Roads, trails and associated crossings at perennial streams can cause impacts to bull trout by allowing for generation of sediment to the stream (Trombulak and Frissell 2000, p 19). It has been shown that **trails can have enormous impacts on water quality, sediment yield and stream bed sedimentation** (Forest Service 2006, p. 7). In stream activities also increase the risk of crushing eggs and fry within the stream gravel (Roberts and White 1992, pA57) and have the potential to disturb spawning. Of the 27 analyzed 6th code HUCs within the St. Joe and Little North Fork Clearwater Basins, 15 HUCs have trails that cross streams. (Emphasis added.)
>
> (O)ngoing land management activities are reasonably certain to occur on lands within the action area. For example, the St. Joe Ranger District intermingles with lands owned and managed by corporate timber companies, the State of Idaho, the Bureau of Land Management, and individuals. As a result, it is expected that activities such as logging, grazing and recreation will continue to occur.

The St. Joe TMP designates 1,172 Miles of National Forest System roads as "Open to All Motorized Vehicles" (Biological Assessment) and 342.4 miles of trails, either seasonally or year-round (Draft DN at 1).

A. Endangered Species Act

The DN would authorize activities that would harm bull trout or their habitat, in violation of the Endangered Species Act (ESA). These actions include allowing motorcycles to ride through streams that are known to or may possibly be occupied by bull trout, some of which are designated critical habitat for the species. The U.S. Fish & Wildlife Service's Biological Opinion (BO) states: "Thirty single-track motorized crossings of perennial streams within bull trout occupied HUCs will remain, nine of which are on streams occupied by bull trout." The Forest Service's Fisheries Biological Assessment (BA) states:

> Based upon the evaluated effects, existing site conditions, and required conditions contained in this BA the proposed St. Joe Travel Management Project *May affect, is likely to adversely affect bull trout or its critical habitat due to the continued presence of four single-track motorized trail crossings on occupied bull trout habitat.*

The BO takes great pains to justify why such likely adverse impacts are unlikely. Much of the justification focuses on subjective determination that spawning at or near these crossing sites is not likely, and that if degradation occurs, monitoring will notice it and effective changes to management will follow. However this adaptive management chain has too many weak links to be adequate for conserving and recovering this endangered species.

First, not all crossing sites have been inspected. "A review of Foehl Creek was not conducted by the interagency team, due to logistical constraints." How many years has this project been under

development an analysis? Why, if recreationists are able to reach these sites, are agency teams constrained?

The BO states:

> Single-track motorized trail crossings in bull trout-occupied streams (Simmons (4 crossings), Beaver Creek, Washout Creek, Fly Creek, and Foehl Creek (2 crossings)) will be monitored annually for five years, during anticipated spawning season, to determine if there is spawning activity or degradation to in-stream habitat at the nine crossings. Spawning activity is considered as an observation of suitable spawning substrate, redd construction or staging at a crossing. Degradation is considered increased erosion of the approaches or localized bank instability as a result of increased single-track motorized use. If spawning activity or degradation is observed, then adaptive management actions may be taken (e.g. hardening approaches, hardening the crossing, or both). If there is no change to the existing condition after five years, additional monitoring may not be required and will be reevaluated at that time. Depending on the adaptive management action to be implemented, additional analysis would be conducted at that time and considered under a separate decision and associated consultation.

The BO relies upon the effectiveness of hardening the crossings, but **without any cites to monitoring of such measures previously taken.** Instead, it relies upon conclusion that is self-contradictory: "While this may not completely eliminate adverse impacts to bull trout …it will reduce and effectively minimize them."

The BO states, of the Project, "While this will lead to an overall decrease of STM stream crossings across the district, it will presumably lead to a greater concentration of riders utilizing the remaining trail systems and crossings. **This may result in a higher probability of bull trout being adversely affected at the remaining motorized crossing locations.** (Emphasis added.) Again, "…concentrating motorized use over fewer crossings may have potential to exacerbate effects upon bull trout at the local scale."

Also, nothing in there entertains the possibility that the impacts will be to the degree that the trail should be closed.

Regardless, the analysis essentially ignores the possibility that fish in some life stage would be killed by STMs riding through the creek.

The BO states:

> The fisheries BA, states that at stream crossing locations, "The substrate is likely to be slightly more compacted and therefore have less interstitial spaces than areas on other either side of the trail, due to all types of trail users crossing at these locations" (Forest Service 2010, p.50). However, the BA did not provide documentation or measureable data as to the current compaction levels at crossing locations across the district.

The BO discusses Reporting and Monitoring Requirement:

> In order to monitor the impacts of incidental take, the Federal agency or any applicant must report the progress of the action and its impact on the species to the Service **as specified in the incidental take statement** [(50 CFR 402.14 (i)(3)].

(Emphasis added.) The Incidental Take Statement does not require monitoring specific to this project.

The BO states, “This Opinion does not rely on the regulatory definition of “destruction or adverse modification” of critical habitat at 50 CFR 402.02. Instead, we have relied upon the statutory provisions of the Act to complete the following analysis with respect to critical habitat.” This bureaucratic weave seems to avoid recognition of the obvious—that the above noted issues constitute “adverse modification” of bull trout critical habitat.

The BA, BO and EA fail to consider most of the cumulative effects on aquatic species attributable to roads. Roads influence many processes that affect aquatic ecosystems and fish: human behavior (poaching, debris removal, efficiency of access for logging, mining, or grazing, illegal species introductions), sediment delivery, and flow alterations (Trombulak and Frissell 2000). (Also see: Gucinski et al. 2001; Wisdom et al., 2000; Pacific Rivers Council, 2010.)

Frissell, 2015 states:

> Roads are ecologically problematic in any environment because they affect biota, water quality, and a suite of biophysical processes through many physical, chemical, and biological pathways (Trombulak and Frissell 2000, Jones et al. 2000). The inherent contribution of forest roads to nonpoint source pollution (in particular sediment but also nutrients) to streams, coupled with the extensive occurrence of forest roads directly adjacent to streams through large portions of the range of bull trout in the coterminous US, adversely affects water quality in streams to a degree that is directly harmful to bull trout and their prey. This impairment occurs on a widespread and sustained basis; runoff from roads may be episodic and associated with annual high rainfall or snowmelt events, but once delivered to streams, sediment and associated pollutant deposited on the streambed causes sustained impairment of habitat for salmon and other sensitive aquatic and amphibian species. Current road design, management of road use and conditions, the locations of roads relative to slopes and water bodies, and the overall density of roads throughout most of the Pacific Northwest all contribute materially to this impairment. This effect is apart from, but contributes additively in effect to the point source pollution associated with road runoff that is entrained by culverts or ditches before being discharged to natural waters.

The FS must complete its consultation with the U.S. Fish & Wildlife Service to determine if compliance with the Forest Plan will avoid adversely modifying bull trout critical habitat on national forest lands and determine if forest plan and Project implementation will ensure bull trout recovery.

B. Forest Plan Compliance

The EA is flawed because it does not comply with the Forest Plan as amended by INFISH. In an effort to protect inland native fish and their habitats, INFISH established riparian goals, riparian management objectives (RMOs), and standards and guidelines for forest management practices that protect riparian habitat conservation areas (RHCAs).

INFISH requires the following standard widths for RHCAs to protect native fish: Category 1, fish bearing streams require at least 300 feet on both sides, or 600 feet total; Category 2, permanently flowing non-fish bearing streams require at least 150 feet on both sides, or 300 feet total; and Category 4, seasonally flowing or intermittent streams and wetlands < 1 acre require 100 feet slope distance within priority watersheds and require 50 feet slope distance within non-priority watersheds. (INFISH EA, DN/FONSI, at A-5 (1995). INFISH standard RM-1 requires

that the FS "(d)esign, construct and operate recreation facilities, including trails and dispersed sites, in a manner that does not retard or prevent attainment of the Riparian Management Objectives and avoids adverse effects on inland native fish." INFISH also states that "(a)ctions that reduce habitat quality, whether existing conditions are better or worse than objective values, would be inconsistent with the purpose of this interim direction." (INFISH at E-3). Furthermore, INFISH's standards and guidelines for RHCAs require that "where existing roads, facilities, and other improvements found to be causing an unacceptable risk cannot be relocated, eliminated or reconstructed, those improvements would be closed." (INFISH at E-6).

The Project's authorization of STM and other crossings of bull trout streams and other native fisheries streams ignores standard RM-1. The St. Joe TMP also ignores INFISH RF-2, RF-3, RF-4, RF-5, and RM-3.

Native fish in the Project Area are already struggling to survive due, in part, to impacts from: erosion, sedimentation and channel confinement from the existing road system; streambank instability; dispersed recreation and firewood collection along creeks; and seasonally unsuitable temperatures for native trout.

Ongoing and proposed activities will deliver sediment into stream networks. Sediment in streams degrades native fish habitat by filling in interstitial spaces and pools, and decreasing inter-gravel dissolved oxygen concentrations. Deposited sediments harm native fish directly by smothering eggs in redds, altering spawning habitat, and reducing overwintering habitat for fry, and indirectly by altering invertebrate species composition, thereby decreasing abundance of preferred prey.

Road and trail use generates sediment by disturbing and loosening soil at stream crossings and other sites within sediment-contributing distance of streams, making any trails and roads within sediment-contributing distance sources of chronic fine sediment (Rhodes, 2002). Many soils within the St. Joe Ranger District are easily eroded when disturbed or not fully vegetated. These characteristics make road systems built on them more difficult to manage and maintain, and create a higher risk of erosion and negative aquatic effects.

C. Minimization Criteria

In its failure to comply with the RFP/INFISH and the ESA, the EA also fails to minimize as required in the Executive Orders and the Travel Management Rule.

Remedy:
Reinitiate consultation with the U.S. Fish & Wildlife Service for INFISH to determine whether compliance with INFISH standards will adversely modify bull trout critical habitat and determine whether implementation of INFISH standards will ensure bull trout recovery.

Reinitiate consultation with the U.S. Fish & Wildlife Service regarding bull trout critical habitat designation, to determine if the Project will contribute to the recovery of the bull trout.

Reduce open route density in RHCAs along bull trout critical habitat.

Close all motorized trails with stream crossings through critical bull trout critical habitat;

Reduce the open road network to maintain the minimum viable population of native trout species and disclose the quantity and quality of habitat needed to maintain viable populations of each of these species.

Comply with RFP/INFISH.

ST. JOE TMP EA DID NOT ANALYZE A FULL RANGE OF ALTERNATIVES

Comments submitted by Objectors raised this issue: **1**:2,3,5-6,8; **2**:1,3-5,7,9,10,18; **4**:3,7; **7**:1-2

Our comments on the 2009 version of the EA included:

> The Forest Service Handbook guides managers to "develop other alternatives fully and impartially…[and] ensure that the range of alternatives does not prematurely foreclose options that might protect, restore, and enhance the environment." Alternatives developed should include themes such as: 1) maximizing non-motorized and quiet recreational opportunities; 2) achieving relevant thresholds for road/route density according to scientific standards for the protection of key watersheds or sensitive species; or 3) exploring various anticipated funding scenarios as related to the agency's ability to operate, maintain, and enforce its designated motorized route system in an ecologically and fiscally sustainable manner.

A. Roadless:

The EA states, "Several environmental organizations and a few individuals requested similar ideas (e.g., all roadless areas should be non-motorized). **The 2015 Forest Plan specifies that motor vehicles will be allowed on trails in parts of the IPNF.**" (EA at 19, emphasis added.) The emphasized statement misrepresents the Forest Plan, which does not require motorized access to continue in roadless areas, nor prevent the FS from prohibiting motorized access on any road or trail in a roadless area. Relatedly, the EA quotes from the Idaho Roadless Rule: "**Decisions concerning the future management of existing roads or trails in Idaho Roadless Areas shall be made during the applicable travel management process.**" (Emphasis added.)

Given the importance of roadless areas for fish and wildlife, opportunities for quiet recreation, and for the future Wilderness resource, Objectors requested that the FS include an alternative that would prohibit motorized access into all roadless areas. This would be consistent with NEPA's requirement to consider a full range of alternatives in consideration of key issues. Comments included:

> (T)he Forest Service has failed to analyze an alternative that keeps all roadless areas non-motorized. The value of roadless areas has been demonstrated scientifically, socially and politically. The 2001 Roadless Rule FEIS prepared by the Forest Service contains a plethora of information about the value of undisturbed roadless areas for wildlife habitat and other values. The agency is well aware of concerns regarding motorized use in roadless areas--the EA notes this fact--and the failure to evaluate an alternative that keeps all roadless areas non-motorized fails to meet the requisite "hard look" at "all reasonable alternatives."

In denying our request, the FS failed to satisfy its duty under NEPA to provide a reasonable range of alternatives, thus an important purpose of NEPA—to ensure informed agency decisionmaking and public participation—was not served.

This very same bias against these roadless values was displayed in the process of revising the IPNF's forest plan—a bias that Objectors took issue with during the revision process. For example, FOC/KEA/AWR et al. stated in their objection to the Revised Forest Plan (RFP):

> Simply put, the (RFP) and FEIS fail in the very same way that the Forest Service failed in its wilderness evaluations in California during RARE II. The maximum wilderness alternative recommends slightly more than one third of the qualifying roadless acreage as wilderness. Of the 851,000 acres of roadless land (see FEIS page 469), the alternatives range from just over 16% to just under 39% of the roadless acreage for recommended wilderness designation. The selected alternative comes in just under 19% of the roadless base, a paltry amount.
>
> ...The range of alternatives is inadequate. Under no alternative is the amount of national forest that could be dedicated to non-motorized recreation even close to what has been mapped by the ROS or what it could be if roadless areas were closed to motorized use. Further, the figures for non-mechanized recreation are even lower.
>
> Federal Agencies are required by NEPA to "<u>rigorously explore</u> and <u>objectively evaluate All reasonable alternatives</u> and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail" (40 CFR 1502.14, emphasis added.) Unfortunately, the LMP and FEIS fail in analyzing an inadequate range of alternatives, in violation of NEPA.
>
> ...The FEIS, LMP and proposed ROD send mixed signals on the role that the Idaho Roadless Rule plays in forest plan revision. The FEIS appendices note regarding a portion of the Mallard-Larkins that logging may be "needed" to meet an MOU with IDFG and that any protective allocation like recommended wilderness, primitive or even MA3 "would be inconsistent with the Idaho Roadless Rule and would not allow timber harvest to enhance wildlife habitat."
>
> That is a tacit admission that the Forest Service believes the Idaho Roadless Rule and possibly an MOU are not allowing a full consideration of alternatives in the forest plan revision. That is a clear violation of NEPA and NFMA and makes both the requirement under the NFMA planning rule for wilderness evaluation and NEPA pro-forma exercises.
>
> ...Roadless areas are the reservoir of lands with wilderness character that could be Congressionally designated as Wilderness in the future. Indeed, all the roadless areas on the St. Joe are proposed for wilderness designation under (the Northern Rockies Ecosystem Protection Act). Motorized use is in direct conflict with the Wilderness character of these areas and therefore could potentially foreclose future options.

<u>B. Travel Management Rule:</u>

Comments submitted by Objectors raised this issue: **1**:3 **2**:15-16 **4**:5 **5**:1,2,4,5,6,13

The failure of the IPNF to conduct Travel Analysis as required under 36 C.F.R. **§** 212 Subpart A also results in an overly narrow range of alternatives that doesn't comply with NEPA. Objectors comments included:

> NEPA requires a "hard look" at a reasonable range of alternatives, which in this case should be developed in consultation with the public and would include specific themes for travel management that have the potential to meet the plan's purpose and need. Thus, for reasons described above, **one or more alternatives should emphasize a *minimum* transportation system, which is streamlined, non-redundant, and efficient.** However, the EA fails to look at roads in any comprehensive manner. This also biases alternatives in favor of motorized use by focusing almost exclusively on trails.
>
> Alternatives developed should include themes such as: ...2) achieving relevant thresholds for road/route density according to scientific standards for the protection of key watersheds or sensitive species; or 3) exploring various anticipated funding scenarios as related to the agency's ability to operate, maintain, and enforce its designated motorized route system in an ecologically and fiscally sustainable manner.

(Emphasis in the original.) Objectors comments also included:

> The FS also failed to take advantage of the opportunity to inform this analysis by completing the legally required Travel Management Regulations procedures under 36 CFR 212 Subpart A (Travel Analysis, to determine the minimum road system needed) and Subpart C (Use by Over-Snow Vehicles). As a result, the alternatives are further skewed in favor of motorized access. Also, the cumulative effects of the over-sized road network and of over-snow travel are not adequately considered.

The St. Joe TMP EA thus failed to include an alternative that is fully consistent with the Travel Management Rule.

The IPNF has failed to complete its obligations to identify MRS, using a science-based process, affordable. Therefore, the IPNF has failed to inform the St. Joe TMP EA with the scientific information with which its own regulations require.

36 C.F.R. **§** 212 Subpart A requires the FS to identify the minimum road system needed to manage the Forest sustainably. The process the FS used is not consistent with requirements to involve the public in a science-based Travel Analysis Process to create a Travel Analysis Report that properly identifies roads likely not needed to manage the forest, as required under 36 C.F.R. **§** 212 Subpart A and its implementing Directives.

The EA violates NEPA by making misleading and misrepresentative statements about the ecological adequacy of annual road maintenance and affordability of the current IPNF road system.

Within this Objection, we incorporate WildEarth Guardians letters to the IPNF regarding the Travel Analysis Process (WildEarth Guardians 2014a; WildEarth Guardians 2014b).

Remedy:
Complete the science-based Travel Analysis Process (TAP) as required by 36 C.F.R. § 212 Subparts A and C.

C. Inadequate No Action Alternative:

At page 9 the EA states, "The 1999 Eagle Bird Record of Decision approved the decommissioning of the lower 3.8 miles of the Eagle Creek Road (between Bird Creek and Quartz Creek) and the conversion of the road to a STM trail (PF: PD-6). That activity has not been implemented and is not carried forward in the proposed alternatives." The EA does not explain why the FS has not met this commitment. The fact that the agency has yet to implement this decision indicates even signed commitments are not credible.

Objectors also pointed out that the No Action alternative should be in compliance with the executive orders minimization requirements by setting otherwise undesignated trails as closed to motor vehicles, as the default.

The EA, BA, and BO also mislead the public by stating that the action alternatives improve on the No Action alternative by prohibiting motor vehicles from cross country travel (except for the 300-foot from roads and 100-foot from motorized trails corridors for dispersed camping). The Revised Forest Plan FEIS states, at 429: "The IPNF does not allow cross-country motor vehicle use in any area." Without such a stipulation, there was no way the Revised Forest Plan could be consistent with the Executive Orders (and Travel Management Rule Subpart B) minimization criteria, and thus it was not challenged via objection on that issue. The 2011 Revised Forest Plan DEIS had also stated, at p. 282, "The IPNF does not allow for cross-country wheeled motor vehicle use in any area. This use (wheeled motor vehicle use) is only allowed on those roads and trails as designated on the Forest MVUMs."

D. Addressing limitations of law enforcement:

Comments by Objectors referred to the need for consideration of the agency's limitations because of budget or sheer will to enforce motorized closures. These include:

> Alternatives developed should include themes such as: ...3) exploring various anticipated funding scenarios as related to the agency's ability to operate, maintain, and enforce its designated motorized route system in an ecologically and fiscally sustainable manner.
>
> The EA does not consider the implications of the FS's limited law enforcement budget. Doing so would lead to alternatives that would reduce the locations where closure violations would be likely, and thus bring enforcement need more in line with the FS law enforcement budget.
>
> The EA doesn't disclose the crucial fact that multiple motorized trails would continue to cross non-motorized trails in the backcountry, nor that in some instances motorized trails change suddenly to non-motorized trails in remote areas. This is completely unmanageable, and a prescription for illegal use. Confusion over what is open and what is closed would be inevitable.

"Monitoring motorized access (roads and dispersed) has shown some road closures to be ineffective. "Snowmobile use has been recorded in areas identified in the Forest Plans as closed." (AMS Tech. Rep. at 45.)

The EA states:

> Prevention of violations is more desirable than apprehending violators. Many actions can be taken to prevent inadvertent violations of travel restrictions. These include: (1) providing

> a clear easy to understand MVUM; (2) educating the public to use and carry the MVUM when they are on the District; (3) improving trail signing showing travel restrictions; and (4) use FPOs to educate visitors and enforce the travel plan. Law enforcement can serve as an education tool to produce positive travel management on the Forest. (EA at 24.)

The EA does not adequately disclose how the above measures will be performed, and effective, in order to minimize effects on resources.

The EA also failed to analyze an alternative that limits dispersed motorized camping to designated routes with no allowance for cross country travel to sites. This would also recognize the increased difficulty of enforcement when motor vehicles become practically invisible when allowed to be driven well off roads and motorized trails.

EA CONTAINS INADEQUATE ANALYSIS OF THE ENVIRONMENTAL IMPACTS FROM MOTORIZED CROSS-COUNTRY TRAVEL FOR DISPERSED CAMPING AND DOES NOT COMPLY WITH MINIMIZATION CRITERIA IN THE TRAVEL MANAGEMENT RULE AND THE EXECUTIVE ORDERS WHEN DESIGNATING CROSS-COUNTRY TRAVEL CORRIDORS FOR DISPERSED CAMPING

Comments submitted by Objectors raised this issue: **1**:4 **2**:7,13,21,24

For any motorized dispersed camping corridors the FS proposes for designation, the agency, in order to comply with both its own direction and the basic mandates of NEPA, must analyze and disclose the site-specific effects of such designations on natural and cultural resources, as well as the effects on the other recreational users of the forest. *See, e.g.,* 40 C.F.R. §§ 1502.2 (b), 1508.8; FSM 7703.11(4)(requiring agency to "[a]pply the provision for big game retrieval and dispersed camping **sparingly after conducting travel analysis and appropriate site-specific environmental analysis** and public involvement"). (Emphasis added). This is required in order to determine potential impacts to water quality, riparian habitat conservation areas, sensitive, endangered and threatened plant species, aquatic and riparian life, and impacts to soil quality. To clarify this latter point, even though roads are a dedicated resource and exempt from regional soil quality standards, these standards do apply to motorized dispersed camping corridors on either side of roads. Carefully evaluating these areas for soil quality is especially important in order to determine the potential sediment yields to water bodies within the affected area. Equally important is the need to disclose the presence, status and impacts to RHCAs as we explain below.

The FS failed to adequately assess the impacts of authorizing dispersed vehicle travel within the designated corridors, thereby violating NEPA and NEPA's implementing regulations. The EA contains general discussions of potential impacts of motorized travel in these corridors, without analyzing site-specific soil characteristics in the corridors. The EA does not even disclose the total acreage potentially impacted. NEPA and NEPA's implementing regulations require the FS to take a hard look at the direct, indirect, and cumulative impacts of its proposal to allow for a motorized cross-country travel corridor. This corridor designation will have direct, indirect, and cumulative impacts on the Forest's natural resources, including wildlife habitat and water quality.

Forest Service Manual 7703.11(4) explicitly states that a site specific analysis is required before designating a motorized cross-country travel corridor for dispersed camping. The FS did not conduct the requisite site specific impacts analysis for motorized cross-country travel for dispersed camping corridors in the EA. The Tri-State FEIS states:

> Planning for units of the National Forest System…involves two levels of decision. The first level, often referred to as programmatic planning, is the development or amendments of forest plans and resource management plans that provide management direction for resource programs, uses and protection measures…. This FEIS is a programmatic document.
>
> The second level of planning involves the analysis and implementation of management practices designed to achieve goals and objectives of the forest plan and resource management plan. This is commonly referred to as site-specific planning. It requires relatively detailed information that includes the location, condition, and current uses of individual roads and trails, and the identification of when and where individual roads and trails will be open or closed to various types of use. This step is accomplished through the site-specific planning process at the local level.

(Tri-State FEIS at 3.) The St. Joe TMP process is making route specific designations and is therefore precisely the type of second level process that the Tri-State decision describes above.

The 2015 Bitterroot National Forest Travel Management Planning Project FEIS describes impacts of dispersed vehicle travel:

> In authorizing motorized facilitated dispersed vehicle camping along both sides of a road or motorized trail, the FS must take a hard look at the direct, indirect, and cumulative impacts of authorizing such activity on the forest's resources. Dispersed vehicle camping results in a whole suite of impacts—problems that will persist:
> Driving to and parking in dispersed campsites affects streams by creating areas with compacted soils. These sites tend to grow native vegetation poorly, and invite noxious weed establishment. They are also prone to erosion, which results in sedimentation. Dispersed campsites often expand beyond their initial small size as the sites are generally not maintained and improperly positioned. Lack of maintenance and improper layout results in sites that are littered with trash or not sloped to drain when it rains, which encourages the next campers to use an adjacent area that is drier and clean. Additionally, areas around dispersed campsites are used as firewood collection sites by campers and illegal firewood gatherers. Also, when vehicles are in streamside areas, there is increased risk of spilled fuel and other contaminants entering the water.
>
> Though the original language sounds protective, the most direct route is often a twisting network of roads because of the natural barriers, including thick vegetation, water features, standing and down trees, large rocks, and abrupt topographic changes, between the designated route and the selected campsites. Small roads and trails that lead to the dispersed sites have sometimes become areas of illegal OHV use. …Like roads in general, these areas of disturbance may result in bank erosion, loss of cover and shading, widening and filling of channels, and accelerated lateral migration of the stream.
>
> Dispersed campsites often expand beyond their initial small size as the sites are generally not maintained or properly laid-out (e.g. sloped to drain when it rains), which encourages the next campers to use an adjacent area that may be less disturbed and clean. Additionally, areas around dispersed campsites are used as firewood collection sites by campers and illegal firewood gatherers. One of the biggest factors that influences fish habitat is the amount of large wood in streams. Fish tend to congregate in the large pools created by large wood. The fewer streams the Forest exposes to vehicle access, the more large dead trees

> will remain in the streams and floodplains for the betterment of fish and other riparian dependent species.

Failure to analyze these potential impacts as required by NEPA is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706 (2)(A).

Additionally, The FS’s failure to consider an alternative without a motorized dispersed camping provision—or at least one that limits the exception to specific routes in a sparing fashion—also violates NEPA.

An agency may not define its objectives in such unreasonably narrow terms that only one course of action would satisfy the purpose and need. *See, e.g., Citizens Against Burlington v. Busey,,* 938 F.2d 190, 196 (D.C. Cir. 1991); *Envtl. Protection Information Ctr. v. Blackwell*, 389 F.Supp.2d 1174, 1199 (N.D. Cal. 2004) (holding purpose and need must not be so narrow as to make selection of an alternative a “foreordained formality”). Because the statement of purpose and need sets the stage for the range of alternatives an agency must examine, it must not be so narrow as to artificially limit the alternatives considered. *See, e.g., City of Carmel-by-the Sea v. U.S. Dep’t of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997). Because the alternatives analysis is the “heart” of NEPA, '"an agency must *on its own initiative* study all alternatives that appear reasonable and appropriate for study at the time, and must also look into other significant alternatives that are called to its attention by other agencies, or by the public during the comment period afforded for that purpose.'" *Dubois v. Dep't of Agriculture*, 102 F.3d 1273, 1291 (1st Cir. 1996), *quoting Seacoast Anti-Pollution League, v. Nuclear Reg. Comm'n*, 598 F.2d 1221, 1231 (1st Cir. 1979) (emphasis from *Dubois* court). This is even more true where, as here, the commenters have suggested a more limited dispersed camping provision.

Pursuant to the Travel Management Rule and the Executive Orders, the FS must minimize damage to soil, watershed, vegetation, and other forest resources, impacts on wildlife and wildlife habitats, and conflicts between motor vehicle use and other recreational uses. As detailed above, there are potentially serious impacts from designating off road travel corridors along roads and trails. The EA failed to demonstrate how the Project minimizes impacts to resources when designating cross-country travel areas to access dispersed camp sites.

We oppose allowing motorized cross-country travel to dispersed campsite because it affects such large portions of the forest and will cause resource damage, create enforcement difficulties, and undermine the intent of the TMR. We support designating and signing dispersed campsites and believe that the TMP process must serve to facilitate the necessary transition to what ultimately would represent a forest-wide system of dispersed camp sites. The FS should enact a parking rule, allowing Forest visitors to park within one car length of designated routes, so that they can walk to dispersed camp sites. Selecting a campsite by non-motorized means was one of the sideboards in the 2001 Tri-State ROD, so even under current management direction, people are supposed to walk to these sites first, therefore it’s not unreasonable to ask they do so now and convey their gear in through non-motorized means.

For known campsites with well-established routes that are not causing resource impacts or concerns, the FS should designate them in the final travel plan decision. In future, site-specific NEPA analyses, the FS can analyze and designate additional short, spur routes to well-used campsites. This approach is being employed by several national forests in Region 5, and we believe this is a reasonable approach for the FS.

The BO states:

> Additional well-established motorized access routes to existing dispersed camping sites beyond the 300-foot corridor will be designated on the Motor Vehicle Use Map and be marked on the ground as the routes are evaluated for resources including cultural resources.

In other words, the EA's analysis doesn't rely upon a comprehensive set of data on existing routes outside the 300-foot corridor, and in the future users will get to create their own and instead of shutting them down as the EA says elsewhere, the FS allows itself to "designate" such routes without doing NEPA. This creates the potential for a potentially ever-growing network of motorized routes that are not on any inventory.

Remedy:
We suggest the following language is incorporated into the St. Joe TMP:

> **Parking:** In order to minimize resource impacts and help prevent new user-created routes, users are allowed to park motorized or mechanized modes of travel immediately adjacent and parallel to available designated routes for any purpose. Parking is limited to one vehicle-width from the edge of the route. Users are encouraged to park motorized or mechanized modes of travel in already disturbed areas whenever possible, consider safety, and keep routes passable for other users.
> **Camping:** Short spur routes leading to popular dispersed campsites are designated and identified. Dispersed camping is allowed in other areas, consistent with parking requirements described above, except that no dispersed camping is permitted within with RHCAs.

FOREST SERVICE FAILED TO ANALYZE THE IMPACTS FROM PUBLIC NON-COMPLIANCE WITH THE SUBSEQUENT MVUM AND LIKELY INADEQUATE LAW ENFORCEMENT

Comments submitted by Objectors raised this issue: **1**:3,4,6 **2**:8,24,26-27 **4**:3,6,11,12,13

The EA does not speak to the FS's capacity or success in enforcing current and proposed motorized designations. The issue of enforcement cannot be overstated since so many of the conclusions made in the EA are based upon the assumption of compliance.

While we discuss the dispersed camping exemption above, in the context of enforcement, the EA should have disclosed the success of the past compliance. Given that the action alternatives also include similar direction for accessing dispersed campsites, past enforcement success becomes crucial to determining potential resource impacts.

Research shows that a significant portion of ORV users knowingly violate rules. (Lewis, M.S., and R. Paige 2006; Frueh, LM 2001; Fischer, A.L., et. al 2002; USFWS 2007.) The Rio Grande National Forest's Roads Analysis Report notes that a common travel management violation occurs when people drive around road closures on ML 1 roads. (USDA Forest Service, 1994.) Similarly, in a legal decision from the Utah District Court , *Sierra Club v. USFS*, Case No. 1:09-CV-131 CW (D. Utah March 7, 2012), the court found that, as part of analyzing alternatives in a proposed travel management plan, the FS failed to take a hard look at the impact of continued illegal use. In part, the court based its decision on the Forest Service's acknowledgment that

illegal motorized use is a significant problem and that the mere presence of roads is likely to result in illegal use. In addition to the disturbance to wildlife from ORVs, incursions and the accompanying human access will also result in illegal hunting and trapping of animals. The Tongass National Forest echoes this disturbance in an EIS to amend their LRMP to improve management for the Alexander Archipelago wolf. Specifically, the FS notes in that EIS that wolf mortality due to legal and illegal hunting and trapping is related not only to roads open to motorized access, but to all roads, and that total road densities of 0.7 to 1.0 mi/mi² or less may be necessary. (USFS 2008.) This shows that the FS will face challenges as it implements its Travel Management Plan decision and attempts to enforce road closures. Among other impacts, these violations can impact wildlife and other forest users. As such the EA should have analyzed the impacts of illegal use of closed roads.

The EA does not explicitly incorporate the opinion of Law Enforcement Officers as to the feasibility of enforcing the designated system under each alternative. Routes that terminate in flat open spaces, or intersect or end at closed roads and trails, or enter protected areas create more enforcement burdens for officers and increase the cost of patrols. These factors were not adequately analyzed in the EA.

Remedy:
The FS must develop a specific and detailed law enforcement plan to minimize the potential for user conflicts that the public can trust to be effective.

INADEQUATE ANALYSIS OF IMPACTS ON WILDERNESS CHARACTER

Comments submitted by Objectors raised this issue: **1**:2,6 **2**:1,3,4,7-8,17-18 **4**:5 **5**:1,2,4,5,6,13

In its Roadless analysis the EA states, "The geographic scope of the analysis is each inventoried roadless area on the St. Joe Ranger District." The EA further states:

> Fifteen roadless areas cover about 364,000 acres of the district (PF: REC-4 and REC-35). Descriptions of roadless areas include first-hand knowledge of the area, information from the 2015 IPNF Forest Plan, and information from the Roadless Area Conservation FEIS for NFS Lands in Idaho (2008). Roadless areas are evaluated using five wilderness attributes that correspond to the roadless characteristics defined in 36 CFR 294 – Roadless Area Conservation, Applicability to the National Forests in Idaho, Final Rule, referred to as the Idaho Roadless Rule (see below).

Thus, the St. Joe TMP EA's roadless analysis incorporates to a high degree (or tiers to) the corresponding analyses performed under the Idaho Roadless Rule and the 2015 Revised Forest Plan (RFP). Objectors incorporate their input into those two processes into this Objection, and include those documents as appendices to this Objection.

A. Ecological Value of Uninventoried Roadless Areas

Even in uninventoried roadless areas (roadless areas ≥1000 acres), NEPA requires the FS to consider the environmental impacts of a proposed project because logging, road building, and/or other intrusive management actions in roadless areas are so environmentally irreparable that their impacts are far beyond the threshold for significant. First, the FS is required to analyze the attributes of roadless areas, such as water resources, soils, wildlife habitat, and recreation

opportunities. *Smith v. U.S. Forest Service*, 33 F.3d 1072, 1078 (9th Cir. 1994). Second, the USFS is required to discuss a project's impacts on areas of "sufficient size" for future wilderness designation. *Lands Council*, 529 F.3d at 1231, citing 16 U.S.C. § 1131(c).

In *Lands Council*, the FS determined that a logging project did not alter the undeveloped character of the land because there were no areas that met the minimum 5,000 acres wilderness requirement. *Id.* Rejecting this argument, the 9th Circuit held the Forest Service violated NEPA because the agency failed to aggregate inventoried and uninventoried roadless areas. *Id.* Rather, the FS was required to disclose that significant roadless areas would be affected and analyze those environmental effects. *Id.* In the Forest Service's disclosure and analysis, **the agency was required to objectively disclose the unique environmental benefits provided by these areas and the impacts that the project would have on those qualities**. See, e.g., *Sierra Club v, Austin*, 82 Fed. Appx. 570, 573 (9th Cir. 2003)

The roadless inventory used for the Idaho Roadless Rule was flawed. Objectors have served notice to the FS about the shortcomings of the Idaho Roadless Rule process and outcome, and fully incorporate that input on this site-specific project proposal. Objectors also raised this issue in our Objection on the Revised Forest Plan under "Inaccurate roadless inventory/boundaries", which we also incorporate herein.

Flawed roadless inventories inevitably lead to flawed analyses of the Wilderness character of the uninventoried roadless, or of the unroaded lands encompassed within uninventoried roadless and adjacent to IRAs.

Unroaded areas greater than about 1,000 acres, whether they have been inventoried or not, provide valuable natural resource attributes that are better left protected from logging and other management activities. Scientific research on roadless area size and relative importance is ongoing. Such research acknowledges variables based upon localized ecosystem types, naturally occurring geographical and watershed boundaries, and the overall conditions within surrounding ecosystems. For landscapes such as the St. Joe Ranger District, where considerable past logging and management alterations have occurred, protecting relatively ecologically intact roadless areas even as small as 500 acres has been shown to be of significant ecological importance. These valuable and increasingly rare roadless area attributes include: water quality; healthy soils; fish and wildlife refugia; centers for dispersal, recolonization, and restoration of adjacent disturbed sites; reference sites for research; non-motorized, low-impact recreation; carbon sequestration; refugia that are relatively less at-risk from noxious weeds and other invasive non-native species, and many other significant values. (See Forest Service Roadless Area Conservation FEIS, November 2000.)

Scientific research clearly enumerates the many reasons why remaining roadless areas should be protected. Roadless areas can be used as benchmarks for assessing the ecological integrity (e.g. genes, species, and assemblages) and processes (e.g., pollination, demography, biotic interactions, nutrient and energy dynamics, and metapopulation processes) expected in the natural habitat or region. The species-rich native communities found in roadless areas are more likely to withstand invasions. Planning is predicated on conserving a sufficient number of ecosystem replicates within protected areas in order to meet representation targets fundamental to conservation of species and ecological sustainability (Noss and Cooperrider 1994). Roadless areas often contribute disproportionately to landscape and regional connectivity (Strittholt and DellaSala 2001), a critical component of adaptation strategies for climate change, and should be protected as climate refugia.

Scientific literature emphasizes the importance of unroaded areas greater than 1,000 acres as strongholds for the production of fish and other aquatic and terrestrial species, as well as sources of high quality water. Henjum et al., 1994. Rhodes et al.,1994. In a letter to President Clinton urging the protection of roadless areas, 136 scientists noted:

> There is a growing consensus among academic and agency scientists that existing roadless areas–***irrespective of size***–contribute substantially to maintaining biodiversity and ecological integrity on the national forests. The Eastside Forests Scientific Societies Panel, including representatives from the American Fisheries Society, American Ornithologists' Union, Ecological Society of America, Society for Conservation Biology, and The Wildlife Society, recommended a prohibition on the construction of new roads and logging within existing (1) roadless regions larger than 1,000 acres, and (2) **roadless regions smaller than 1,000 acres that are biologically significant**…. Other scientists have also recommended protection of all roadless areas greater than 1,000 acres, at least until landscapes degraded by past management have recovered…. As you have acknowledged, a national policy prohibiting road building and other forms of development in roadless areas represents a major step towards balancing sustainable forest management with conserving environmental values on federal lands. In our view, a scientifically based policy for roadless areas on public lands should, at a minimum, protect from development all roadless areas larger than 1,000 acres and ***those smaller areas that have special ecological significance because of their contributions to regional landscapes***. (Scientists Roadless letter, 1997; emphasis added.)

Motorized routes also are the prime vector for spread of noxious weeds, especially in conjunction with the management actions they facilitate:

> These species then spread from their point of introduction to the inland northwest, by the same means that brought them to the country and over the road network.
> Once established, these weeds spread mainly along roads and railways. They were also transported on heavy equipment, in hay, by livestock, wildlife and humans as well as other vectors. Disturbance such as roadbuilding and timber harvest created ideal conditions for the establishment of noxious weeds. (AMS Technical Report.)

Virtually without exception, the science finds ecological integrity highest in areas that remain unroaded and unmanaged and is lowest in areas that have been roaded and managed. Riggers et al., 1998 verify this on the adjacent Lolo National Forest.

B. Evaluation of Wilderness potential.

Along with comments previously submitted on the St. Joe TMP, Objectors raised this issue in our Objection on the Revised Forest Plan under "Rating System is inconsistent with NEPA, NFMA, and the Wilderness Act", which we incorporate herein.

The FS is required to analyze the effects of each alternative on IRAs. The EA failed to "disclose that significant roadless areas will be affected [under the motorized travel plan] and take the requisite 'hard look' at the environmental consequences of that fact," including analyses of the plan's effects on "water resources, soils, wildlife habitat, and recreation opportunities." *Lands Council v. Martin*, 529 F.3d 1219, 1230, 1232 n. 7 (9th Cir. 2008); *Smith v. U.S. Forest Serv.*, 33 F.3d 1072, 1078 (9th Cir. 1994); *Or. Natural Desert Ass'n v. Bureau of Land Mgmt.*, 531 F.3d 1114, 1137-38 (9th Cir. 2008). At 36 C.F.R. § 294.11. "Roadless Area Characteristics" are

defined as “Resources or features that are often present in and characterize inventoried roadless areas, including:

(1) High quality or undisturbed soil, water, and air;
(2) Sources of public drinking water;
(3) Diversity of plant and animal communities;
(4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
(5) Primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation;
(6) Reference landscapes;
(7) Natural appearing landscapes with high scenic quality;
(8) Traditional cultural properties and sacred sites; and
(9) Other locally identified unique characteristics.”

These criteria must be used for determining the impacts a proposed project could have to roadless character. An example is Canada lynx, listed under the ESA as a Threatened species. The EA fails to identify the impacts of motorized routes in specific IRAs that provide habitat for Canada lynx. It is necessary to analyze these factors as they exist in IRAs so the agency and public understand the extent to which roadless character will be impacted.

The EA discloses that “Motorized use occurs on trails in the Grandmother Mountain Roadless Area, with occasional intrusions of unauthorized OHV ≤ 50” access.”

The enacting legislation requires that the Grandmother Mountain Wilderness Study Area be administered to retain the existing wilderness character and potential for inclusion in the National Wilderness Preservation System. The EA discloses, “There have been requests for this area to be non-motorized, and occasional conflicts between hikers and motorized users have occurred...” “Motorized use occurs on trails in the Grandmother Mountain Roadless Area, with occasional intrusions of unauthorized OHV ≤ 50” access.”

The EA discloses impacts in other roadless areas. In the Mallard Larkins Roadless Area #300: “Infrequent motorized use occurs on some of the accessible trails and roads in the area with most motorized activity occurring during the fall big game hunting season.” (Doesn't specify if it happens in the Pioneer area, which would be prohibited.)

In the North Fork Roadless Area #147: “A rough, secondary road constructed by the Civilian Conservation Corps extends approximately three miles into the center of the roadless area at Shefoot Mountain; however, it does not fall within the mapped roadless area boundary, meaning, it is buffered out of the roadless area.”

Remedy:
Close all roads and prohibit motorized use of trails in IRAs, WSAs, RWAs, and in all uninventoried roadless areas adjacent to IRAs, WSAs, and RWAs.

FAILURE TO ANALYZE AND DISCLOSE CUMULATIVE EFFECTS RELATING TO CLIMATE CHANGE

Objectors' comments raised this issue: **1**: 5-6 **2**: 22-23 **5**:13

The effects of climate change have already been significant, particularly in the region encompassing the IPNF. Westerling, et al. 2006 state:

> Robust statistical associations between wildfire and hydro-climate in western forests indicate that increased wildfire activity over recent decades reflects sub-regional responses to changes in climate. Historical wildfire observations exhibit an abrupt transition in the mid-1980s from a regime of infrequent large wildfires of short (average of one week) duration to one with much more frequent and longer-burning (five weeks) fires. This transition was marked by a shift toward unusually warm springs, longer summer dry seasons, drier vegetation (which provoked more and longer-burning large wildfires), and longer fire seasons. Reduced winter precipitation and an early spring snowmelt played a role in this shift. Increases in wildfire were particularly strong in mid-elevation forests. …The greatest increases occurred in mid-elevation, Northern Rockies forests, where land-use histories have relatively little effect on fire risks, and are strongly associated with increased spring and summer temperatures and an earlier spring snowmelt.

Running, 2006 cites model runs of future climate scenarios from the 4th Assessment of the Intergovernmental Panel on Climate Change, stating:

> (S)even general circulation models have run future climate simulations for several different carbon emissions scenarios. These simulations unanimously project June to August temperature increases of 2° to 5°C by 2040 to 2069 for western North America. The simulations also project precipitation decreases of up to 15% for that time period (*11*). Even assuming the most optimistic result of no change in precipitation, a June to August temperature increase of 3°C would be roughly three times the spring-summer temperature increase that Westerling *et al.* have linked to the current trends. Wildfire burn areas in Canada are expected to increase by 74 to 118% in the next century (*12*), and similar increases seem likely for the western United States. The Pacific Northwest Research Station, 2004 recognizes "(a) way that climate change may show up in forests is through changes in disturbance regimes—the long-term patterns of fire, drought, insects, and diseases that are basic to forest development."

Despite our comments and the high profile of the issue of climate change, the St. Joe TMP EA completely ignored the issue. The FS fails to disclose the climate-changing effects of the motorized access it authorizes.

Kassar and Spitler, 2008 provide an analysis of the carbon footprint of off-road vehicles in California. They determined that:

> Off-road vehicles in California currently emit more than 230,000 metric tons — or 5000 million pounds — of carbon dioxide into the atmosphere each year. This is equivalent to the emissions created by burning 500,000 barrels of oil. The 26 million gallons of gasoline consumed by off-road vehicles each year in California is equivalent to the amount of gasoline used by 1.5 million car trips from San Francisco to Los Angeles.
>
> . . . Off-road vehicles emit considerably more pollution than automobiles. According to the California Air Resources Board, off-road motorcycles and all-terrain vehicles produce 118 times as much smog-forming pollutants as do modern automobiles on a per-mile basis.
>
> . . . Emissions from current off-road vehicle use statewide are equivalent to the carbon dioxide emissions from 42,000 passenger vehicles driven for an entire year or the electricity used to power 30,500 homes for one year.

A recent study by the University of Montana's Bureau of Business and Economic Research (Sylvester, 2014) provides data on the amount of fossil fuel being consumed by snowmobiles in Montana, from which one can calculate the carbon footprint. The study finds that resident snowmobilers burn 3.3 million gallons of gas in their snowmobiles each year and a similar amount of fuel to transport themselves and their snowmobiles to and from their destination. Non-residents annually burn one million gallons of gas in snowmobiles and about twice that in related transportation. So that adds up to 9.6 million gallons of fuel consumed in the pursuit of snowmobiling each year in Montana alone. Multiply that by 20 pounds of carbon dioxide per gallon of gas (diesel pickups spew 22 pounds per gallon) and snowmobiling releases 192 million pounds (96 thousand tons) of climate-warming CO^2 per year into the atmosphere.

The Committee of Scientists, 1999 recognize the importance of forests for their contribution to global climate regulation. Also, the 2012 Planning Rule recognizes, in its definition of *Ecosystem services*, the "Benefits people obtain from ecosystems, including: (2) *Regulating services,* such as long term storage of carbon; climate regulation…"

GENERAL CUMULATIVE EFFECTS

This issue was clearly raised in comments:

> The cumulative effects analyses in the EA typically start with a statement such as—the resource is in the condition it's in because of past management, etc. Such an "it is what it is" cumulative effects analysis also fails to comply with NEPA. For one particular, the EA fails to compare the levels of motorized access under each alternative to the reference condition, which was pre-motorized. So with this example, the cumulative impacts of motorized management on populations and distribution of wildlife and fish are not disclosed or analyzed. The current condition under Alternative A is instead used as a baseline—which is improper because the FS seems to have no idea as to the extent that its previous management has reduced or impacted wildlife and fish populations and distribution.

The cumulative effects of increased motorized use after the 1987 Forest Plan was adopted, have never been analyzed under NEPA. As our comments on the 2009 EA stated:

> One of the biggest problems is the supposed current situation. Since motorized use has been minimally managed, contrary to the executive orders, any change is seen as an improvement. However, that skews the analysis. An alternative that meets the executive orders, protects wildlife habitat, and is manageable on-the-ground is not analyzed in the EA. In other words, the existing situation as determined by the agency is so inverted that without a broad range of alternatives, an objective analysis can't be done. It is unfortunate the Forest Service failed to look at a broad range of options simply because of its bias in favor of motorized recreation.
>
> ... (T)he damage from motorized use is increasing and needs to be addressed. If the EA is indeed accurate on these two points, then the range of alternatives in the EA are completely biased and inadequate to deal with an activity that displaces traditional uses, has a high degree of impacts, and is not particularly popular.

UNLAWFUL FOREST PLAN

Objector organizations submitted comments during the forest plan revision process, notifying the FS of the legal and ecological shortcomings of the agency's management direction at each step. Following publication of the Forest Plan and its Final EIS, Objector organizations continued in public participation by filing an objection identifying the many ways the Forest Plan and its EIS continued to provide unlawful and ecologically dangerous management direction of the Idaho Panhandle National Forests. The agency's response to objections did not alleviate our concerns. Now, the TMP EA provides further evidence of the FS's ill-advised management direction. NFMA requires the FS to "not allow significant or permanent impairment of the productivity of the land." [36 C.F.R. § 219.27(a)(1).] Objector organizations have notified the agency of the many ways the IPNF revised forest plan fails to meet the letter of NMFA and fails to follow its own planning regulations, and how the process of forest plan development failed to comply with NEPA. At this juncture, with the revised forest plan being implemented at this site-specific project level, Objectors have no choice but to oppose this project. Objectors fully incorporate all of our comments and other submissions made during the forest plan revision process, our Objection, and all the attachments and references included with those submissions, within these comments—on this site-specific project proposal. (See folder entitled "RFP Participation.")

Remedy:
Provide the remedies requested under relevant Objection Statements in our Objection to the RFP.

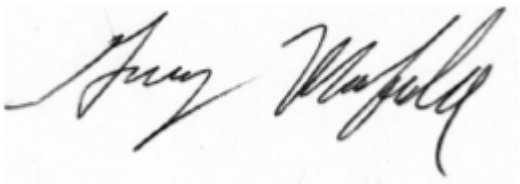
GENERAL REMEDY:
We further suggest the following changes to the St. Joe TMP:

1. The Forest Service has the authority to proceed with all road and trail closures as featured in the action alternatives, without further analysis, and we request you do so. We also request that the Forest Service authorize no additional motorized access over and above the existing situation. Below we offer objections and other remedies to improve the final Travel Management Plan.
2. Revisit the minimization analysis to demonstrate how the minimization were applied to:
    a. Protect wilderness quality lands and roadless areas;
    b. Reduce user conflicts;
    c. Protect wildlife;
    d. The designation of dispersed camping corridors;
3. In absence of the above site-specific changes, the FS must prepare an EIS that addresses the following, as described above in more details:
    a. An adequate analysis of the minimization criteria and how the criteria were applied;
    b. A sufficient range of alternatives;
    c. If there is reliance on the Travel Analysis Report, that report is updated to fully reflect the requirements of 36 C.F.R. § 212 Subpart A;
    d. Include a No Action alternative that clears up the EA's confusion about the existing situation;
    e. Fully addresses the limitations of law enforcement;
    f. Fully addresses noncompliance;
    g. An adequate analysis of the ecological value of uninventoried roadless areas;
    h. An adequate evaluation of Wilderness potential; and
    i. Addresses cumulative effects of climate change and other factors.

CONCLUSION

Thank you very much for your consideration of the above objections. We prefer to meet with the Responsible Official and Objection Reviewing Officer at a mutually convenient time to discuss the above concerns. We also offer to schedule times when we can meet and travel to specific problem locations as discussed in this Objection.

Sincerely,



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