

DECISION NOTICE

**ALLOWABLE SALE QUANTITY
AND
OBJECTIVES AND STANDARDS FOR GRIZZLY BEAR HABITAT MANAGEMENT**

Prepared by:

**U.S. Department of Agriculture, Forest Service
Flathead National Forest
Northern Region**

MARCH, 1995

Responsible Official:


JOEL D. HOLTROP
Forest Supervisor
Flathead National Forest

3/1/95
DATE

The United States Department of Agriculture (USDA) Forest Service is a diverse organization committed to equal opportunity in employment and program delivery. USDA prohibits discrimination on the basis of race, color, national origin, sex, religion, age, disability, political affiliation and familial status. Persons believing they have been discriminated against should contact the Secretary, U.S. Department of Agriculture, Washington, D.C. 20250, or call 202-720-7327 (voice), or 202-720-1127 (TDD).

DECISION NOTICE

**AMENDMENT TO THE
FLATHEAD NATIONAL FOREST
LAND AND RESOURCE MANAGEMENT PLAN
FLATHEAD NATIONAL FOREST, MONTANA**

**AMENDMENT NO. 19
ALLOWABLE SALE QUANTITY
AND
OBJECTIVES AND STANDARDS FOR GRIZZLY BEAR HABITAT MANAGEMENT
MARCH, 1995**

I. INTRODUCTION

Nature of Forest Plan Decisions

On January 22, 1986, the U.S. Forest Service adopted the Land and Resource Management Plan, or Forest Plan, for the Flathead National Forest. The Forest Plan provides management direction to assure coordination of the various multiple uses and values of the Flathead National Forest, consistent with the applicable laws established by Congress.

The Forest Service Manual provides for two levels of decisionmaking in the management of National Forests. The first level involves the promulgation of Forest Plans that establish programmatic management direction for an entire National Forest. Forest Plans contain six types of decisions:

- 1) Forest-wide multiple-use goals and objectives;
- 2) Forest-wide standards and guidelines;
- 3) Establishment of management areas and management area direction;
- 4) Designation of land suitable for timber production;

- 5) Nonwilderness allocations and wilderness recommendations; and
- 6) Monitoring and evaluation requirements.

The Forest Plan does not authorize or approve any specific actions or activities.

The second level of decisionmaking occurs when site-specific activities are proposed. This stage of decisionmaking requires analysis of the specific proposal, not only to determine consistency with the Forest Plan, but also to ensure compliance with the National Environmental Policy Act, the Endangered Species Act, and other applicable laws and regulations. This analysis may result in a decision not to proceed with a proposed project even though the project may otherwise be permissible under the Forest Plan. Project decisions are subject to administrative appeal.

History of Forest Plan Consultation and Litigation

The Flathead National Forest consulted with the U.S. Fish and Wildlife Service (USFWS) regarding the development of the Forest Plan. The Biological Opinion for the Flathead Forest Plan, dated May 15, 1985 and amended July 18, 1989, concluded that implementation of the Forest Plan is not likely to jeopardize the continued existence of threatened and endangered species (peregrine falcon, bald eagle, gray wolf, and grizzly bear). No incidental take was authorized.

Eighteen previous amendments have been proposed to the Forest Plan dealing with a variety of resource management issues. Amendment #9, approved July 31, 1989, added the Interagency Grizzly Bear Guidelines (IGBG) to the Forest Plan as an unbound appendix and amended the Management Situation descriptions and direction to read exactly as published in the IGBG. The Forest Service consulted with the USFWS on this and other amendments to the Forest Plan. The USFWS has consistently found that the Forest Plan and proposed amendments do not jeopardize the continued existence of threatened and endangered species.

On February 22, 1989, a lawsuit challenging the Flathead Forest Plan and accompanying EIS was filed by Resources Limited, Inc., Swan View Coalition, Inc., Friends of the Wild Swan, Five Valleys Audubon Society, and the Sierra Club. The United States District Court ruled in favor of the Forest Service on all claims. Plaintiffs subsequently appealed to the Ninth Circuit Court of Appeals. The Circuit Court issued an opinion on November

3, 1993, and an order amending the opinion and denying rehearing on July 5, 1994. This opinion affirmed the District Court's ruling on 11 of the 12 claims. The Circuit Court reversed the District Court ruling on one claim, and *"... set aside the Forest Service's determination that implementation of the Plan would not jeopardize the continued existence of listed species."*

In the July 5, 1994 order, the Ninth Circuit Court held that *"...the Forest Service acted arbitrarily and capriciously in concluding, on the record as a whole, that the Plan would not jeopardize listed species even at timber harvest levels of 100 mmbf/year."*

The Court concluded that:

"...the Forest Service may reinitiate formal consultation with the FWS concerning the current amended Plan. Alternatively, the Forest Service may propose an amendment to the current amended Plan which shall include an amended ASQ [Allowable Sale Quantity]. In any event, the Forest Service shall formally consult with the FWS concerning the current or proposed amended Plan and provide it with all the data and information required by 50 C.F.R. 402.14(d), including, but not limited to, the Interdisciplinary Team and the District Rangers reports.

After the FWS issues an amended opinion based on its assessment of all the relevant information, the Forest Service must reevaluate its determination that the current or proposed amended Plan would not be likely to jeopardize listed species. The district court will retain jurisdiction over this case to ensure that this process is completed within six months of our mandate."

To comply with this order, the Forest Service proposed Amendment 19 and formally consulted with the U.S. Fish and Wildlife Service in accordance with the procedures of the Endangered Species Act. Early in this consultation, the U.S. Fish and Wildlife Service recommended that the proposed amendment include objectives for open and total road densities and security core areas (Project Record, Exhibit J-6). This decision is the culmination of the Forest Service's efforts to comply with the Court order.

II. DECISION

I have carefully considered the potential environmental impacts of the alternatives analyzed in the Environmental Assessment. I have also consulted with the U.S. Fish and Wildlife Service, other Federal and State agencies, local governments, and the general public. For reasons given in the next section, it is my decision to select Alternative 3-Corrected.

My decision, stated in its simplest terms, is the addition of Forest Plan direction to ensure compliance with the Endangered Species Act, and the recalculation of the maximum amount of timber we can potentially offer for sale during the planning period 1995 to 1999.

The decision amends the Flathead Forest Plan to establish new Forest-wide objectives and standards for grizzly bear habitat and timber management. Appendix A provides the complete text of these changes. The principal changes are:

A. Forest-wide Standards for Grizzly Bear

In all BMU Subunits (Figure 1), there will be no net increase in total motorized access density greater than 2 miles per square mile, no net increase in open motorized access density greater than 1 mile per square mile, and no net decrease in the amount or size of security core area. Forest Service actions will result in a net gain towards the objectives on National Forest System lands.

B. Forest-wide Objectives for Grizzly Bear

On all BMU Subunits that are predominantly (greater than 75 percent) National Forest System land, our objective is to:

- limit high-density (> 1 mile/square mile) open motorized access to no more than 19 percent of a BMU Subunit within 5 years;
- limit high-density (> 2 miles/square mile) total motorized access to no more than 24 percent of a BMU Subunit in 5 years, and no more than 19 percent in 10 years; and
- provide security core areas that equal or exceed 60 percent of each BMU Subunit in 5 years, and 68 percent in 10 years.

On all BMU Subunits that are not predominantly National Forest System land, our objective is to:

- assure that Forest Service activities will not result in an increase in motorized access density or reduction in security core areas on National Forest System lands; and
- improve habitat effectiveness through cooperative management with other landownerships, land adjustments, or other means.

This Decision also includes an objective to establish an active public information and education program that explains the goals and objectives of grizzly bear management and the steps required to recover the population.

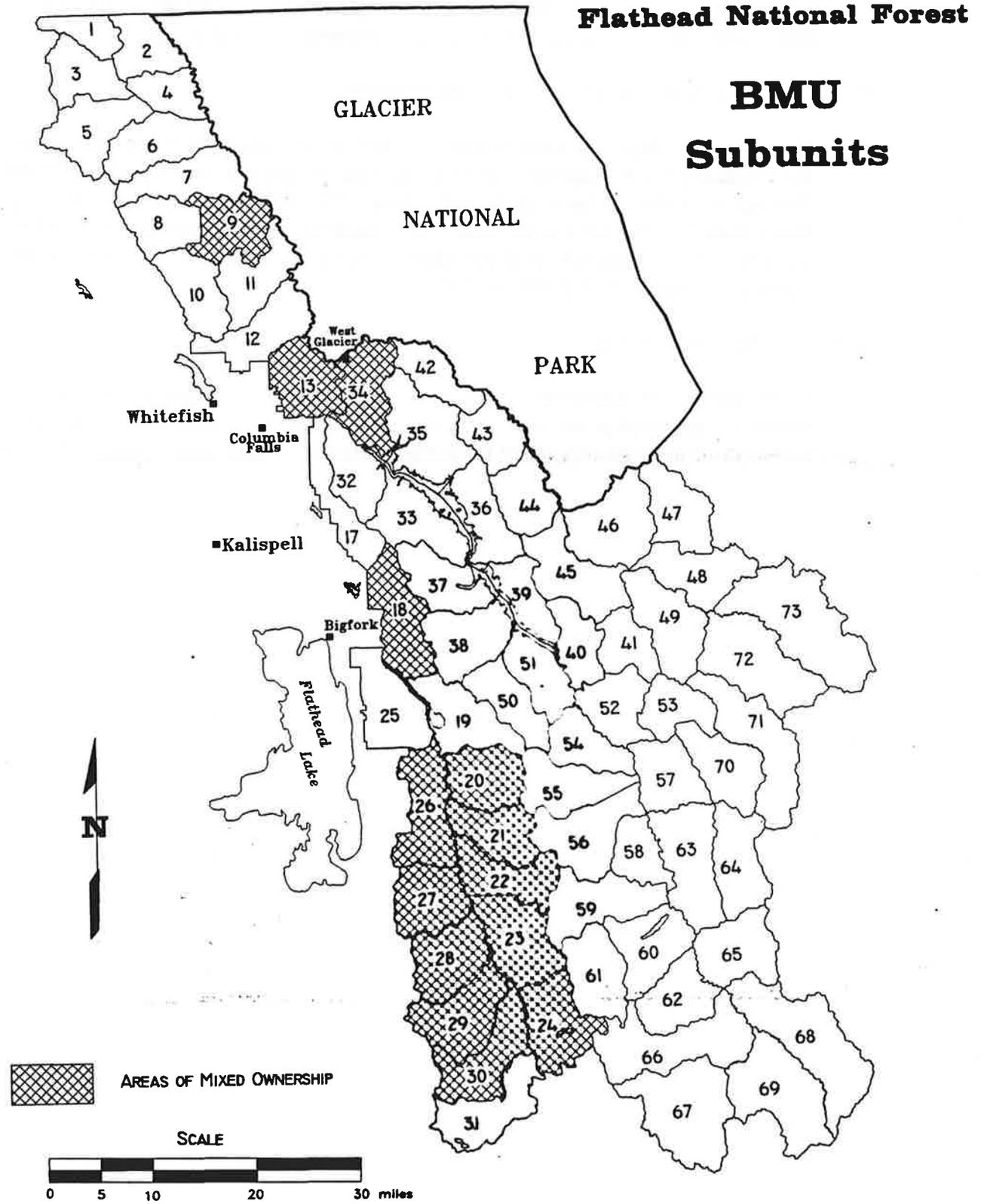
C. Forest-wide Objectives for Timber Management

The Forest's allowable sale quantity (ASQ) is amended to 270 million board feet (MMBF) for the period 1995 to 1999, or an annual average of 54 MMBF. The suitable timber base identified in the 1986 Forest Plan is not altered by this decision. The ASQ is the maximum level of harvest consistent with the Forest Plan's standards and guidelines, and the grizzly bear objectives and standards adopted with this decision.

D. Forest Plan Monitoring

The Forest Plan monitoring decisions are amended to increase efforts to monitor the use of open and restricted roads and trails. In addition, this Decision requires an annual report on implementation of grizzly bear habitat objectives.

Figure 1. Bear Management Unit Subunits



III. REASONS FOR DECISION

One basic fact has dominated my deliberations leading to this decision: the most essential element for grizzly bear conservation is people's understanding, acceptance, and support for the continued existence of the grizzly bear.

As stated in the Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service, 1993):

"... [L]ocal communities must be owners of the concept of grizzly bear conservation. Value systems that are imposed on local communities will not foster support for the conservation of the grizzly. Local values and traditions must be integrated into grizzly bear preservation to enhance local support. A management system that seeks to integrate all biological, social, valuational, and institutional forces toward a common effort involving grizzly bear conservation will have the highest chance of success..... Gaining the support and confidence of people who live in or near grizzly habitat is one of the greatest challenges to grizzly bear recovery. Efforts which address the attitudes and concerns of the local public serve to foster tolerance and positive attitudes toward grizzly bears in communities throughout grizzly bear habitat."

In considering my decision, I have searched for ways to improve habitat security for grizzly bears while fostering tolerance and positive attitudes towards grizzly bears and wildlife conservation generally. It is indeed a great challenge.

I have seriously considered the many concerns of the public raised in their comments on the proposed amendment. I recognize that the alternatives considered present a range of trade-offs between security for wildlife and many traditional recreational and economic activities. I realize that further limitations on motorized access to the Forest and a reduction in the allowable timber sale volume will affect activities and livelihoods that for many years have been important to the culture and customs of the Flathead Valley. In making this decision, I have attempted to maintain those uses and values of the Flathead National Forest to the fullest extent possible while complying with my obligation to conserve threatened and endangered species.

The truly outstanding water quality, native fisheries, and wildlife resources of the Flathead National Forest are also significant elements of the culture and customs of the Flathead Valley and the United States. For many people, the grizzly bear is the ultimate symbol of these values. The Flathead National Forest provides 40 percent of the habitat for the largest remaining population of grizzly bears in the lower 48 States, and is one of only a

few places in the United States that harbors all the large predators that were present 200 years ago. I remain convinced that our desire and obligation to conserve these priceless resources for future generations can be fulfilled within the principles of multiple-use management.

A. Grizzly Bear Objectives and Standards

Since the Forest Plan was adopted in 1986, a lot of new information has been generated regarding the condition of the grizzly bear population and its habitat on the Flathead National Forest. Some of this information raises concerns about the recovery and long-term conservation of the grizzly bear population.

Monitoring efforts over the last few years reveal that the Northern Continental Divide Ecosystem (NCDE) population of grizzly bears meets all of the criteria for a recovered population, except for the rate of human-caused mortality of female grizzly bears. Recently, the U.S. Fish and Wildlife Service (USFWS) computed grizzly bear population trends for two areas in and adjacent to the NCDE (Servheen et al. 1994). In the South Fork of the Flathead River drainage, which is almost entirely within the Flathead National Forest, the USFWS estimates that the grizzly bear population is declining by approximately 4 percent per year. In the North Fork of the Flathead River drainage, the USFWS estimates that the grizzly bear population is increasing by approximately 6 percent annually. This estimate is based primarily on bear data collected in the British Columbia portion of the drainage. Adult female mortality was the most important factor in determining these results. There are inadequate data to evaluate population trends for the entire NCDE population using these statistical methods. Nevertheless, this information further demonstrates the need to improve habitat security and reduce human-caused mortality.

Preliminary results from recent research conducted in the South Fork of the Flathead River suggest that grizzly bears tend to use areas with high open and total road densities less than expected (Mace and Manley 1993). Thus, areas of high road densities may result in an overall reduction in quality and usefulness of grizzly bear habitat.

In addition, human activities that cause bears to move away from, or avoid, certain areas can lead to the isolation, or fragmentation, of smaller populations. One example is the Swan Valley, where maintaining habitat linkages between the Swan Mountains and Mission Mountains is essential for the long-term occupancy of the Mission Mountains.

This information indicates that we need to increase grizzly bear habitat security and reduce human-caused mortality if we are to allow the grizzly bear population to recover to the point that Endangered Species Act protection is no longer needed.

To accomplish this goal, we have subdivided that portion of the Flathead National Forest that occurs within the grizzly bear recovery zone into areas that are approximately the size of the home range for an adult female grizzly bear. We call these areas "BMU Subunits." The habitat utilization patterns of successfully reproducing adult female grizzly bears provide the best guide for determining the necessary level of habitat security for these BMU Subunits. Fortunately, information on grizzly bear habitat utilization patterns in the South Fork of the Flathead River is available from recent research by the Montana Department of Fish, Wildlife, and Parks.

My decision establishes long-term objectives for habitat security that are the same as conditions known to support adult female grizzly bears. In the BMU Subunits that are predominantly National Forest System lands (Figure 1), the long-term (10 years) objectives for total motorized access density and security core areas, and the short-term (5 years) objective for open motorized access density, are the same conditions as found in the composite home range of radio-collared female grizzly bears in the South Fork of the Flathead River. We know that these bears have been able to survive and reproduce with this level of habitat security.

To ensure steady progress toward the long-term objectives, my decision also establishes short-term (5 years) objectives for total motorized access density and security core areas. The short-term objectives represent the current Forest average of 24 percent total motorized access density, and 60 percent security core areas. The current Forest average for open motorized access density is very close to the composite home range values, so no phase-in is needed.

By establishing short-term and long-term objectives, my decision reduces the immediate impact on some traditional or desired uses of the Forest, while giving priority to improving habitat conditions in those BMU Subunits that currently have the highest impacts from motorized access. This phase-in approach also helps minimize the risk of eroding public support for grizzly bear recovery efforts.

I believe that achieving these habitat conditions will substantially increase habitat security, reduce mortality risk, and result in improved population trends. In the South Fork Study area, open and total road densities outside the composite home range were higher than

within (Mace and Manley 1993). Implementing these objectives will result in a greater level of habitat security than existed in the South Fork Study area. Thus, it is reasonable to conclude that the habitat conditions known to sustain adult female grizzly bears in the South Fork will be conducive to sustaining adult female grizzly bears in other BMU Subunits on the Forest.

There are 14 BMU Subunits that are less than 75 percent National Forest System lands (Figure 1). Because the regulatory authority of the Forest Service is properly limited to National Forest System lands, my decision to amend the Forest Plan does not affect any jurisdictions or landowners other than the National Forest System. In the 14 BMU Subunits that are less than 75 percent National Forest System lands, it is not possible to achieve the BMU Subunit objectives on National Forest System lands alone. Therefore, the Forest Plan objectives described above for open and total access density and security core area do not apply to these BMU Subunits.

In the 14 Subunits with intermingled landownerships, cooperative agreements with other landowners are necessary to promote improvements in habitat security over areas the size of one or more grizzly bear home ranges. I am actively involved in efforts to develop such an agreement with major landowners in the Swan Valley, an area with the highest amount of intermingled landownership relative to the Flathead National Forest. These efforts to develop cooperative agreements are critical to assure a recovery of the Mission Mountain grizzly bear population and the long-term conservation of the Northern Continental Divide population.

In these 14 BMU Subunits and all others on the Forest, my decision requires no net loss of habitat security on National Forest System lands, and that Forest Service activities result in a net gain in habitat security. In addition, this amendment changes the designation of about 11,000 acres of National Forest System land in the Swan Valley from Management Situation 2 to Management Situation 1. This change reflects my recognition of the critical need to maintain habitat linkages between the Mission Mountains and the Swan Mountains. I believe that these decisions will improve habitat effectiveness, maintain habitat linkages, and generally provide greater habitat protection for grizzly bears in these BMU Subunits than the management direction in the current Forest Plan.

Over the last 10 years, the U.S. Fish and Wildlife Service (USFWS) has consistently found that the Forest Plan and project activities of the Flathead National Forest are not likely to jeopardize the continued existence of the grizzly bear. However, on several recent occasions the USFWS has found that the existing open and total road densities on some portions

of the Flathead National Forest are causing significant modifications of grizzly bear habitat resulting in a "take"¹ of the species in violation of the Endangered Species Act. In their January 6, 1995, Biological Opinion on this proposed amendment, the USFWS provided "terms and conditions" that the Forest Service must comply with to avoid violating the Endangered Species Act. Alternative 3-Corrected complies with these terms and conditions. Thus, my decision to establish the objectives of Alternative 3-Corrected is required by law.

I have seriously considered the consequences of this decision on the recreational and other uses of the Forest that rely on roaded access. There are currently about 1900 miles of road open to general use on the Flathead National Forest. Implementation of this decision over the next 5 to 10 years will reduce the amount of open roads to approximately 1600 miles.

Implementation of this decision will reduce the level of motorized access currently used for a variety of activities such as firewood gathering, camping, fishing, trailbike riding, hunting, berry picking, and timber management.

The road use restrictions will not be evenly distributed across the Forest. Some areas will see no change, some will see only a slight amount of new restrictions, and in a few BMU Subunits several additional roads will be restricted. Restricted roads will remain open to nonmotorized use and reclaimed roads may be converted to nonmotorized trails when necessary to maintain access to the existing trail system.

The open motorized access density and security core area objectives apply only during the non-denning period, which is generally from November 15 to March 15. Thus, snowmobiling will not be affected significantly, except in late spring.

¹ Under Section 9 of the Endangered Species Act, it is unlawful for any person to take any threatened or endangered species of fish or wildlife. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The Secretary of Interior may permit, under such terms and conditions as he shall prescribe, taking that would otherwise be prohibited but is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Motorized access restrictions and road reclamation will provide other benefits in addition to increased habitat security for grizzly bears. Decreased motorized access density will improve the habitat effectiveness for numerous species of wildlife, including wolves, fisher, lynx, elk, wolverine, and marten. Motorized access restrictions will change hunting opportunities from roaded to unroaded in some portions of the Forest. This is expected to increase the proportion of older bulls and bucks in elk and deer populations. Road reclamation, while likely causing some short-term increases in sediment, will in the long-term improve water quality and fish habitat by reducing fine sediment and stream channel erosion.

My decision to adopt these grizzly bear habitat standards and objectives is guided by the Federal laws governing management of National Forests. The Endangered Species Act requires that Federal agencies use their authorities to conserve threatened and endangered species, and insure that their actions are not likely to jeopardize the continued existence of any threatened or endangered species. Section 9 of the Endangered Species Act makes it unlawful for any person to take any threatened or endangered species. The definition of "take" includes any action to harm or harass listed species. The Secretary of Interior may permit, under such terms and conditions as he shall prescribe, taking that is incidental to otherwise lawful activity. The Multiple-Use Sustained-Yield Act, and the National Forest Management Act, direct the Forest Service to provide a sustained yield of outdoor recreation, range, timber, watershed, and wildlife and fish. My decision strives to achieve these sometimes conflicting purposes. The grizzly bear habitat standards and objectives of this decision accomplish the results required by the Endangered Species Act, and provide for the sustainable production of recreational opportunities, timber, water quality, and other resources at a level consistent with the Endangered Species Act.

B. Forest-wide Resource Management Objectives for Timber

The allowable sale quantity (ASQ) is defined as the maximum amount of timber that may be sold from the area of suitable land for a time period specified by the plan. It is usually expressed as the average annual allowable sale quantity.

Even though the ASQ is a maximum, we need to be as realistic in our estimate as we can be. This means that our estimate must reflect, to the greatest extent possible at the programmatic level, the effect of meeting other objectives, standards, and guidelines for resource protection. To me, this presents a reasonable assurance of protecting or maintaining water quality, scenic quality, important wildlife habitat, and other resource values on the Forest. Recognizing that ASQ is a maximum allows for site-specific

adjustments when projects are planned, based on more specific information and actual application of objectives, standards, and guidelines to a specific area.

It would be inappropriate to select an ASQ that is not feasible or that is inconsistent with other objectives, standards, and guidelines. It is inappropriate from the standpoint of reasonable expectations for industry and from the standpoint of resource protection mandated in law.

In developing the various alternatives, we carefully evaluated whether the proposed ASQ could be achieved consistent with the standards and guidelines of the Forest Plan, and any proposed additions. This analysis is explained in Chapter III of the Environmental Assessment. The analysis concluded that an average annual ASQ of 54 million board feet is feasible and consistent with current Forest Plan standards, including the Interagency Grizzly Bear Guidelines, and the objectives and standards added by this amendment.

In conducting this analysis for Alternatives 3-Corrected, 4-Corrected, and 5, we accounted for consequences of the security core area objectives on the amount of land available for timber management. Motorized access is prohibited in security core areas during the non-denning period. However, motorized activities, including timber management activities, may occur during the denning period. The mechanical and economical feasibility of timber management activities during winter conditions depends on site-specific conditions such as slope steepness and distance to road access. These conditions are highly variable across the affected BMU Subunits. As a result, we are unable to evaluate in this programmatic analysis the degree to which timber management activities are feasible in security core areas. Therefore, we excluded security core areas from the estimation of ASQ, even though timber harvest activities are permissible during the denning period. Decisions to proceed with timber management activities in security core areas during the denning period must be based on site-specific analysis when all the relevant factors can be adequately addressed. The determination to exclude security core areas from the calculation of ASQ is also consistent with the need to assure, to the greatest extent possible at the programmatic level, that the ASQ is achievable consistent with other Forest Plan management direction.

The actual amount of timber that will be sold each year depends on a variety of factors including site-specific environmental analysis, public involvement on project proposals, choice of harvest methods, and the effects of administrative appeals and litigation. In addition, actual levels of timber production are limited by the budget that this Forest receives for that purpose. All of these factors, particularly site-specific environmental

analysis and public involvement, may result in the Flathead National Forest selling less than the maximum allowable volume of timber.

IV. IMPLEMENTATION

This decision will take effect 7 days after publication of legal notice of the Daily Interlake newspaper of Kalispell, Montana.

As described above, this decision establishes both short-term and long-term objectives for open and total motorized access density and security core areas in BMU Subunits that are predominantly National Forest System lands. The short-term objectives are to be achieved in the next five years, and long-term objectives are to be achieved in the next ten years.

Specific access restriction and road reclamation actions to achieve these objectives may be made in conjunction with other actions such as timber management proposals, or independently. In any event, the Forest Service will conduct additional site-specific analysis and public involvement on specific proposals. The Forest Service will consult with the U.S. Fish and Wildlife Service prior to proceeding with actions that may affect listed species, as required by the Endangered Species Act.

Several comments on the Environmental Assessment suggested that the time-frames for these objectives are too long. Some respondents questioned the utility of long-term objectives when the Forest Service anticipates revising the Flathead Forest Plan within the next five years.

After considering these comments, I have concluded that a combination of short-term and long-term objectives is the best approach for total motorized access density and security core areas. This approach assures significant and steady progress while minimizing the risk of major reductions in public support for grizzly bear conservation that may result from sudden and widespread restrictions on access for popular activities. This combination of short-term and long-term objectives is also permissible under the terms and conditions of the U.S. Fish and Wildlife Service's Biological Opinion.

A single 5-year objective of 19 percent is warranted for high density open motorized access. Habitat effectiveness and human-caused mortality risk are affected more by the amount of actual motorized use than by the mere presence of a road bed. Thus, achieving

the composite home range value for open motorized access density will result in a substantial improvement in habitat conditions over the next 5 years.

As with establishing an allowable sale quantity, the grizzly bear habitat objectives should be reasonably achievable. Access restrictions and road reclamation require additional, and more site-specific, environmental analysis. It will take considerable time to complete this environmental analysis for all 22 BMU Subunits that currently do not meet the long-term objectives for either total motorized access or security core area. In addition, it may take more than five years to acquire the total financing needed to achieve the long-term total motorized access density objective.

To ensure steady progress toward these objectives, I anticipate that the Flathead National Forest will make project decisions that achieve at least the short-term objectives at a rate of 4 to 6 BMU Subunits per year over the next 5 years.

To further promote steady implementation, the Forest Service will prepare an annual report documenting our progress toward these objectives. This report will be available for public review. In addition, we will submit this report each year to the the U.S. Fish and Wildlife Service as part of our ongoing consultation.

I do not believe that the anticipated revision of the Forest Plan within the next five years undermines the utility of long-term objectives. The Forest Plan contains many goals and objectives that will take longer than the next five years to achieve. This does not make them invalid. Indeed, long-term objectives are valuable because they encourage efforts to accelerate accomplishments where feasible and appropriate.

Regardless of the anticipated timing of Forest Plan revision, the Forest Service and the U.S. Fish and Wildlife Service will continue their ongoing dialogue on threatened and endangered species recovery, including the effectiveness of the grizzly bear habitat objectives adopted with this decision. Together, and with the public, we will continue to evaluate the results from the monitoring of human-caused mortality, habitat effectiveness, and other recovery parameters. We will also continue to evaluate further research developments. The Forest Plan can be changed whenever the evaluation of new information indicates it is appropriate.

In addition, the U.S. Fish and Wildlife Service's January 11, 1994, amendment to their Biological Opinion on the Lost Silver Timber Sale, recognized that "area-based" habitat objectives measured by geographic information system techniques are untried as a

management tool. Despite the Flathead National Forest's best programmatic efforts to evaluate the consequences of the alternatives considered in the Environmental Assessment for Amendment 19, site-specific application may reveal unanticipated or impractical results in some BMU Subunits. This is also a source of new information that the Forest Service will share with the U.S. Fish and Wildlife Service and the public.

This continuous process of evaluation and consultation regarding monitoring results, research developments, and implementation experience, requires that the Forest Service and the U.S. Fish and Wildlife Service remain able to adapt to new information indicating a need to change, regardless of the anticipated timing of Forest Plan revision. If and when new information dictates, the Forest Service will reinstate formal consultation with the U.S. Fish and Wildlife Service on these objectives, either in whole or by BMU Subunit. On the other hand, if new information confirms the effectiveness and necessity of these objectives, they will not be changed with revision of the Forest Plan.

V. ALTERNATIVES CONSIDERED

Alternative 1. No Change to the Current Forest Plan (No Action):

The National Environmental Policy Act requires that a no action alternative be considered. "No action" in this case means no change from the current Forest Plan, as previously amended. The current Forest Plan has an annual average allowable sale quantity (ASQ) of 100 million board feet (MMBF) of timber. This figure represents the maximum amount of timber that could be sold from the Flathead National Forest on an average annual basis. Current goals and objectives, standards and guidelines would remain the same.

This alternative was not selected for several reasons. First, monitoring data and experience indicate that the level of harvest described in this alternative cannot be produced while also complying with other Forest-wide and management area goals, objectives, and standards regarding resources other than timber. Second, this alternative does not include the terms and conditions required by the U.S. Fish and Wildlife Service to avoid an unlawful "taking" of the threatened grizzly bear. Thus, implementation of this alternative would violate the Endangered Species Act. Finally, this alternative would not satisfy the order of the Ninth Circuit Court of Appeals to amend the allowable sale quantity.

Alternative 2. Amend the Forest Plan Allowable Sale Quantity (ASQ) to an Achievable Level Consistent with Current Forest Plan Standards.

The Ninth Circuit Court of Appeals ordered that we adjust the ASQ to an achievable level consistent with all current Forest Plan standards, including the 1986 Interagency Grizzly Bear Guidelines. Under this alternative, Forest Plan direction is unchanged and a spatial analysis of existing Forest Plan standards is used to adjust the average annual ASQ for the 1995-1999 period to 64 MMBF per year. A complete description of this alternative is found in Chapter II of the Environmental Assessment.

This alternative was not selected because it does not comply with the terms and conditions required by the U.S. Fish and Wildlife Service to avoid an unlawful "taking" of the threatened grizzly bear. Thus, implementation of this alternative would violate the Endangered Species Act. In addition, while this alternative would allow slightly more motorized access on the Forest, it would provide less habitat security than Alternatives 3-Corrected, 4-Corrected and 5.

Alternative 3-Corrected. Amend Forest Plan objectives (short term and long term) and standards for grizzly bear habitat and for timber management. Amend Forest Plan monitoring items related to access management. Add Unbound Appendices TT and UU to the Forest Plan.

This is the selected alternative. A summary description is found above in the description of my decision. The complete Forest Plan text changes adopted with this alternative can be found in Appendix A.

Federal laws governing National Forest System management define the purposes for managing the National Forests to include both conserving the ecosystems upon which species depend, and at the same time providing raw materials and other resources that are needed to sustain the health and economic well-being of the people of this country. To balance these sometimes conflicting purposes, I adopt the alternative that will further promote the conservation of threatened and endangered species, limit the amount of incidental "take" of grizzly bear habitat to permissible levels, and provide an achievable and sustainable supply of timber, recreational opportunities, and other resources at the highest possible level.

Alternative 3-Corrected best achieves these purposes. It accomplishes the biological results required by law, while minimizing adverse impacts on timber harvest and jobs, recreational opportunities, and other uses of the Flathead National Forest.

Alternative 4-Corrected. Amend Forest Plan objectives and standards for grizzly bear habitat that mirror the statistics of a composite female home range from the South Fork Study area, and amend objectives and standards for timber management. Amend Forest Plan monitoring items related to access management. Add Unbound Appendices TT and UU to the Forest Plan.

A complete description of this alternative is found in Chapter II of the Environmental Assessment. This alternative is different from Alternative 3-Corrected in that there is no phase-in of grizzly bear habitat objectives for BMU Subunits that are predominantly National Forest System land. The long-term objectives of Alternative 3-Corrected would be implemented within 5 years. The average annual ASQ under this alternative is 52 million board feet for the period 1995 to 1999.

This alternative would establish a faster rate of implementation than required by the terms and conditions of the U.S. Fish and Wildlife Service's Biological Opinion. I did not select this alternative for two reasons. First, it would create an unnecessary risk of a major reduction in local public support for grizzly bear conservation that may result from sudden restrictions on motorized access. In addition, given current staffing and funding, there is not reasonable assurance that the shorter timeframe of this alternative can be achieved.

Alternative 5. Amend Forest Plan objectives and standards for grizzly bear habitat and for timber management similarly to Alternative 4-Corrected, except with a greater degree of security provided for grizzly bears. Amend Forest Plan monitoring items related to access management. Add Unbound Appendices TT and UU to the Forest Plan.

This alternative was added to the final Environmental Assessment in response to public comments. It provides a greater degree of security core area and more restrictive open motorized access density objectives than Alternatives 3-Corrected, 4-Corrected or the terms and conditions of the U.S. Fish and Wildlife Service's September 3, 1993, Biological Opinion on the proposed Lost Silver timber sale. The average annual ASQ under this alternative is 46 million board feet for the period 1995 to 1999.

The principal differences between this alternative and Alternatives 3-Corrected and 4-Corrected are that Alternative 5 would establish, for BMU Subunits that are predominantly National Forest System lands, short-term (5 years) objectives to: (1) limit high-density open motorized access (> 1 miles/square mile) to no more than 15% of Management

Situation 1 and 2 lands within a BMU Subunit; and (2) provide security core areas that comprise 80 to 100 percent of each BMU Subunit. A complete description of this alternative can be found in Chapter II of the Environmental Assessment.

This alternative was not selected because it would result in major impacts to motorized access, recreational opportunities, and potential timber harvest levels that are not necessary to provide for the recovery of the grizzly bear. I believe that grizzly bear recovery can succeed without requiring this level of restriction on traditional uses of the Forest. This alternative provides a greater amount of access restriction than required by the terms and conditions of the U.S. Fish and Wildlife Service's January 6, 1995, Biological Opinion. Moreover, because this alternative would significantly reduce motorized access and many traditional uses of the Forest without a clear justification, it would likely result in the further reduction of public support for grizzly bear conservation and wildlife conservation in general. I am convinced that this result is not only unnecessary, it would be counterproductive.

VI. PUBLIC INVOLVEMENT

The Forest Service participated in several information meetings regarding the proposed amendment during the scoping period and following publication of the Draft Environmental Assessment. The 45-day public comment period provided time for comments on the Draft Environmental Assessment and for coordination with all interested parties and agencies. Throughout the preparation of the draft and final Environmental Assessment, members of the interdisciplinary team were available to answer questions. The 1,908 comments received are part of the public record. Chapter V of the Environmental Assessment presents a summary of the comments received and the Forest Service's response.

VII. LEGALLY REQUIRED FINDINGS

A. Court Order: Finding of No Jeopardy to Listed Species

In the opinion filed November 3, 1993, and amended on July 5, 1994, the Ninth Circuit Court of Appeals concluded:

"We remand the case to the district court for remand to the Forest Service. The Forest Service may reinitiate formal consultation with the FWS concerning the current amended Plan. Alternatively, the Forest Service may propose an amendment to the current amended Plan which shall include an amended ASQ. In any event, the Forest Service shall formally consult with the FWS concerning the current or proposed amended Plan and provide with with all the data and information required by 50 CFR 402.14(d), including, but not limited to, the Interdisciplinary Team and the District Rangers reports.

After the FWS issues an amended opinion based on its assessment of all the relevant information, the Forest Service must reevaluate its determination that the current or proposed amended Plan would not be likely to jeopardize listed species. The district court will retain jurisdiction over this case to ensure that this process is completed within six months of our mandate.

If the Forest Service concludes that the current or proposed amended Plan will jeopardize listed species, the Forest Service shall again propose a new amendment, subject to the procedures set out above, or amend again the Plan so that it will not be likely to jeopardize listed species.

In any event, if the Forest Service concludes that the current or proposed amended Plan will jeopardize listed species, the district court will retain jurisdiction to ensure that the Forest Service amends the Plan within a year of our mandate."

The Endangered Species Act of 1973, as amended, establishes as policy of Congress and all Federal departments and agencies to seek to conserve endangered species and threatened species and use their authorities in furtherance of these purposes. In consultation with the Secretary of the Interior, each federal agency shall ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary of the Interior to be critical. In fulfilling these requirements, each agency shall use the best scientific and commercial data available. To facilitate consultation under Section 7 of the Act, each agency shall request a list of species which are listed or proposed to be listed, and may occur in the area of proposed action. If species may be present, the agency shall prepare a biological assessment for the purpose of identifying any endangered species or threatened species which is likely to be affected by the proposed action. Upon conclusion of the consultation, the Secretary of the Interior shall provide a written opinion. This statement shall include a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat. If jeopardy or adverse modification is found, reasonable and prudent alternatives shall

be suggested which can be taken by the federal agency in implementing the agency action.

Under Section 9 of the Act, it is unlawful for any person to take any threatened or endangered species of fish or wildlife. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The Secretary may permit, under such terms and conditions as he shall prescribe, taking that would otherwise be prohibited but is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

I decided that it was most appropriate to respond to the court order by proposing to amend the Forest Plan, rather than re-initiating consultation on the existing Forest Plan. Several factors led me to this conclusion. These included reduced levels of timber harvest since the Forest Plan was approved; new techniques enabling us to spatially model Forest Plan standards; new information about grizzly bear responses to roads; and recent Biological Opinions on project-level decisions concluding that the environmental baseline is resulting in a taking of grizzly bears, and recommending that the Forest develop programmatic direction to ensure that grizzly bear secure habitat is provided Forest-wide.

In addition to amending the ASQ, I proposed to adjust Forest Plan objectives and standards to provide a greater degree of protection for grizzly bear habitat. I did not propose to amend existing Forest Plan direction regarding other threatened or endangered species.

We have consulted extensively with the U.S. Fish and Wildlife Service regarding proposed Forest Plan amendment 19. Written correspondence from this office included transmittal of: a proposed outline of the contents of the Biological Assessment, to ensure that all necessary information would be supplied to the U.S. Fish and Wildlife Service (dated Aug. 11, 1994, with reply dated Sept. 9, 1994); a request for concurrence with the list of species that may occur on the Flathead National Forest (dated Aug. 31, 1994, with reply dated Sept. 7, 1994); the Biological Assessment and request to initiate formal consultation (dated Oct. 27, 1994, with reply dated Nov. 14, 1994); an Addendum to the Biological Assessment (dated Dec. 2, 1994); a letter responding to correspondence from Keith Hammer and Daniel Rohlf regarding the relationship between Management Area allocations and standards and guidelines for listed species (dated Feb. 8, 1995); and a Supplement to the Biological Assessment requesting concurrence with changes made to the preferred alternative in response to public comments and the Jan. 6, 1995 Biological Opinion, and requesting an amendment to the incidental take statement (dated Feb. 10, 1995, with reply dated Feb. 17, 1995).

The determinations in the Biological Assessment are that the Forest Plan with the proposed amendment, and considering environmental baseline conditions, is "not likely to adversely affect" the threatened grizzly bear, will have "no effect" on the endangered gray wolf and the endangered peregrine falcon, and "may affect beneficially" the endangered bald eagle. The proposed amendment to the Forest Plan, and considering environmental baseline conditions, is determined to have "no effect" on the threatened water howellia. These determinations were re-affirmed in the Addendum to the Biological Assessment and the Supplement to the Biological Assessment.

The U.S. Fish and Wildlife Service concurred with the determinations of effects on gray wolf, peregrine falcon, bald eagle, and water howellia, and issued a biological opinion and incidental take statement regarding effects to the threatened grizzly bear (Jan. 6, 1995 and Feb. 17, 1995). The Biological Opinion concluded that implementation of proposed Forest Plan Amendment 19 is not likely to jeopardize the continued existence of the Northern Continental Divide Ecosystem grizzly bear population, but will result in incidental take because of the condition of the environmental baseline. Reasonable and prudent measures, and terms and conditions were included to minimize incidental take.

I conclude that this amendment will not jeopardize the continued existence of endangered species or threatened species. This decision amends the ASQ in a manner that demonstrates that it is consistent with existing and proposed standards and objectives for protection of threatened and endangered species. My decision also establishes Forest Plan direction that fully complies with the reasonable and prudent measures and the terms and conditions of the Biological Opinion, as amended. Implementation of this decision will result in no net loss of habitat security for grizzly bears on National Forest System lands, and Forest Service activities will result in a net gain in habitat security on the National Forest. In all BMU Subunits that are predominantly National Forest System lands, my decision establishes long-term objectives for motorized access density and security core area that will provide the same conditions as found in a composite home range of adult female grizzly bears known to have survived and reproduced in the South Fork of the Flathead River.

Based on the information presented in the Biological Assessment, Addendum to the Biological Assessment, Supplement to the Biological Assessment, and the Biological Opinion, I believe that implementation of this decision will increase habitat security, reduce mortality risk, and promote the recovery and conservation of endangered and threatened species.

B. National Environmental Policy Act: Finding of No Significant Impact

I have determined that this Forest Plan amendment will not significantly affect the quality of the human environment. I have considered the following factors in reaching this determination:

1. The environmental effects of this Decision must be considered in the context of the Forest Service staged decisionmaking process. This Decision amends the programmatic decisions of the Forest Plan. The Forest Plan is scheduled for revision within the next 5 years.

This Decision does not authorize any specific activities that will disturb the biological or physical environment. It does not make any irreversible or irretrievable commitment of resources. Those decisions will be made later when implementing this Decision. Further site-specific environmental analysis, with appropriate NEPA disclosure and public participation, is required for each subsequent action implementing this Decision. Any irreversible or irretrievable commitment of resources and the significance of any potential environmental impact will be identified and assessed at that time.

2. This Decision has no effect on public health or safety.

3. This Decision will result in no adverse effects to any historical places or loss of scientific, cultural, historic, or other unique resources because no ground disturbing activities are authorized by this Decision. Existing Forest Plan standards adequately address mitigation measures for these resources.

4. This Decision would not likely cause highly controversial environmental effects. Controversy in this context refers to cases where there is a substantial dispute as to the size, nature, or effect of the federal action, rather than opposition to its adoption. Forest Service biologists and other resource specialists utilized the best available scientific and commercial data in evaluating the alternatives.

5. There are no known unusual circumstances associated with this Decision. The Decision does not impose any highly uncertain, unique or unknown environmental risks. The Decision is based on professional scientific interpretation of research and forest conditions. The Environmental Assessment incorporates the review

comments received from State and Federal agencies with expertise in the subjects addressed.

6. This Decision represents a decision in principle about future considerations. The potential programmatic consequences of future actions are disclosed in the Environmental Assessment. Additional environmental analysis with appropriate NEPA documentation and public participation will occur prior to authorizing any ground disturbing activities implementing this Decision.

7. This Decision is not related to other actions with individually insignificant but cumulatively significant impacts because the Decision is programmatic and does not authorize any timber harvest or other ground-disturbing activities. The standards and objectives of this Decision will result in a reduction of potential cumulative impacts that could be caused by actions and conditions that were permissible under the Forest Plan prior to this Decision.

8. There are no structures or objects listed on the National Register of Historic Places that will be adversely affected by this Decision. This Decision will not cause the loss or destruction of significant scientific, cultural, or historic resources.

9. This Decision is designed to improve habitat conditions for species listed as threatened under the Endangered Species Act. Both the U.S. Fish and Wildlife Service and the Forest Service have concluded that the Decision is not likely to jeopardize the continued existence of any listed species. The Decision requires the implementation of measures necessary to comply with the reasonable and prudent measures and terms and conditions of the USFWS's Biological Opinion, as amended.

10. This Decision does not threaten to violate Federal, State, or local requirements imposed for the protection of the environment because no ground-disturbing activities are authorized by this Decision. All subsequent actions to implement this Decision will be subject to further NEPA procedures prior to approval.

C. National Forest Management Act: Finding of Nonsignificant Amendment

The National Forest Management Act provides that forest plans shall "be amended in any manner whatsoever after final adoption and after public notice, and, if such amendment would result in a significant change in such plan, in accordance with subsections (e) and

(f) of this section and public involvement comparable to that required by subsection (d) of this section" (16 U.S.C. 1604(f)(4)).

The Secretary of Agriculture's implementing regulation indicates the determination of significance is to be "[b]ased on an analysis of the objectives, guidelines and other contents of the forest plan" (36 CFR 219.10(f)). The Forest Service has issued guidance for determining what constitutes a "significant amendment" under NFMA. This guidance, in Forest Service Handbook 1909.12 - Chapter 5.32, identifies four factors to be used when determining whether a proposed change to a forest plan is significant or not significant. These four factors are: timing; location and size; goals, objectives, and outputs; and management prescriptions. This Handbook guidance states that "[o]ther factors may also be considered, depending on the circumstances."

1. Timing: The National Forest Management Act requires that Forest Plans be revised at least every 15 years. The Flathead Forest Plan has been in effect for more than 9 years. Revision of the Forest Plan is anticipated within the next 5 years. As stated in the Forest Service Handbook (FSH 1909.12, Chapter 5.32): "the later the change, the less likely it is to be significant for the current forest plan." This amendment occurs relatively late in the lifespan of the Forest Plan. The objectives and standards established by this amendment will be reviewed during the Forest Plan revision process.

2. Location and Size: The grizzly bear habitat objectives and standards for motorized access apply only to the portion of the recovery zone occurring outside of designated Wilderness. Thus, this part of the amendment affects 988,443 non-Wilderness acres, or 40 percent of the acreage of the Flathead National Forest. The Forest Plan identified 670,670 acres of land as suitable for timber production. While this amendment does not change this determination, it does reduce the maximum amount of timber that may be harvested from these lands over the next 5 years, or until the Forest Plan is revised.

3. Goals, Objectives, and Outputs: This amendment is fully consistent with goals of the Forest Plan. These goals include: (1) provide sufficient habitat for a recovered population of grizzly bears, gray wolves, bald eagles, and peregrine falcons; (2) provide a sustained yield of timber products that is cost effective, responsive to the needs of the local economy, and is consistent with other Forest management goals; (3) develop and implement a road management program, with road use restrictions and closures, that is responsive to resource protection needs and public concerns;

and (4) provide a range of quality recreation opportunities, including motorized and nonmotorized, in an undeveloped forest environment (LRMP, pg. II-5).

The amendment establishes additional objectives for wildlife and fish, specifically grizzly bear habitat, consistent with the Forest-wide goals. (LRMP, pg. II-7). In addition, the amendment modifies Forest Plan objectives for timber, specifically the allowable sale quantity. (LRMP, pg. II-7).

The amendment does not alter existing Forest Plan objectives for roads or other multiple-uses. The road management objectives of the existing Forest Plan include: (1) all existing system and nonsystem roads will be reviewed as part of transportation planning for need, possible closure, or obliteration; and (2) implement a road management program that is responsive to resource protection needs, water quality goals, and public concerns. Miles of road left open to public use will be that amount necessary to meet public needs and resource management objectives (LRMP, pg. II-8). The amendment does not change any Management Area designations, the goals and objectives for any Management Areas, or the determination of lands suitable for timber production.

The existing Forest Plan contains projected outputs by time period (LRMP, pg. II-9). Most of the projected outputs remain unchanged by this amendment. However, the amendment does alter the timber and facilities outputs projected for the period 1995 to 1996.

The maximum allowable level of timber harvest is reduced from an annual average of 100 million board feet per year under the existing Forest Plan, to an average annual amount of 54 million board feet (MMBF) after this amendment. The majority of this 46 MMBF reduction is a result of updated analysis of the standards and guidelines of the existing Forest Plan, and not the results of additional standards imposed by this amendment. This is consistent with agency policy, which has repeatedly stated that in a conflict between resource protection standards and projected outputs, outputs must give way. Only 10 MMBF of the 46 MMBF reduction in ASQ is attributable to grizzly bear habitat objectives and standards of this amendment.

This amendment will also result in a reduction in the projected outputs for road construction compared to those projected in the existing Forest Plan. All other outputs projections remain unchanged.

This evaluation of output projections in the existing Forest Plan must be placed in the context of actual output levels from recent years. Actual output levels for timber harvest and road construction have been less than the Forest Plan projected. Compared to actual output levels for timber and roads in recent years, the amendment has little or no effect.

Since adoption of the Forest Plan in 1986, the Flathead National Forest has sold an average of 38.4 MMBF per year chargeable to ASQ. The Forest has not sold more than 47 MMBF of ASQ volume in any year since 1988.

Similarly, the miles of road construction since 1986 have been considerably less than the amount projected in the Forest Plan. The Forest Plan projected 68 miles of road construction per year for the period 1986 to 1995, and 54 miles per year for the period 1996 to 2005 (LRMP, pg. II-9). Since 1986, the Flathead National Forest has constructed a total of 260 miles of road, which averages 32.5 miles per year. Since 1990, the miles of construction per year have been much less than 32 miles. Under this amendment, we estimate the potential construction of about 13 miles per year. Most of this potential road construction is anticipated to occur outside the grizzly bear recovery zone.

Forest Plan projections of road construction must be read in conjunction with Forest Plan road density standards, which require no more than one mile per square mile for all areas affected by the road density objectives of this amendment (LRMP, pgs. II-55 and II-30). As described in the Environmental Assessment, achieving the road density standard of the existing Forest Plan results in 1,754 miles of open road. Achieving the open motorized access density of this decision results in 1,594 miles of open road.

The amendment does foreclose the opportunity to achieve higher output levels for timber and road construction in the future unless the Forest Plan is amended or revised to permit these levels.

All other goals, objectives, and output projections of the existing Forest Plan remain unchanged.

4. Management Prescription: This amendment does not change the Management Area designations or Management Area direction of the existing Forest Plan. It does not alter the determination of lands suitable for commercial timber production.

As explained previously, this amendment does not change Forest-wide goals for any resources. It changes only the Forest-wide objectives for timber and grizzly bear habitat, and Forest-wide standards for grizzly bears.

The amendment is generally consistent with the desired future condition described on page II-13 of the Forest Plan, particularly the statement that "[h]abitat to support threatened and endangered species will be enhanced compared to current levels." The amendment is consistent with the existing Forest-wide standards for grizzly bear habitat. It will help achieve the desired future condition for grizzly bear habitat as expressed in the Forest-wide goals, objectives, and standards for threatened and endangered species.

5. Other Factors: The preparation of a significant amendment to the Forest Plan requires essentially the same procedures, and amount of time, as revision of the Forest Plan (36 CFR 219.10(f)). The experience of the Forest Service indicates that fulfilling these procedures takes at least two years, and normally two to five years.

In its July 5, 1994, opinion, the Ninth Circuit Court of Appeals ordered:

"... the Forest Service may reinitiate formal consultation with the FWS concerning the current amended Plan. Alternatively, the Forest Service may propose an amendment to the current amended Plan which shall include an amended ASQ. In any event, the Forest Service shall formally consult with the FWS concerning the current or proposed amended Plan and provide it with all the data and information required by 50 C.F.R. 402.14(d), including, but not limited to, the Interdisciplinary Team and the District Rangers reports.

After the FWS issues an amended opinion based on its assessment of all the relevant information, the Forest Service must reevaluate its determination that the current or proposed amended Plan would not be likely to jeopardize listed species. The district court will retain jurisdiction over this case to *ensure that this process is completed with six months of our mandate.*" (emphasis added).

It is impossible to complete the procedural requirements of a significant amendment while complying with the Court's order. Moreover, immediate adoption of this amendment is required by the Endangered Species Act.

Conclusion: Based on a consideration of these five factors, and considering the Forest Plan in its entirety, I have determined that adoption of this amendment to the Flathead National Forest Land and Resources Management Plan is not significant. This amendment is fully consistent with, but further specifies the means to achieve, current Forest Plan goals and objectives for grizzly bear and roads. The principal change relates to the allowable sale quantity. The change in ASQ is not dramatic when considered in light of actual experience since adoption of the Forest Plan.

Forest plans must be adaptable to new conditions and information. This ability to adjust forest plans within relatively short periods of time is essential to assure sound forest management and to meet the obligations of the Endangered Species Act, the National Forest Management Act, and other environmental laws.

The opinion of the Ninth Circuit Court of Appeals in Resources Ltd. v. Robertson, and the January 6, 1995, Biological Opinion of the U.S. Fish and Wildlife Service demand, as a matter of law, immediate action.

The Forest Service will continue to evaluate the resource issues leading to this amendment. Revision of the Forest Plan is anticipated within the next 5 years. The public will have the opportunity to participate in the review of project proposals and the Forest Plan revision.

VIII. ADMINISTRATIVE APPEAL OPPORTUNITIES

Implementation of this decision shall not occur until 7 days following publication of the legal notice of the the decision in the Daily Interlake newspaper of Kalispell, Montana.

This decision to adopt a nonsignificant Forest Plan amendment is subject to appeal pursuant to 36 CFR 217, not 36 CFR 215. The purpose and review procedures differ between the two sets of regulations. 36 CFR 215 covers project level decisions, while 36 CFR 217 covers approval, amendments, and revisions to Forest Plans.

Any written Notice of Appeal of the decision must be fully consistent with 36 CFR 217.9 (Content of a Notice of Appeal) and must include the reasons for appeal. A written notice of appeal must be filed with Regional Forester, Northern Region, USDA Forest Service, 200 East Broadway, P.O. Box 7669, Missoula, MT 59807. The appeal must be filed within

45 days of the date that the legal notice of this decision appears in the Daily Interlake newspaper of Kalispell, Montana.

The Legal Notice starting the 45-day appeal period will appear in the Daily Interlake on Sunday, March 5, 1995. The appeal period will close on April 19, 1995. For further information concerning this decision or the Forest Service appeal process, contact Jim Morrison, Planning Staff Officer, Flathead National Forest, 1935 Third Avenue East, Kalispell, MT 59901, telephone (406) 755-5401.

APPENDIX A - PROPOSED CHANGES TO THE FOREST PLAN

Alternative 1	Alternative 3-Corrected (selected)
<p>Forest Plan Objective A.4 (Forest Plan page II-30 through II-33):</p> <p>Complete Grizzly Bear Habitat Component Analysis for the Trail Creek Grizzly Bear Management Area (MA 11) and the Bunker Creek area of the Spotted Bear Ranger District (MA 11A) prior to implementation of management activities.</p>	<p><i>[Replace with following]</i></p> <p>a. Grizzly Bear</p> <p>(1) The Flathead National Forest lies within the Northern Continental Divide recovery area. Within each Bear Management Unit, ensure occupancy by reproducing females and limit mortality to achieve recovery goals in the Recovery Plan.</p> <p>(2) Lands within the recovery zone are to be designated as Management Situation 1, 2, or 3 as defined in the Interagency Grizzly Bear Guidelines (Forest Plan Unbound Appendix OO). Management Situations are shown on page II-24. Objectives for Management Situation 1 are to provide high-quality habitat for seasonal foraging needs, free-ranging movement and dispersal of resident grizzly bears, and low risk of mortality due to human/bear conflicts. Objectives for MS-2 are to provide adequate habitat conditions for short-term occupancy, movement and dispersal, and low risk of mortality due to human/bear conflicts. Objectives for MS-3 are to discourage occupancy by grizzly bears and to minimize risk of human/bear conflicts.</p> <p>(3) Habitat conditions adequate to provide for a successfully reproducing adult female will be provided in all BMU Subunits.</p> <p>(4) In BMU Subunits that are predominantly National Forest (jurisdiction greater than 75%), the following desired levels will be attained within 10 years:</p> <ul style="list-style-type: none"> (a) security core areas are 68 to 100 percent; (b) total motorized access is less than 19% of the MS-1 and MS-2 with density greater than 2 miles/square mile; <p>Within 5 years the following will be attained:</p> <ul style="list-style-type: none"> (a) BMU Subunits having less than the current Forest average of 60% security core area will provide at least 60%; (b) BMU Subunits having total motorized access exceeding the current Forest average of 24% with density >2 miles/square mile will be brought to no more than 24% in MS-1 and MS-2; and (c) open motorized access is less than 19% of the MS-1 and MS-2 with density greater than >1 mile/ square mile. <p>(5) Within BMU Subunits with an intermingled ownership pattern and/or are not predominantly National Forest, Forest Service activities will not result in an increase in motorized access density or a reduction in core areas on National Forest system lands. Efforts will be made to improve habitat effectiveness of BMU Subunit through cooperative management, land adjustments, or other means.</p> <p>(6) Establish an active public information and education program that explains goals and objectives of grizzly bear management and steps required to recover the population.</p>

Alternative 1	Alternative 3-Corrected (selected)
<p>Forest-wide General Standard No. 1, page 11-15 [Forest Plan Amendment No. 8]</p> <p>1. Standards are not discretionary. They apply to all National Forest System Lands and will be followed unless the standards are amended. Any and all amendments of the LRMP standards will be undertaken in compliance with NEPA and the amendment process of the NFMA regulations (36 CFR 219.10(e)), and with public involvement. Amendments may be undertaken in two ways: 1) Standard(s) may be amended for all future activities, or 2) Standard(s) may be amended for a single project only. A project-specific amendment of a Forest Plan standard may be undertaken if it is demonstrated during project analysis that it will fulfill the objective of the standard and related goals. The rationale for project-specific amendments to Forest Plan standards must be described in the project's Decision Memo, Decision Notice, or Record of Decision. A project-specific amendment authorizing an exception to a Forest Plan standard must be issued, by the Forest Supervisor, concurrent with the project decision. Project-specific amendments of Forest Plan standards will in every instance be made in compliance with the Forest Service's legal requirements under the Endangered Species Act, Clean Water Act, NFMA, NEPA, and all other applicable laws.</p> <p>Standards established for threatened and endangered species conservation and protection are mandatory, and thus take precedence when there are conflicting uses. Project-specific amendments of such standards may be considered if they will fulfill the Forest Plan goals related to the conservation of threatened and endangered species. Any amendment to standards established for threatened and endangered species conservation and protection must be preceded by consultation with the U.S. Fish and Wildlife Service.</p>	<p>[No change]</p> <p>[No change]</p>
	<p>2. The grizzly bear objectives and standards of Amendment 19, which are required by the Terms and Conditions of the U.S. Fish and Wildlife Service's Biological Opinion on Amendment 19, are not discretionary. These objectives and standards supersede any conflicting or inconsistent management direction contained in the Forest Plan.</p>
<p>Forest-wide General Standard No. 4 (page 11-15) [Forest Plan Amendment No. 11]</p> <p>4. Initiate informal consultation procedures with the U.S. Fish and Wildlife Service in the early planning phases of site-specific projects if a 'no effect/may affect' determination is unclear. If a 'may affect' determination is made, formal consultation with the U.S. Fish and Wildlife Service is required.</p>	<p>[No change]</p>

Alternative 1	Alternative 3-Corrected (selected)
<p>Forest-wide Standards for Grizzly Bear (pages II-25 through II-33)</p> <p>a. Introduction [page II-25, not reproduced here]</p> <p>b. Management Situations and Direction Ensure that all management activities and projects are planned, designed, and implemented in accordance with the Interagency Grizzly Bear Guidelines (Interagency Grizzly Bear Committee 1986, see Unbound Appendix OO to the Forest Plan). [Forest Plan Amendment No. 9]</p>	<p>[Delete]</p> <p>[No change]</p>

c. Flathead National Forest Grizzly Bear Situation

Administrative Unit	Current Occupied Habitat							
	Mgmt. Sit. 1	Mgmt. Sit. 2	Mgmt. Sit. 3	Total	Mgmt. Sit. 1	Mgmt. Sit. 2	Mgmt. Sit. 3	Total
NF Acres	1,923,168	111,360	21,120	2,055,648	1,992,765	100,635	12,997	2,106,397
Percent of Occupied Habitat	94%	5%	1%	100%	94%	5%	1%	100%

Alternatives 1 and 2	Alternative 3-Corrected
<p>The grizzly bear is a highly mobile animal. It is imperative to understand that although the grizzly's habitat has been stratified by management units, the ecosystem must continue to function as a whole; i.e. although areas are mapped as Situation 2, many bears will need to be on these areas during the spring as part of their total home range.</p> <p>The precise carrying capacity of the Flathead National Forest's part of the Northern Continental Divide Ecosystem to support grizzly bears is not known at this time. The highest known densities in the continental United States occur in the Northern Continental Divide population. The Flathead National Forest must provide habitat capable of sustaining one bear per 15.5 square miles of occupied habitat to provide its contribution of 207 bears toward a recovered population.</p>	<p><i>[Delete-- refer to Forest Plan objectives]</i></p> <p><i>[Delete-- refer to Forest Plan objectives]</i></p>
<p>d. Grizzly Bear Recovery Objectives</p> <p>The Flathead National Forest's objectives for meeting the Northern Continental Divide Ecosystem's recovery goals are as follows:</p> <p>(1) Achieve the recovery goal for the Northern Continental Divide Ecosystem.</p> <p>(2) Manage all "Situation 1" areas with the grizzly bear as a primary resource which must be maintained or enhanced.</p> <p>(3) Manage "Situations 2 and 3" areas in a manner that multiple-use activities will be compatible with the conservation and recovery of the species.</p>	<p><i>[Delete-- refer to Forest Plan objectives]</i></p>

Alternatives 1 and 2	Alternative 3-Corrected
<p>e. Management Direction</p> <p><u>All Management Functions, All Management Situations</u></p> <p>(1) Maintain close contact with research organizations to ensure that current research data are being used in resource planning and administration affecting grizzlies.</p> <p>At least once a year, District Rangers and biologists will meet to review current research findings and discuss their application in resource management. Review and revise guidelines as necessary to keep them current. Address research needs in terms of Forest management activities.</p> <p>(2) Biological evaluations of all significant projects are required. Refer to General Standard 4, p. II-15, for direction regarding consultation with U.S. Fish and Wildlife Service. [Forest Plan Amendment No. 11]</p> <p>(3) Identify and evaluate for each project proposal the cumulative effects of all activities, both existing uses and other planned projects, relative to both public and private lands.</p> <p>(4) Measures to be taken to protect, maintain, and/or improve grizzly bear habitat and populations as a result of the biological evaluation will be specified in project design.</p> <p>(5) Refine Management Situation stratification based on current grizzly bear habitat suitability, population, and distribution trends. All biological evaluations will assess the current status of management situation stratifications for accuracy and provide analysis data and recommendations for updating as necessary.</p> <p>(6) Establish an active public information and education program discussing grizzly bear management, stressing goals, objectives, and steps required to recover the population.</p> <p>(7) Carcasses of wildlife, livestock, or other attractants along highways, roads, and trails will be removed a distance of one-fourth mile from the roadway or otherwise made unavailable to bears. Removal should occur within 24 hours.</p> <p>(8) The riparian zone is a basic component of suitable grizzly habitat. Its management will maintain grizzly bear habitat and will generally follow established guidelines within the Forest Plan.</p> <p>(9) Active grizzly bear-trapping sites that are not tended will be closed to other human use. Warning signs will be posted prior to installation of the trap.</p>	<p>[No change]</p> <p>[No change]</p> <p>[No change]</p> <p>(3) Identify and evaluate for each project proposal the cumulative effects of all activities, both existing uses and other planned projects, relative to both public and private lands.</p> <p>(4) Measures to be taken to protect, maintain, and/or improve grizzly bear habitat and populations {} will be specified in project design.</p> <p>(5) Refine Management Situation stratification based on current grizzly bear habitat suitability, population, and distribution trends. All biological evaluations will assess the current Management Situations for accuracy and provide recommendations and rationale for updating as necessary. Changes to Management Situation stratifications will be made by amending the Forest Plan.</p> <p>[Moved to Objectives section]</p> <p>[No change]</p> <p>[No change]</p> <p>[No change]</p>

Alternatives 1 and 2	Alternative 3-Corrected
<p>(10) Contracts and permits will include a clause providing for the cancellation, suspension, or temporary cessation of activities if such is needed to resolve a grizzly/ human conflict situation. Permits for temporary onsite facilities will require that camps be located to avoid seasonally important bear habitats and contain the grizzly bear clauses developed to prevent people/bear conflict. Contractor and permittees' cooperation in meeting grizzly management goals will be attained with applicable clauses and stipulations.</p> <p>(11) Operating plans and special-use permits involving concerns over human or domestic stock food storage, handling, and garbage disposal will have appropriate clauses applied.</p> <p>(12) Road management will be conducted to assist in meeting grizzly bear habitat management goals. When warranted, roads will be closed seasonally or yearlong, and where appropriate, area closures will be applied. Transportation plans and Forest visitor plans as well as individual project road systems will be evaluated regarding their impacts on habitat effectiveness.</p> <p>(13) Feeding of bears will be prohibited.</p> <p>(14) Areas with a history of grizzly bear/human encounters or areas with documented increased use by bears may be closed to human use temporarily, seasonally, or yearlong, in Situations 1 and 2.</p> <p>(15) No open garbage dumps will be permitted. The Forest will work toward bear proofing all garbage handling facilities.</p> <p>(16) Within Management Situations 1 and 2, provide security areas immediately adjacent to the influence zone of the project area. Decide on a site-by-site basis. Security areas should be 5,000 acres or larger in areas that are roadless or where the open road density averages 1 mile/square mile or less over the area during the bear use period.</p> <p>(17) All land adjustment cases will be evaluated using the biological evaluation process for determining effects on the grizzly bear.</p>	<p>[No change]</p> <p>(11) Operating plans and special-use permits will specify measures to be taken regarding human and domestic stock food storage and garbage disposal in grizzly bear habitat.</p> <p>(12) Human access will be managed to meet grizzly bear recovery goals. When warranted, roads will be closed seasonally or yearlong, and where appropriate, area closures will be applied. On National Forest lands within each BMU Subunit, there will be no net increase in density of open motorized access routes or total motorized access routes. Forest Service activities will result in a net gain towards meeting objectives for total and open motorized access and security core areas on National Forest lands. Refer to Forest Plan Unbound Appendix TT for definitions and implementation direction.</p> <p>[No change]</p> <p>(14) Areas with a history of grizzly bear/human encounters or areas with important seasonal use by bears may be closed to human use temporarily, seasonally, or yearlong in Management Situations 1 and 2.</p> <p>(15) On National Forest lands within the recovery zone, garbage handling facilities will be bear-resistant.</p> <p>(16) On National Forest lands within each BMU Subunit, there will be no net decrease in the size or amount of core areas that provide security. Core areas will be at least 2500 acres in size, and will be distributed to provide all seasonal habitats and elevations. Once established and effective, core areas will remain in place for at least 10 years.</p> <p>[No change]</p>
<p>f. Guidelines [refer to pages II-30 through II-33, not reproduced here]</p>	<p>[No change]</p>

The proposed changes to the Forest Plan related to timber management are:

Alternative 1	Alternative 3-Corrected
<p>Forest Plan Objective A6 (Forest Plan page II-7):</p> <p>a. Treatments - Program the following treatments during the first decade:</p> <p>(1) Regeneration harvest on 66,080 acres</p> <p>(2) Reforestation on 66,080 acres</p> <p>(3) Intermediate harvest on 25,300 acres (sanitation, salvage, and commercial thinning)</p> <p>(4) Selection harvest on 680 acres</p> <p>(5) Slash disposal on 92,060 acres</p> <p>(6) Timber stand improvement on 34,000 acres</p> <p>b. Program management - During the first decade, program up to the allowable sale quantity of 1 billion board feet of timber harvest from suitable lands. So that the uncut volume under contract will remain near 300 MMBF (million board feet), the annual program of sale offerings may range from 70 MMBF to 130 MMBF during this period.</p> <p>In order to support the goal of providing timber offerings keyed to economic demand, the following specific objectives are established for management of programmed sale offerings for the first decade:</p> <p>(1) Maintain an annual sell program that will provide at least 20 MMBF in class 5 (2.0 MMBF) and smaller sales.</p> <p>(2) Maintain an average annual program of nonchargeable timber offerings from unsuitable land and/or nonstandard logs of 5 MMBF per year in addition to chargeable volume from suitable lands.</p> <p>(3) Maintain a mix of sale offerings for various logging systems needed to implement the Forest Plan and support local and regional logging systems capabilities.</p> <p>(4) Maintain offerings of firewood and other miscellaneous forest products at least at current levels.</p> <p>(5) Minimize losses from the mountain pine beetle through harvest of 28,850 acres of high and medium risk lodgepole pine stands.</p> <p>Refer to Appendices E, F, H, I, and L in support of these objectives.</p>	<p>a. Treatments - Program the following treatments during the time period 1995-1999. Treatment methods will be compatible with natural disturbance regimes.</p> <p>(1) Regeneration harvest on 18,455 acres</p> <p>(2) Reforestation on 18,455 acres</p> <p>(3) Intermediate harvest on 12,645 acres (sanitation, salvage, and commercial thinning)</p> <p>(4) Selection harvest on 530 acres</p> <p>(5) Slash disposal on 31,630 acres</p> <p>(6) Timber stand improvement on 17,000 acres</p> <p>b. Program management - During the planning period, 1995-1999, program up to the allowable sale quantity of 270 million board feet of timber harvest from suitable lands.</p> <p>(1) Offer a mix of large and small (< 2.0 MMBF) sales.</p> <p>(2) Maintain an annual program of nonchargeable offerings from lands not suited for timber production and/or nonstandard logs in addition to chargeable volume from suitable lands. [No change]</p> <p>(4) Maintain offerings of firewood and other miscellaneous forest products consistent with demand and other resource management goals. Emphasize treatment in stands with high risk of developing epidemic levels of insect and disease. [No change]</p>
<p>Forest Plan objective B (Forest Plan page II-8 and 9):</p> <p>See text and table on page II-8 and 9. Not reproduced here due to length.</p>	<p>Decade 1 projected outputs and activities that will be used for programming, budgeting, and attainment reporting are displayed in Table II-1. Other decades are projected for information only.</p> <p>For the planning period 1995 - 1999, the allowable sale quantity (ASQ) will be 54 MMBF (average annual volume).</p>

The proposed changes to the monitoring plan are as follows:

Alternative 1	Alternative 3-Corrected
<p><u>Forest Plan monitoring</u> [refer to pages V-8 through V-15, not reproduced here]</p>	<p>Item 1a, Actions/Effects or Resources to be Measured: Sample trails to determine amount of use and whether motorized use occurs.</p> <p>Item 16, Actions/Effects or Resources to be Measured: Grizzly Bear Recovery Plan monitoring items for number of females with cubs, occupancy of BMUs by family groups, and known, human-caused mortality.</p> <p>Item 17, Delete habitat transects as a data source for evaluating habitat suitability for grizzly bears. Monitor seasonal habitat values and habitat effectiveness index values by BMU Subunit, on a 5-year interval.</p> <p>Item 17b, To report compliance with the Endangered Species Act, add a monitoring item to track the number of projects for which biological evaluations are conducted, the determinations of effects by species, and concurrences or Biological Opinions received from the U.S. Fish and Wildlife Service.</p> <p>Item 54, #2. Monitor progress towards the 5 and 10 year objectives for core area, total motorized access, and open motorized access consistent with Forest Plan Unbound Appendix UU. Provide an annual report documenting progress by BMU Subunit to the Forest Supervisor and to the U.S. Fish and Wildlife Service.</p> <p>Item 54, add #3. Monitor the effectiveness of restrictions on motorized use of roads consistent with Forest Plan Unbound Appendix UU.</p>

GLOSSARY

ALLOWABLE SALE QUANTITY (ASQ) - The quantity of timber that may be sold from the area of suitable land covered by the Forest Plan for a time period specified by the plan. This quantity is usually expressed on an annual basis as the "average annual allowable sale quantity."

ARTERIAL ROADS - Roads that provide service to large land areas across the forest. Arterial roads connect with other arterials and/or public highways and provide access to collector roads. Examples of arterial roads on the forest include the East and West Side Hungry Horse Reservoir roads.

BEAR MANAGEMENT UNIT (BMU) - An area which meets yearlong habitat needs of both male and female grizzly bears. BMUs in the NCDE are about 400 mi² in size.

BIOLOGICAL ASSESSMENT - Documentation prepared by a federal agency of analysis of the effects of a proposed action on species listed under the Endangered Species Act. The purpose of the Biological Assessment is to determine whether endangered, threatened, or proposed species or their habitat are likely to be adversely affected by the action, and to determine whether formal consultation or conference with the U.S. Fish and Wildlife Service is necessary.

BIOLOGICAL OPINION - Document that states the opinion of the U.S. Fish and Wildlife Service as to whether or not the federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

BMU SUBUNIT - A subset of a BMU, representing the approximate size of an average annual female home range (about 50 mi² in most of this area), generally delineated from ridgetop to valley bottom, and encompassing all seasonal habitats.

COLLECTOR ROADS - Roads that connect arterial roads with local roads.

DISPERSED RECREATION - That portion of outdoor recreation use which occurs outside developed sites in the unroaded and roaded Forest environment; i.e., hunting, backpacking, and berry picking.

HABITAT EFFECTIVENESS - A measure that reflects the area's ability to support wildlife given the quality of habitat and the types of human disturbance imposed upon the area.

INCIDENTAL TAKE - As defined by the Endangered Species Act, to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or the attempt to engage in such conduct. Taking is prohibited, unless permitted under provisions of section 10.

LOCAL ROADS - Roads that connect collector roads to trailheads, parking lots, timber cutting units, or other facilities located at the end of roads.

LISTED SPECIES - A species or subspecies of fish or wildlife or plants, and any distinct population segment of any species or vertebrate fish or wildlife which interbreeds, that is determined by the U.S. Fish and Wildlife Service to be endangered or threatened, and is protected under the Endangered Species Act.

MANAGEMENT SITUATION 1 - Areas key to the survival and recovery of the grizzly bear population or a segment of the grizzly bear population, containing seasonal and year-long habitat.

MANAGEMENT SITUATION 2 - Areas which lack distinct grizzly bear population centers, and where suitable habitat generally does not occur. Habitat resources are either unnecessary for survival and recovery of the species, or the need has not yet been determined.

MANAGEMENT SITUATION 3 - Grizzly bear presence is possible but infrequent. Developments, such as campgrounds, resorts or other high human use associated facilities, and human presence result in conditions which make grizzly bear presence untenable.

NON-MOTORIZED TRAIL - Any trail that does not have motorized use yearlong, either by legal restriction or physical obstruction of ALL motorized traffic.

OPEN MOTORIZED TRAIL - A trail without legal restriction, or physical obstruction, on motorized use and *is used* by motorized vehicles. Trails used by 4-wheeler, 4-wheel drive vehicles and motorized trail bikes are examples of this type of access route.

OPEN ROAD - A road without restriction on motorized vehicle use.

RECLAIMED ROAD - A reclaimed road has been treated in such a manner so as to no longer function as a road or trail and has a legal closure order until reclamation treatment is effective. This can be accomplished through one or a combination of treatments including: recontouring to original slope, placement of natural debris, or revegetation with shrubs or trees.

RESTRICTED MOTORIZED TRAIL - A trail on which motorized use is legally restricted, or physically impossible, seasonally or yearlong.

RESTRICTED ROAD - A road on which motorized vehicle use is restricted during the entire non-denning period. The road requires physical obstruction and motorized vehicle use in the non-denning period is legally restricted by order.

ROAD - All created or evolved routes that are >500 feet long (minimum inventory standard for the Forest Service Route Management System), which are reasonably and prudently driveable with a conventional passenger car or pickup.

SEASON OF GRIZZLY BEAR USE - Seasons have been defined through grizzly bear research. Although there may be considerable variation between individuals, seasons are defined for cumulative effects analysis as:

Denning (maximum): 10/7 - 5/7

Early spring (den emergence) - 3/16 - 5/7

Spring (herbaceous foods): 5/8 - 7/15

Summer (berries): 7/16 - 9/30

Autumn (roots, hunting season): 10/1 - 11/15

The non-denning season for purposes of identifying security core area is March 16 - November 15.

SECURITY CORE AREA - An area that is at least 0.3 miles from open roads and high-intensity non-motorized trails. Restricted roads may occur within the security core area, provided that they have substantial immobile closure devices and legal closure to motorized use during the non-denning period. Legal closure orders for individual roads or trails, or an area closure, may be utilized. Areas must be at least 2500 acres in size, and once established and effective, remain in place for at least 10 years.

TRAIL - All created or evolved access routes that do not qualify as a "road". They are not reasonably and prudently driveable with a conventional passenger car or pickup. Generally, these routes are maintained and inventoried as part of the trail system. Within the three classes below, each trail will need to be attributed as having high use (20 or more parties per week) or low use (less than 20 parties per week).