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Date: SEP 08 2014

Subject: Objection Response for the Kootenai National Forest Revised Land Management Plan

To: Regional Forester, R-1

This is my response on the objections filed to the Final Environmental Impact Statement (FEIS), draft Record of Decision (ROD), and Revised Land Management Plan (Revised Plan) for the Kootenai National Forest (KNF). All objections of the Revised Plan have been consolidated into one set of issues and one response is being rendered. The issues were sufficiently similar to allow consolidation (36 CFR (Code of Federal Regulations) 219.57(b)(1)).

Thirty-eight objections were submitted under the objection procedures and were considered in my response. Also, 39 requests from interested persons in one or more of the objections were received and granted. Comments received from six individuals that did not meet the objection filing requirements at 36 CFR sections 219.54(c) or 219.56(a) were forwarded on to you and your staff for consideration in making your final Revised Plan decision. Listings of the objections and their tracking numbers, as well as the interested persons, are included in Attachment 1. The objection reference numbers are abbreviated throughout this response document by the last four digits of the tracking number. Each objector and interested person will receive notification of my response. The final objection response is available on the Web at <http://www.fs.fed.us/objections> and listed under R1 - Northern Region, or in hard copy, upon request.

You issued a draft ROD for the Revised Plan on September 27, 2013. The Revised Plan conforms to the 1982 planning regulations at 36 CFR 219 [1982, as amended] (draft ROD, p. 33). The 1982 planning regulations referenced by you were last published in the CFR on July 1, 2000<sup>1</sup>.

### **Kootenai National Forest Revised Land Management Plan**

The Revised Plan is structured in five parts: Chapter 1 provides an introduction to the Revised Plan, including descriptions of key direction retained from the prior Plan and how the Revised Plan will be maintained and implemented; Chapter 2 provides the Forest-wide management

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<sup>1</sup> The Kootenai National Forest Revised Land Management Plan was prepared under the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 as amended by the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 et seq.), the implementing regulations of the NFMA at 36 CFR 219 (77 FR 21260, April 9, 2012), and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and its implementing regulations (40 CFR 1500-1508).

NFMA's current implementing regulations at 36 CFR 219.17(b)(3) (77 FR 21270) allow the use of the provisions of the prior planning regulation, including its transition provisions (2000 Planning Rule at 36 CFR 219.35(a) and (b) (December 18, 2009)). The transition provisions of the 2000 planning rule allow the use of the prior planning regulation promulgated in 1982.



direction in the form of goals, desired conditions, objectives, standards, and guidelines for the resources and uses of the National Forest; Chapter 3 provides management direction for Management Areas allocated across the Forest; Chapter 4 provides management direction for specified Geographic Areas of the Forest; and Chapter 5 describes the Kootenai National Forest monitoring program. Approval of any project or activity must be consistent with the Revised Plan (16 U.S.C. 1604(i)). Project-level decisions will be informed by site-specific analysis through an open, public process (Revised Plan, p. 2).

The Revised Plan is adaptive in that new knowledge and information can be analyzed and the plan amended, if appropriate, at any time. It provides overall intent and guidance, but also allows the flexibility needed for the Agency to work with the public and adapt management strategies to changing demands and conditions. This allows the latest science and public input to be considered at the time a project-level decision is to be made (Revised Plan, p. 6).

### **Review and Consideration of Objection Concerns**

The process of reviewing the objections and assessing opportunities for resolution has taken longer than anticipated. The inherently comprehensive and complex nature of land management plans, coupled with the fact that two land management plans are involved in the review of the diverse concerns submitted as objections, contributed to the overall time needed for the review and the need to extend the time to issue the final response (36 CFR 219.56(g)).

More than 200 individual issues were identified from the objections received and each was considered in the review. The issues cover a broad range of resources and topic areas, including climate change; economics; fire and fuels management; invasive species; minerals; monitoring; multiple-use management; public involvement; soils; timber production; transportation management; vegetation management, including old growth; Wild and Scenic River eligibility; recommended wilderness designation and management; and various aspects of wildlife and fisheries management. Objectors are concerned that the draft ROD does not appropriately address public interests and violates the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), the Endangered Species Act (ESA), the Wilderness Act, and the Wild and Scenic River Act, among others.

After the initial review of the written objections received for the Kootenai Revised Plan and FEIS, Reviewing Officer Jim Peña decided to hold a meeting in Libby, Montana, on April 30, 2014, to have additional engagement with objectors and interested persons on proposed remedies for four areas of concern: local government coordination, Wild and Scenic River eligibility determinations, Recommended Wilderness and Wilderness Study Areas, and Management Indicator Species. Approximately 34 objectors and co-objectors and 8 interested persons participated in the meeting, either in person or by phone. All objectors and interested persons participating in the meeting were given an opportunity to speak on each of the issue areas. The purpose of the meeting was not to re-state the contents of the objection letters or to bring forward information not previously submitted, but rather focused on a discussion of the remedies under consideration specifically for those 4 issue areas. During the meeting objectors helped to clarify understanding of the issues and suggested improvements to remedies proposed for consideration in the final response to objections. Interested persons provided additional thoughts. The feedback received was very helpful for our consideration of the issues and potential remedies.



This objection response is the outcome of a deliberative and extensive review of concerns raised by objectors involving complex regulatory and management issues. My response reflects my findings from review of the written submitted objections, current policies in place, the direction the Agency is heading on some of these issues, the discussions with objectors and interested persons at the Libby meeting, and follow-up discussions with you and your staff. Although some issues raised in the objections are not specifically cited in my response, all objectors' concerns have been considered. The review focused on ensuring the Revised Plan meets current requirements and on determining whether changes are warranted to improve upon the analysis and decision based on the objections submitted. My response contains direction to you to implement prior to signing a final ROD and is the final determination of the U.S. Department of Agriculture on the objections.

### **Objection Response**

My response to the objection issues raised for the KNF Revised Plan is in three parts. Below is my response to the four issue areas discussed at the meeting in Libby. Attachment 2 contains other issue responses that include instructions that must be carried out before the final ROD can be signed. Attachment 3 contains issue responses that have no instructions.

### **Local Government Coordination**

#### **Objection Issue Summary:**

Issues regarding coordination with local government are for the most part related to the degree of coordination and involvement objectors experienced during the planning process or issues objectors see lacking in the FEIS, draft ROD, or Revised Plan. Objectors contend the Forest Service did not adequately coordinate or cooperate with local governments. For example, an objector contends the revised Plan "does not comply with the County Resource Plans and no Coordination was ever engaged in between the local governments and the federal agencies as required under federal law." One objector further contends an explanation must be provided as to why the Revised Plan is not consistent with a county's plan. Their perception is that the Forest did not work with them as prescribed in the 1982 planning regulations. They assert that their input and involvement was not given due process, they were treated at the same level as the general public, and that there was little to no attempt to resolve conflicts between their local plans and the plan revision. The assertion of not being given due deference was based on a perception that the Forest Service violated Executive Order 13575. (Objections #0021, p. 7-8; #0035, p. 15; #0039, p. 9; #0061, p. 5)

#### **Summary of Record Review Findings:**

##### **What is required?**

- **1982 planning regulations**

At issue is whether the Forest Service adequately complied with local government coordination at 36 CFR 219.7 (1982) throughout their planning process.



Sec. 219.7 Coordination with other public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7).

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include--

(1) Consideration of the objectives of other Federal, State and local governments, and Indian tribes, as expressed in their plans and policies;

(2) An assessment of the interrelated impacts of these plans and policies;

(3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.

(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.

(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

- **County Coordination Status, Resolutions and Authorities**

Congress has passed numerous laws that apply to NFS lands, such as the Organic Administration Act, Multiple Use-Sustained Yield Act (MUSYA), and National Forest Management Act (NFMA). Under the Supremacy Clause of the U.S. Constitution, state and local law is preempted or overridden to the extent it conflicts with these and other applicable federal laws or impedes accomplishment of the purposes and objectives of these and other applicable federal laws. Moreover, a state or local law that subjects the Federal Government to state or local requirements is presumptively invalid unless the state or local entity enacted it pursuant to a clear and express grant of congressional authority. Under these principles, local ordinances or resolutions that impose land management requirements on the Forest Service, such as a requirement to obtain local approval before acting or to comply with certain land management prescriptions, are preempted by the Forest Service's land management authorities and are presumptively invalid, as they are not supported by a clear and express grant of congressional authority.



Executive Order 13575, mentioned in some objections raising the issue of coordination with local government, was signed in 2011 by President Obama. It established a White House Rural Council to make recommendations to the President on streamlining and leveraging federal investments in rural areas; coordinate federal engagement with rural stakeholders regarding the needs of rural Americans; coordinate federal efforts directed toward the growth and development of geographic regions; and identify and facilitate rural economic opportunities associated with energy development, outdoor recreation, and other conservation related activities. Specifically, the Council itself is charged with meeting the obligations of E.O. 13575. The responsible official (the Regional Forester) has no direct responsibility at this time under E.O. 13575.

Under NFMA and the planning regulations, the Forest Service is required to coordinate land management planning for the NFS with land management planning conducted by state and local governments. However, the Forest Service is not required to adopt recommendations made by state and local governmental entities. In particular, the Forest Service is not required to incorporate specific provisions of county ordinances or resolutions into land management plans or to comply with procedural requirements, such as a requirement to obtain county approval before amending or revising a land management plan. Neither the statutes governing Forest Service land management planning nor their implementing regulations provide for more than an advisory role for state and local governments. The term “coordinating status” is not used in existing authorities. Under NEPA and the Council on Environmental Quality (CEQ) regulations, a state or county/local government may be designated as a “joint lead agency” or “cooperating agency.”

Under NFMA (16 USC§1604(a)), the Forest Service is required to:

...develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

The planning regulations under which the current forest plans were developed and revised elaborate on how the Forest Service must coordinate its planning efforts with those of local governments.

In general, the planning regulations have required that the Forest Service coordinate its planning processes with those of the state and local agencies. However, neither the NFMA nor the planning regulations require the Agency coordinate the content of the forest plan with the state or county plan. Specifically, the Forest Service is not required either to incorporate the specific provisions of county ordinances into forest plans or to comply with procedural obligations such as those requiring county approval before the planning decision is made. In short, neither the statutes governing Forest Service planning nor their implementing regulations provide for more than an advisory role for state and local governments. In the end, the Forest Service retains discretion and authority to make forest planning and use decisions.

Nonetheless, local government agencies provide a distinct and vital perspective that is not diminished by the fact that their views are advisory rather than decisional. It is Forest Service policy to facilitate and encourage the full involvement of local agencies in order that their views may be appropriately considered in Forest Service decisions.



- **Planning and NEPA documents pre-review:**

Neither NEPA nor NFMA require the Forest Service to provide environmental documents to state and local governments before making the documents available to the public. However, there is no legal barrier to doing so if a Forest Service unit determines the need to involve its local government partners early on in the process. There are also other ways for local governments to be involved early on in the development of environmental documents, by either becoming a joint lead agency, if appropriate, or a cooperating agency pursuant to NEPA.

Federal agencies are directed by the CEQ regulations (40 CFR 1501.2) to consult early “with appropriate state and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.” Under NEPA, the Forest Service responsible official is encouraged to consider granting cooperating agency status to local governments, resulting in the local government having a more hands-on working relationship by contributing their expertise and local knowledge to either the NEPA and/or planning process. Cooperating Agency status allows for early and often participation in the NEPA process, including developing of proposed actions and purpose and needs.

### **Conclusions**

The Forest Service is required to coordinate with local governments. However, section 36 CFR 219.7 (1982) of the rule allows for flexibility on how a unit should engage local governments. The Forest Service is not required to adhere to local government resolutions but should consider their plans and policies in the planning effort.

The FEIS (p. 12) acknowledges the consideration of local government plans during the Forest’s planning process, but does not elaborate on the results of that consideration. Consequently, the steps and level of engagement conducted between the Forest and the local governments, other than descriptions listing all of the general public involvement opportunities, was not clear.

### **Final Instructions**

- Ensure compliance with the requirements of 36 CFR 219.7(c) (1982) by including in the record the review of local government planning and land use policies. Further summarize that review in the Final EIS. Meet with the county commissioners to discuss the compliance.

## **Wild & Scenic River Eligibility Determination**

### **Objection Issue Summary:**

Objectors contend the lack of supporting documentation and inconsistencies in the analysis to explain eligibility determinations in the FEIS and the basis for changes made to eligibility determinations in the DEIS violates the National Wild and Scenic Rivers Act (WSRA), NEPA (National Environmental Policy Act), and the APA (Administrative Procedure Act). (Objections #0017, p. 10; #0030, pp. 3-8, 12-16, 17-18; #0035, pp. 9-10; #0038, pp. 1-3; #0039, pp. 5-6; #0063, pp. 28-30)

### **Summary of Record Review Findings:**

#### **What is required?**

Section 5(d)(1) of the WSRA states that “[i]n all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan



reports submitted to the Congress shall consider and discuss any such potentials.” As a result, Forest Service Handbook (FSH) 1909.12, 81.2 requires that “[t]he land management planning process shall include a comprehensive evaluation of the potential for rivers in an administrative unit to be eligible for inclusion in the National System.” To be eligible for inclusion [in the National Wild and Scenic Rivers System], a river must be free-flowing and, with its adjacent land area, possess “outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values [ORVs], shall be preserved in free flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations” (WSRA §2(b)). No other criteria, including statutory or administrative area designations, are applied to determine WSR eligibility.

FSH 1909.12, 82.13 states that “[t]here are no specific requirements concerning minimum flows for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the [ORVs] for which the river would be designated.”

### Conclusions

Objectors accurately identified a deficiency in the record related to the WSRA eligibility inventory. Thus, the record does not adequately support KNF’s current list of eligible wild and scenic rivers or KNF’s determinations that certain streams were ineligible. In addition, KNF inappropriately used the term “ORV” in parts of its analysis. Therefore, the analysis is inconsistent with agency policy and needs to be redone.

FEIS Appendix E describes the “Process to Identify and Classify Potentially Eligible Wild and Scenic Rivers” (pp. 224-231). While documentation exists in the record to support completion of steps 1-4 (*see* KNF Wild and Scenic Rivers – Initial Assessment for Potential Eligibility 2006), supporting documentation is incomplete for Step 5, which involved the following inventory review work: “Using the Forest as the comparative scale, review the identified potential ‘outstandingly remarkable values’ and determine whether they meet the criteria of being rare, unique, or exemplary” (FEIS Appendix E, p. 228). As a result, the record lacks documentation explaining specific discrepancies between the initial assessment of streams for “potential ORVs” and the final WSRA eligibility inventory.

Callahan Creek and Wigwam River were determined to be free flowing and possess at least one “value” (FEIS, pp. 29-30). It is unclear whether KNF identified these “values” as ORVs (which would make Callahan Creek and/or Wigwam River eligible for WSR designation). However, the record creates the impression that Callahan Creek (MA3 special area) and Wigwam River (bull trout critical habitat designation) may have been excluded from eligibility designation based on the inappropriate rationale that other administrative designations would protect their ORVs. *See* FEIS, pp. 29-30.

Star Creek was determined to be free-flowing but the FEIS did not identify an ORV during its eligibility assessment. FEIS, p. 30. Accordingly, the determination that Star Creek is not eligible for WSR designation is supported by its assessment.

While Granite Creek and Rock Creek were initially assessed as free flowing and possessing one or more “potential ORVs” (2006 KNF WSR Initial Assessment for Potential Eligibility 7, p. 17), KNF concluded that neither contained values that were “rare, unique, or exemplary” (FEIS, pp. 29-30). There is insufficient information in the record to support these conclusions, including an insufficient description of the analysis used to determine that potential ORVs initially identified



for Granite Creek and Rock Creek were not significant at the comparative scale. *See* FSH 1909.12, 82.14. (“The determination that a river area contains outstanding values is a professional judgment on the part of an interdisciplinary team, based on objective, scientific analysis. Input from organizations and individuals familiar with specific river resources should be sought and documented as part of the process.”)

Grave Creek and Quartz Creek Systems were found to be eligible in Alternatives C and D, but these two systems were described as ineligible for WSR designation under Alternative B Modified (the selected alternative in the draft ROD) (FEIS, p. 477). The rationale under Alternative B Modified was supported by stating the following: “Review of these creek systems between draft and final found the outstandingly remarkable values for most segments were bull trout and sensitive plants. The presence of these features are not necessarily ‘rare, unique, or exemplary’ across the KNF, with bull trout and sensitive plants found on many creeks and rivers throughout the Forest” *Id.* While this justification is adequate, WSR eligibility should not vary across alternatives. Determinations on whether a river or segment is free flowing and possesses one or more ORVs should be consistent across all alternatives.

The “KNF WSR Initial Assessment for Potential Eligibility” (p. 37) identifies Ross Creek as free-flowing with a Botany ORV, but the FEIS (p. 30) states that “this creek runs dry in the late summer and would not be appropriate as an eligible wild and scenic river.” Forest Service policy in FSH 1909.12, 82.13 states that “[t]here are no specific requirements concerning minimum flows for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the [ORVs] for which the river would be designated.” Consequently, Ross Creek was determined to be ineligible based on grounds that are inconsistent with the WSR and agency policy.

As a result of concerns expressed at the April 30, 2014, meeting with objectors and interested persons, the KNF Revised Plan’s standards and guidelines for “MA 2 – Eligible Wild and Scenic Rivers” were reviewed and found to be consistent with relevant policy direction in FSH 1909.12, 82.5.

### **Final Instructions**

- Redo and appropriately document “Step 5” of the WSR eligibility assessment. Document the analysis and findings to support WSR eligibility determinations. Provide an explanation for the rationale used to make final ORV determinations for all streams, both eligible and ineligible, including all those recommended by the public for consideration. Highlight any discrepancies between the initial assessment of streams for “potential ORVs” and the final WSR eligibility inventory. Replace documentation on the existing analysis with the results of this new analysis.
- Ensure WSR eligibility is consistent across all FEIS action alternatives.

## **Recommended Wilderness and Wilderness Study Area Management**

### **Objection Issue Summary:**

Multiple objections raised various issues associated with the management direction for Recommended Wilderness Areas (RWAs). At the core of these issues was the allegation that a regional policy had been relied on to prohibit motorized and mechanized use in the RWAs and



that this policy had been established without required public review and comment, or applicable NEPA procedures. The prohibitions of concern are imposed on bicycles and over-snow vehicles.

In a related issue, an objector contends the Responsible Official is basing her decision not to recommend the Ten Lakes WSA for wilderness on impermissible grounds. (Objections #0027, pp. 1-2; #0029, pp. 8-9; #0032, pp. 5, 14-15; #0035, pp. 25-26; #0040, pp. 18-23; #0056, pp. 8-9; #0057, pp. 8-9; #0058, pp. 3, 8-9; #0060, pp. 8-9; #0061, p. 1; #0063, pp. 8-9, 33; #0065, p. 1)

### **Summary of Record Review Findings:**

#### **What is required?**

Forest Service Manual (FSM) 1923.03(1) provides the Forest Service policy on management of recommended wilderness areas: “Any inventoried roadless area recommended for wilderness or designated wilderness study is not available for any use or activity that may reduce the wilderness potential of an area. Activities currently permitted may continue, pending designation, if the activities do not compromise wilderness values of the area.”

#### **Conclusions**

The draft ROD (p. 20) summarizes the management decision made with regard to recommended wilderness in the Revised Plan: “The revised Plan closes recommended wilderness to motorized and mechanized use. Thus, over-snow vehicle use and mountain biking will not be allowed within recommended wilderness. These uses are not allowed in recommended wilderness because they impact wilderness character and could lead to these areas no longer being suitable for wilderness designation.”

The 2007 Region 1 document that the objectors consider policy is “Consistency in Land and Resource Management Plans - Management of Recommended Wilderness” (R1 Consistency Paper). It has existed in similar form since 2003. I have had extensive discussions with the regional office and have been assured that the paper was not meant to be regional policy, binding on the KNF or any other national forest. Instead, the R1 Consistency Paper simply suggests a method for Forests to make recommended wilderness management decisions during the planning process. It does not remove the discretion of the Forest to consider various management approaches consistent with FSM 1923.03. Therefore, NEPA does not apply to the R1 Consistency Paper, nor does this paper have to go through public notice and comment.

The Responsible Official’s decision on management of the RWAs is consistent with agency policy in FSM 1923.03. KNF evaluated the wilderness capability, availability, and need of roadless areas. See FEIS Appendix C; FSH 1909.12, Ch. 70. As stated in the FEIS regarding areas that are recommended wilderness, motorized and mechanized use prohibitions are proposed “to maintain the wilderness characteristic including outstanding opportunities for solitude or primitive and unconfined recreation” (FEIS, Appendix G, p. 372). Therefore, KNF provided a reasoned basis for this management decision.

However, KNF may have given the impression in the FEIS that it relied on the R1 Consistency Paper without further independent review in making management decisions about recommended wilderness. Thus, further explanation of KNF’s rationale would help to provide additional support for this decision.

The Ten Lakes MWSA Final Report and Proposal was completed and submitted to Congress in 1985. This report recommended as wilderness 26,000 of Ten Lakes MWSA’s 34,000 acres. The



1987 Forest Plan also recommended 26,000 acres of the Ten Lakes MWSA as wilderness. See FEIS, p. 464. Additionally, 6,800 acres of the Ten Lakes Contiguous Area IRA was recommended as wilderness under the 1987 Forest Plan. See FEIS Appendices, p. 196.

Under the 2013 plan revision process, “[t]he entire Ten Lakes area (both the MWSA and contiguous area) evaluation rating was suitable for recommended wilderness” (FEIS Appendices, p. 195). However, “Alternative B Modified does not include the Ten Lakes Area as recommended wilderness because of its lower degree of solitude than other similar areas; and the area is valued by local communities for its over-snow motorized opportunities” (FEIS Appendices, p. 196).

This decision to not retain the Ten Lakes areas as recommended wilderness and its associated rationale raises questions about compliance with the Montana Wilderness Study Act and the 2007 Montana Wilderness Association WSA Settlement, as well consistency with the 1985 Final Report to Congress.

### **Final Instructions**

- Clarify in the record any reference to the “R1 Consistency Paper” to reflect that the paper is not binding policy, but instead is a reference tool used to assist Forests as they consider management options for recommended wilderness.
- Clarify in the record how KNF gave independent consideration to Forest-specific issues pertaining to recommended wilderness management decisions. In doing so, KNF should provide a more detailed explanation of the nature of impacts from motorized and mechanized uses to wilderness capability and availability.
- Provide additional rationale in the record as to why the Ten Lakes study area is no longer recommended as wilderness. Specifically address what has changed since the recommendation in the 1987 Forest Plan, and clarify how this decision complies with MWSA, the 2007 Settlement Agreement, and Region 1 supplemental direction to FSM 2320 (2329).
- Summarize and reference in the ROD the environmental analysis supporting the site-specific decision being made. The summary should specifically address the minimization criteria described at 36 CFR 212.55. Of course, the site-specific decision to prohibit over-snow motor vehicle use and mountain biking in recommended wilderness areas must also be supported by analysis disclosing why continuation of these uses would compromise the wilderness values of the areas recommended for wilderness.

## **Management Indicator Species (MIS)**

### **Objection Issue Summary:**

Objector raises various issues connected to the selection of MIS and whether the selections are appropriately representative of such things as old growth ecosystems, threatened and endangered species, and sensitive species. Central to these issues is the question of whether the planning record contains adequate analysis to support monitoring habitat as a proxy for the MIS. The over-arching issue for one objector was diversity (Objection #0026, p. 27, 31-34, 77-78; #0046, pp. 4-6).



## Summary of Record Review Findings:

### What is required?

At issue is whether the revised land management plans adequately comply with the viability requirements at 36 CFR 219.19 (1982), and specifically the requirements associated with MIS.

The purpose of MIS is to aid in estimating the effects of each Forest Plan alternative on fish and wildlife populations. MIS are selected because their population changes are believed to indicate the effects of management activities.

The planning regulations afford considerable discretion in selecting MIS. They identify several categories that must be represented, but only where appropriate.

- Endangered and threatened plant and animal species identified on State and Federal lists for the planning area
- Species with special habitat needs that may be influenced significantly by planned management programs
- Species commonly hunted, fished, or trapped
- Non-game species of special interest
- Additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality

There is no requirement to select management indicators for every activity, vegetation type, or management issue.

Although the regulations indicate it may be appropriate to select specific plant or animal species because their population changes are believed to indicate the effects of management activities on other species, in fact this use of one species as a proxy for other species is not supported by current science and should generally be avoided.

Monitoring of selected species must be feasibly accomplished. Population trends of the MIS will be monitored and relationships to habitat changes determined. The MIS monitoring plan in the Forest Plan is not required to specify the methodology to be used for the monitoring, only the precision and frequency.

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

### Conclusions

The Revised Plan identifies one species and two assemblages as MIS – Rocky Mountain elk, insectivore landbird assemblage (olive-sided flycatcher, dusky flycatcher, Hammond's flycatcher, chipping sparrow, and hairy woodpecker), and aquatic macroinvertebrates.

The record includes a document describing the selection of MIS for the Revised Kootenai and Idaho Panhandle Zone (KIPZ) Plans (Doc. 1971) and a document describing the specific considerations given to selecting MIS for the Idaho Panhandle Forest Plan in the 1987 forest plan (Doc. 1800) (Although written for the Idaho Panhandle NF, Doc. 1971 notes that the rationale in Doc. 1800 for why certain species make poor MIS is also applicable to the KNF). These



documents provide the rationale for the selection of the MIS and why other MIS currently in the 1987 Kootenai Forest Plan (grizzly bear, gray wolf, white-tailed deer, bald eagle, peregrine falcon, mountain goat, and pileated woodpecker) were not retained in the Revised Plan. Appendix G of the FEIS includes a lengthy response to various comments regarding MIS, including whether sensitive species and species representative of old growth need to be included among the MIS (FEIS, Appendix G, pp. 436-438). Given the discretion in selecting MIS that is afforded by the regulations, the record includes adequate analysis and rationale for species selected and not selected as MIS.

Although threatened, endangered and sensitive species were not selected as MIS, the record shows that effects to threatened, endangered and sensitive species were analyzed by alternative.

Indicators to be monitored are identified as number of elk management units providing greater than 30 percent security on National Forest System lands during the hunting season, number of acres where planned ignitions were used to maintain or improve landbird habitat, percentage of natural unplanned ignitions managed for the maintenance or restoration of fire adapted ecosystems, and changes in River Invertebrate Prediction and Classification System score (Revised Plan, p. 104). The Monitoring Guide shows actual populations of landbirds, including MIS, will be monitored (Doc. 01998, pp. 37-38).

The linkage between population monitoring, management activities, and habitat condition is not clear in the record for the landbird assemblage

The linkage between the aquatic macroinvertebrate assemblage (AMA) as a MIS and water quality is fully supported in the planning record and their use to gauge the effects of management activities on water quality is consistent with the planning regulations. The relationship between AMA populations and fish populations and distribution is not thought to be currently documented in the scientific literature.

### **Final Instructions**

- Clarify in the record the linkage between population monitoring, management activities, and habitat condition for species in the landbird assemblage. Ensure the rationale is clear to explain why these species are responsive to forest activities. Document clearly the monitoring objectives for each MIS.
- Clarify in the record that no inferences are being made that AMA monitoring is being used to draw conclusions about fish populations and distribution.
- Summarize and reference the *Kootenai and Idaho Panhandle National Forest: Providing for Ecological Sustainability in the Revised Forest Plans* report in the ROD and describe how the other diversity-related requirements of the 1982 planning regulation are being met in the Revised Plan.



Regional Forester, R-1

By copy of this letter and notification of availability on the Web, I am notifying all parties to this objection.

GREGORY C. SMITH  
Acting Associate Deputy Chief, National  
Forest System

cc: Objectors and Interested Persons, Region 1 Objections



By copy of this letter and notification of availability on the Web, I am notifying all parties to this objection.

  
GREGORY C. SMITH  
Reviewing Officer for the Chief

Enclosures: Attachment 1 – List of Objectors and Interested Persons  
Attachment 2 – Issues Reviewed and Instructions Provided to the Responsible  
Official  
Attachment 3 – Issues Reviewed and No Change Determined to be Necessary

cc: Objectors and Interested Persons  
Region 1 Objections



# Attachment 1: Objectors and Interested Persons

The objectors and their objection tracking numbers are listed in the following table:

Objection Tracking No.	Lead Objector	Co-Objectors
0001	Greg Munther Chairman Backcountry Hunters & Anglers, Montana Chapter	Ben Long Don Clark Steve Thompson
0007	Robyn King Executive Director Yaak Valley Forest Council	Matt Bowser Forest Watch Coordinator Yaak Valley Forest Council
0009	John Finney	
0015	Dan R. Dinning Chairman Boundary County Commissioners	LeAllen L. Pinkerton Walt Kirby
0016	Paul C. Fielder	
0017	Jim Voyles President Ten Lakes Snowmobile Club	
0019	Jennifer Fielder Senator	
0020	Paul R. McKenzie F.H. Stoltze Land & Lumber Co.	
0021	Anthony J. Berget Chairman Lincoln County Commissioners	Ron Downey Mike Cole
0022	Philip Hough Executive Director Friends of Scotchman Peaks Wilderness	
0024	Keith L. Olson Executive Director Montana Logging Association	
0026	Michael Garrity Alliance for the Wild Rockies	

Objection Tracking No.	Lead Objector	Co-Objectors
0027	Greg Beardslee Montana Mountain Bike Alliance	Bob Allen
0029	Butch Gwynn	
0030	Kevin R. Colburn National Stewardship Director American Whitewater	Michael Fiebig
0032	Brian Peck Natural Resources Defense Council	
0034	McKinley Raines	
0035	Steve Curtiss Chairman Glen Lake Irrigation District	
0037	Gary Aitken, Jr. Chairman Kootenai Tribe of Idaho	
0038	Dave Hadden Executive Director Headwaters Montana	
0039	John Trochmann Chairman Sanders Natural Resource Council	
0040	John Gatchell Conservation Director Montana Wilderness Association	Amy Robinson, Montana Wilderness Association Peter Aengst, The Wilderness Society
0046	Mike Petersen The Lands Council	
0047	Marc McCully	
0048	Peter Nelson Senior Policy Advisor for Federal Lands Defenders of Wildlife	
0050	Representative Mike Cuffe House District 2	
0051	Greg Hinkle	
0053	Jerry Wandler Troy & Libby Snowmobile Clubs	

Objection Tracking No.	Lead Objector	Co-Objectors
0056	Dave Vogleman	
0057	Gary W. Mason	
0058	Kurt West	
0059	Scott Mattheis President Montanans for Multiple Use - North Lincoln County Chapter	
0060	Scott M. Baney	
0061	Mr. Kerry White Citizens for Balanced Use	
0063	Josh Letcher	
0065	Mike Powers	
0066	Edwin Fields	
0067	Mary Crowe Costello Executive Director Rock Creek Alliance	Save Our Cabinets

## Interested Persons

Interested Person	Representing
Gary Aitken Jr.	Kootenai Tribe of Idaho
Nancy Ballance	Montana State Senate District 89
Anthony J. Berget	Lincoln County Board of County Commissioners,
Bob Boeh	Idaho Forest Group
Todd Butts	
Sandy Compton	Friends of Scotchman Peaks Wilderness
Mike Cuffe	Montana House District 2
Steve Curtiss	Glen Lake Irrigation District
Doug Ferrell	
Jennifer Fielder	Montana State Senate District 7
Paul C. Fielder	
John Finney	
Linda S. Foss	Ravalli County
John Gatchell	Montana Wilderness Association
Rita Hall	
Philip J. Hough	Friends of Scotchman Peaks Wilderness
Bruce P. Hunn	
Mollie Kieran	
Robyn King	Three Rivers Challenge
Robyn King	Yaak Valley Forest Council
Josef Kuchera	
Josh Letcher	
Scott Mattheis	Montanans for Multiple Use North Lincoln County Chapter
Paul R. McKenzie	F.H.Stoltze Land & Lumber Company
Nancy S. Mehaffie	
Keith L. Olson	Montana Logging Association
David Ortiz	
Tom Partin	American Forest Resource Council
Sandy Podsaid	
Ron Stoltz	Ravalli County
John B. Sullivan III	Backcounty Hunters & Anglers
Don Truman	
Angelo Ververis	
Chas Vincent	Montana State Senate District 1
Jim Voyles	Ten Lakes Snowmobile Club
Kurt West	
Ken Wimer	
Charles Woolley	
Larry Yergler	Shoshone County Board of Commissioners

# Attachment 2: Issues Reviewed and Instructions Provided to the Responsible Official

A number of objection issues have been identified that provide opportunities to improve and strengthen the planning record. These issues are summarized under their general resource area and provide instruction to the Regional Forester and Kootenai National Forest.

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## Fire/Fuels

- *Objection Issue:*

Regarding indicator MON-FIRE-01-01, the objector contends the effectiveness of fuel treatments is not evaluated. (#0026, pp. 73-74)

- *Response:*

The monitoring question (MON-FIRE-01: To what extent are management activities moving hazardous fuels towards desired conditions?) and the monitoring indicator (MON-FIRE-01-01: Acres of hazardous fuel treatments within the WUI, and in areas outside of the WUI) are appropriate monitoring items and are required items for upward

reporting. As stated in Chapter 5 of the Revised Plan, the monitoring questions will be used to evaluate whether management is moving towards the desired conditions.

- The objector requests a measure of the effectiveness of fuel treatments, based upon quantitative objectives in the pre-treatment prescription.
  - Clarify that the monitoring and evaluation report will address effectiveness and movement toward desired condition.
- *Instructions:*
    - Clarify in the record that the monitoring and evaluation report will address effectiveness and movement toward desired condition.

## Planning

- *Objection Issue:*

The objector contends “Public notice and information presented to local citizens and land owners was not reasonable or forthright. By leaving significant features and designations off the land management map, inappropriately classifying IRA and Proposed Wilderness, failing to fully answer pertinent questions, and publicly decrying citizens' expressed concerns as 'misperceptions', the public was deterred from understanding the true reasoning and impacts, meaningfully participating in draft comments, and effecting outcomes that could have resulted in a plan which properly balances public interests with responsible resource management.” (#0019, pp. 2, 3, 4, 5, 7-9)

- *Response:*

The interdisciplinary team responded to the objector’s comments in the response to comments appendix of the FEIS. Comments were about roads (p. 344), public involvement process (p. 378), process, (p. 448), DEIS Alternatives (p. 468), and grizzly bear (pp. 523-527).

It is apparent the objector disagrees with including the Grizzly Bear Access Amendment of 11/9/2011 as a retained decision in the Revised Plan (Revised Plan, pp. 149-155) that is the primary source of the concerns with BMUs, BORZ, OMRD, and TMRD. The Revised Plan references open motorized route density (OMRD) and total motorized route density (TMRD) on pages 30, 100, 116, and within the Grizzly Bear Access Amendment (p. 149) and within the Reasonable and Prudent Measures and Terms and Conditions for Grizzly Bear and Canada Lynx. (p. 181).

The interdisciplinary team states in the Response to Comments section of the FEIS, the “Forest has made every attempt to involve the public during the long process of forest plan revision. News releases were sent to all local papers, mailing lists were built, newsletters were sent, web pages were developed, and public meetings were held in an attempt to keep the public informed of the planning process. The GA working groups had members from different backgrounds and included the county commissioners. Open houses were held after release of the draft Forest Plan and DEIS to answer questions and

share information. The KNF planning staff has been available to talk to people, attend special group meetings, and share information.” (p. 381).

The interdisciplinary team states in the Response to Comments section of the FEIS, that “the Forest provided as much information as possible on the alternative maps. Detailed maps were provided upon request for publics interested in specific areas.” (p. 446). Maps of the “bear management units” and the “bears outside recovery zone” are available online on the Forest planning webpage under the Grizzly Bear Access amendment.

- *Instructions:*
  - Review and clarify, as needed, the response to comments about the objector’s statements.

## Recreation

- *Objection Issue:*

An objector contends that closing Recommended Wilderness Areas to mechanized and motorized uses without completing site specific road and trail analysis through a travel management plan is arbitrary and capricious and violates the 2001 3-State OHV Rule. (#0061, p. 6)

- *Response:*

The recommended wilderness allocations do not change existing non-winter motorized uses. The KNF documented specific direction in the draft ROD on pp.17-18, discussing the difference between the programmatic Forest Plan and the site-specific Travel Management Rule through previous and ongoing travel planning efforts. Although the Revised Plan includes direction closing recommended wilderness to motorized and mechanized use, it does not change existing travel management decisions for motorized use. Thus, the change in use resulting from the Revised Plan is that over-snow vehicle use and mountain biking will not be allowed within recommended wilderness.

These uses will not be allowed in recommended wilderness because they impact wilderness character and could lead to these areas no longer being suitable for wilderness designation. However, other backcountry areas will provide a range of quiet non-motorized, motorized, and mechanized opportunities, and will allow these uses per management area allocation. Evidence of decreasing conforming uses does not remove the Responsible Official's discretion to determine that current non-conforming uses are impacting wilderness character. Nor does it preclude their discretion to decide the best way to protect the wilderness character of recommended wilderness areas is to prohibit non-conforming uses.

While forest plan decisions are generally programmatic, the KNF included site-specific analysis to support the decision to restrict motorized and mechanized use in management areas allocated to recommended wilderness and research natural areas. However, this analysis can be difficult for the public to find within the more prevalent programmatic analysis. The site-specific analysis can be found within the FEIS at Watershed on p.188,

Wildlife on pp. 357-372, and Access and Recreation on pp.417-420. The decision would authorize an accompanying closure order as per 36 CFR 261 Subpart B and aligns the allowed uses within the management area direction established in the Revised Plan as stated in the draft ROD on p. 4.

- *Instructions:*
  - Summarize in the record the analysis for the site-specific decision for restrictions to motorized and mechanize uses. Use citations to cross reference the analyses already found in the FEIS.
  - Review the FEIS to assure the site-specific analysis addresses the minimization criteria described in the travel management regulation at 36 CFR 212.55, including user conflicts.

## Roadless Areas

- *Objection Issue:*

The objectors contend:

- The KNF plan allows activities prohibited in IRAs by the 2001 Roadless Rule, such as building dams, active forest management, fuel reduction, suppression of insects or disease, over-snow motorized use, mining, and road restoration. It appears that the Forest Plan and FEIS would sanction logging and roading in IRAs in violation of the 2001 Roadless Rule.

(#0032, pp. 5)

- *Response:*

Regarding the scope of prohibited activities in IRAs under the 2001 rule, the Rule only prohibits road construction or reconstruction and the cutting, sale or removal of timber, unless one of its exceptions applies. For example, the 2001 Rule allows timber cutting to improve threatened or endangered species habitat, to reduce the risk of uncharacteristic wildfire effects, or when the timber cutting is incidental to an activity not otherwise prohibited by the Rule (36 CFR 294.13(b)). As stated in the preamble to the 2001 Rule, “management actions that do not require the construction of new roads will still be allowed, including activities such as timber harvesting for clearly defined, limited purposes, development of valid claims of locatable minerals, grazing of livestock, and off-highway vehicle use where specifically permitted. Existing classified roads in inventoried roadless areas may be maintained and used for these and other activities as well” (66 Fed. Reg. 3250).

- *Instructions:*
  - Review and clarify as needed in the record that management actions that do not require construction of new roads will still be allowed in inventoried roadless areas, as stated in the preamble of the 2001 Roadless Rule.

## Soils

- *Objection Issue:*

Regarding Forest-wide desired condition FW-DC-SOIL-03, the objector contends “The meaning of the term “Managed areas” is unclear. The areal extent could be delineated as a certain area of a few square feet, a logging unit, a timber sale contract area, an entire watershed, or even a Ranger District.” (#0026, p. 19)

- *Response:*

The desired condition in question states “Soil impacts are minimized. Managed areas that have incurred detrimental soil disturbance recover through natural processes and/or restoration treatments. Organic matter and woody debris, including tops, limbs, and fine woody debris, remain on site after vegetation treatments in sufficient quantities to maintain soil quality and to enhance soil development and fertility.” Revised Plan, p. 24.

No definition for “managed areas” was found, however the glossary for the Revised Plan does include an applicable definition for “activity area”:

A land area affected by a management activity to which soil quality standards are applied. Activity areas include harvest units within timber sale areas, prescribed burn areas, recreation areas, and grazing areas or pastures within range allotments.

Revised Plan, p. 107

- *Instructions:*
  - Replace the term “managed area” in the desired condition with the term “activity area.”

## Timber

- *Objection Issue:*

The objector expresses concern over a perceived shift from cutting timber for local economies to ecosystem management, contending there should have been a NEPA analysis showing the impacts of this policy shift. “We would like to see the economic analysis which was done on the impacts to rural economies as a result of this ‘change in policy’, before the policy was implemented. Is such an analysis not a requirement of NEPA? We believe that this ‘change in policy’, is in direct violation of the Multiple Use Sustained Yield Act of 1960” (#0021, p. 2)

- *Response:*

It appears this issue is a result of poor word choice in the FEIS. Rather than a specific change in “policy and direction,” in general there has been a shift in the focus of land management planning in the agency since the 1990s.

Per the FEIS for the 2012 planning rule (p. 219), “Since 1982, there has been a shift in planning focus from primarily producing timber to restoring and maintaining healthy ecological conditions and meeting the recreational and amenity preferences of the public.” This shift is demonstrated in Figure 4 of the 2012 planning rule FEIS (p. 219), which displays a table showing the decline in timber harvest levels since around 1990. Over the past two decades, under the 1982 planning rule, the amount of timber sold from the NFS has declined by more than 80 percent.

This shift in planning focus is well supported by the purpose of the Multiple-Use Sustained-Yield Act. Additionally, court cases, such as *Perkins v. Bergland*, 608 F.2d 803 (9<sup>th</sup> Cir. 1979) have demonstrated that the agency has some discretion when it comes to application of MUSYA.

NEPA is only required when a project results in a decision. As no decision documents are produced for a change in agency focus, NEPA was not required.

- *Instructions:*

- Clarify in the record that the KNF is responding to an overall shift in the focus of planning and forest management throughout the agency. The wording should be changed to highlight the shift in planning emphasis rather than policy.

## **Vegetation Management**

### **Analysis**

- *Objection Issue:*

The objector describes concerns with “gaps in explanations, questionable conclusions, and apparent discrepancies between the ERG Report and the Final EIS,” and provides examples related to the level of seedling/sapling size class distribution, white bark pine regeneration, big game, fire effects, northern goshawk, flammulated owl and associated habitat issues. (#0037, pp. 2-4)

- *Response:*

It is beyond the capability of this review to research and respond to the examples provided by the objector, but it is clear the questions and inconsistencies exist as described. Given the heavy reliance on the ERG 2012 Report in the FEIS, it is very important that information in the FEIS aligns with the Report or, if and where it does not, an explanation is provided.

- *Instructions:*

Clarify in the record the “gaps in explanations, questionable conclusions, and apparent discrepancies” raised by the objector concerning the use of the ERG 2012 Report and its incorporation in the FEIS.

### **Desired Conditions**

- *Objection Issue:*

An objector raises a series of contentions regarding desired conditions for vegetation, as follows:

“FW-DC-VEG-01. The desired ranges for dominance groups are not supported by reliable historic data taken from KNF surveys or scientific research that we are aware of. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges.” (#0026, p. 3)

“FW-DC-VEG-02. The desired ranges for Size Class are not supported by reliable historic data taken from KNF surveys or scientific research that we are aware of. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges.” (#0026, pp.4-5)

“FW-DC-VEG-03. The term “substantial amounts” is not defined. The desired “greater increase” related to the identified tree species is not supported by citation to specific reliable historic data taken from KNF surveys or scientific research. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those increases.” (#0026, p. 5).

“FW-DC-VEG-04. The implied assertion that trees are generally too dense on the KNF is not supported by specific reliable historic data gathered from KNF surveys or science that we are aware of. Utilizing this Element as Plan implementation direction would be ecologically damaging over much of the IPNF.” (#0026, p. 5)

“FW-DC-VEG-11. The desired ranges for forest composition, structure, and pattern for each biophysical setting are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of.

“...the Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges.

“...At p. 13, the FEIS Appendix B describes a process from the 1990s that “completed assessments of landscape pattern.” The FEIS does not cite the documents that represent this assessment of landscape patterns. ” (#0026, pp.6-7)

- *Response:*

The FEIS on pp 50-51 explains that an historic range of variability was developed to determine historic conditions and provide context for building the vegetation desired conditions for the Revised Plan. Along with this explanation, the FEIS includes a lengthy

list of data and information sources used for this analysis. No single source was relied on in an effort to avoid omissions and bias in the information. The historic range of variability for vegetation was then reviewed against what is currently known regarding climate change trends and found to be consistent with conditions that would improve resistance and resiliency under those projected trends. I find the information and methodology used for this analysis to be appropriate.

The FEIS, Appendix G, pp. 374-378, includes a lengthy response to several comments on climate change, its effects on forest resources and ecosystems, and how the Revised Plan takes those effects into consideration.

The objector is correct that the phrase in FS-DC-VEG-03 “substantial amounts” as it pertains to the representation of certain tree species found in old growth stands is not defined.

The objector questions why the FEIS discusses large and very large size classes separately but the Revised Plan lumps “large” with “very large” size classes even though the very large size class is a surrogate for old-growth in the FEIS. One of the remedies suggested by the objector is to adjust Desired Conditions for vegetation to include the additional size class “Very Large” or “old growth” that meets all LMP criteria. These differences are addressed in the FEIS on pp. 74-80 and in Appendix G on pp. 487-89.

- *Instructions:*
  - Modify FW-DC-VEG-03 to change or clarify the term “substantial amounts,” or provide clarification elsewhere in the Revised Plan.

## **Guidelines**

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-VEG-03, the objector contends the Forest Service does not cite the scientific basis for the minimum amounts of coarse woody debris to be retained and that the exception allowed where minimum amounts “are not available” could lead to a delay in the development of coarse woody debris in treated stands because of retaining too few snags or live replacement trees as recruitment.

The objector also questions the use of the word “should” and whether it is intended to render the entire guideline as discretionary. (#0026, p. 11-12)

- *Response:*

The review found the FEIS does discuss how the Forest arrived at its coarse woody debris determinations including the work of those informing the agency’s decision.

It appears that interpretive confusion is introduced by use of the phrase “minimum quantities listed in the table are not available for retention.”

The word “should” provides intended flexibility when applying guidelines; yet that flexibility is not absolute. The Revised Plan explains that projects must be consistent with

guidelines, where consistency is achieved by the project either being in accordance with the guideline or the project design varies from the guideline but is as effective in meeting the intent or achieving the purpose of the guideline. Project documentation must describe and explain any variance from LMP guidelines. Revised Plan, pp. 3-4.

- *Instructions:*

- Clarify in the record the intent of FW-GDL-VEG-03.
- 

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-VEG-04, the objector contends the following:

The Forest Service does not cite the scientific basis for the minimum amounts of snags to be retained under this Guideline. The scientific basis for the delineation of snags into two diameter groups using 15” d.b.h. as the division point is not disclosed.

The Draft Plan’s use of only two size classes of snags and live tree recruitment threatens more widespread loss of diversity and vital structures for wildlife.

The Guideline also does not utilize science which recognizes that western larch and other tree species are disproportionately important in providing cavity habitat for wildlife.

The Guideline does not specify the area over which “per acre” is to be applied. It is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render the entire Guideline to be discretionary, as courts have interpreted “should.”

The exception allowed where minimum amounts “are not present” could lead to a delay in the development of snags in treated stands because of retaining too few live replacement trees as recruitment. (#0026, p. 12-13)

- *Response:*

The FEIS does discuss how the Forest arrived at its snag determinations including the work of those informing the agency’s decision. See FEIS, pp. 80-83.

In its description of the process used to determine historic snag densities and evaluate them against current conditions, the results are displayed in 3 size classes—10+, 15+, and 20+ inches. FEIS, pp. 81-82. The narrative explains that the snag densities displayed were used as the desired amounts in the Revised Plan, yet those amounts in the respective desired condition (FW-DC-VEG-07, p. 13) and the guideline FW-GDL-VEG-04, only provide for the 15+ and 20+ size classes. Species abundance and distribution are based on the presence of a diversity of habitats including very large trees. Should specific habitats be reduced to unnaturally low levels, or pattern of representation on the landscape

changed, then diversity may be affected. The guideline as written could permit further reduction of scarce resources.

The objector referred to pileated woodpecker viability as a specific reason the guideline should explicitly provide for the retention of all larger size class (30+ inches) snags or live trees needed for snag recruitment. As noted in the FEIS, Appendix G, p. 533, the ERG 2012 Report analysis concluded that pileated woodpecker habitat is above the historic range of variability and is projected to remain so for the next 50 years under the management direction of the Revised Plan. Therefore, it is not necessary that snag retention and recruitment direction in the Revised Plan single out larger size classes for the purpose of assuring the viability of pileated woodpecker.

The guideline is clear that the “per acre” ranges apply to areas where vegetation management activities occur.

The word ‘generally,’ like the word ‘should,’ provides flexibility for management to remove trees of all sizes. When placed together, they imply a more flexible intent than if either word stood alone. The condition of the landscape determines if the resource is within or outside its HRV. If within the HRV, management may not be needed. An excess of large trees may provide a harvestable surplus and a guideline with management flexibility would be beneficial.

The word “should” provides intended flexibility when applying guidelines; yet that flexibility is not absolute. The Revised Plan explains that projects must be consistent with guidelines, where consistency is achieved by the project either being in accordance with the guideline or the project design varies from the guideline but is as effective in meeting the intent or achieving the purpose of the guideline. Project documentation must describe and explain any variance from LMP guidelines. Revised Plan, pp. 3-4.

The phrase “instances where the minimum numbers are not present prior to the management activities” is clearly intended to acknowledge that snags and live snag recruitment trees cannot be retained when they don’t currently exist. The intent of the guideline is to retain large snags, or large live trees that will become snags in the future when snags are lacking on the site.

- *Instructions:*

- Add the 10+ inch size class for snags to the tables displayed in FW-DC-VEG-07 and FW-GDL-VEG-04, or provide an explanation for why it is not necessary.
- Delete the word “generally” from the guideline or modify it to state “when large diameter trees are rare across the landscape, all will be left.”

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- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-VEG-05, the objector contends “the ‘fire salvage’ provision for using untreated areas to meet snag requirement would lead to insufficient retention in logged areas.” (#0026, p. 13)

- *Response:*

The guideline reads as follows:

Where vegetation management activities occur and snags (or live trees for future snags) are retained, the following direction should be followed:

- Group snags where possible;
- Retain snags far enough away from roads or other areas open to public access to reduce the potential for removal (generally more than 150 feet);
- Emphasize retention of the largest snags and live trees as well as those species that tend to be the most persistent, such as ponderosa pine, larch, and cedar;
- Favor snags or live trees with existing cavities or evidence of use by woodpeckers or other wildlife; and
- In fire salvage areas, untreated areas may be used to meet the snag density difference if persistent snags are not available for retention in treatment units.

It is not clear what is meant by “untreated areas” or “treatment” areas.

- *Instructions:*

- Either delete the last bullet in the guideline or modify it to clearly reflect a restoration objective of retaining the pattern of snag availability across the landscape to meet the diversity requirement of NFMA.

## **Monitoring**

- *Objection Issue:*

The objector raises several concerns regarding the strictly quantitative nature of several monitoring indicators for vegetation, as follows:

- Regarding MON-VEG-01-02, the objector contends it “merely reports on acres burned, and lacks any qualitative component. Forty acres of a timber unit that was burned badly during slash reduction would be equal to 40 acres that was prescribed burned and met all silvicultural, fuel reduction, and wildlife objectives.” (#0026, p. 71)
- Regarding MON-VEG-01-06, the objector contends the indicator “is obscure, since annually determining old-growth acres “treated” would reveal nothing about the outcome—positive or negative—of those treatments.” (#0026, p. 72)
- Regarding MON-VEG-01-07, the objector contends it “is a measure of the numbers of dead trees per acre on the KNF and itself lacks any relevance to resources.” (#0026, p. 73)

- *Response:*

The objector is correct that the Revised Plan does not directly address the issue of qualitatively assessing the effectiveness of all burning activity relating to achieving management activities and natural disturbance processes trending toward desired conditions in MON-VEG-01. However, the monitoring question for MON-VEG-01 encompasses the effect of management activities and natural disturbance processes as they contribute to a trend toward desired conditions for vegetation. Indicator MON-VEG-01-01 somewhat addresses this question as it pertains to treated acres, but MON-VEG-01-02 provides only a quantitative measure of acres burned with no indication of how those acres are or are not contributing to desired conditions for vegetation. This will occur through the evaluation.

The indicator of “Acres of old growth treated” for MON-VEG-01-06 similarly lacks any clear indication of how it would contribute information useful for assessing trends toward desired conditions for vegetation. This will occur through the evaluation.

The objector is also correct regarding MON-VEG-01-07. Relevant monitoring includes size class abundance and distribution, or snag size statistics, per ecosystem type. This type of data provides managers with useful results that can be used to adjust management activities to sustain the resource on the unit, in particular the large snag component that is so valuable to wildlife. The effectiveness of this indicator will be addressed through the evaluation.

As stated in Chapter 5 of the Revised Plan, the monitoring questions will be used to evaluate whether management is moving towards the desired conditions. The evaluation of the monitoring indicators will show the effectiveness of management to move vegetation towards desired condition.

- *Instructions:*

- Clarify in the record that the monitoring and evaluation report will address effectiveness and movement toward desired condition.

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- *Objection Issue:*

Regarding the indicator for MON-VEG-02-01, the objector contends “The logic behind Indicator is obscure, since annually determining acres of noxious weeds ‘treated’ might reveal nothing about the effectiveness of those treatments.” Similarly, the objector also contends “The logic behind Indicator MON-VEG-02-02 is obscure. The definition of a ‘site of new non-native invasive plant species’ is not given. A ‘site’ could be as small as single Russian thistle on the shore of Priest Lake, or as large as the new occurrence of 100,000 hawkweed plants in the Lakeview-Reeder timber sale contract area.” (#0026, p. 73)

- *Response:*

Concerns about the lack of documentation of monitoring for treatment efficacy are valid, and are consistent with Forest Service policy requirements in FSM 2900, Direction from the Office of Management and Budget related to Performance Accountability, and the Recommendations the USDA Inspector General's Audit Agreement (08601-7-AT) related to invasive species inventory, risk determination, and monitoring of treatment efficacy. Field-level managers use treatment efficacy data for a wide variety of purposes, not the least of which would be for an adaptive management approach over the long term.

The Forest is required under policy and other program requirements to collect and record the required tabular and spatial information associated with all survey, inventory, and treatment activities in the national database of record. Within this Natural Resource Management data set, Forests are required to monitor all treatment activities for treatment efficacy and use an adaptive management approach to increase management effectiveness against targeted invasive species in priority aquatic and terrestrial areas of the Forest. These policy and program requirements associated with surveys, inventories and treatments stem from a wide range of federal authorities and apply to all terrestrial and aquatic invasive species (plants, pathogens, vertebrates, invertebrates, fungi, etc.).

Documentation is unclear on the value of tracking invasive species by site and how a site is defined. Concerns about the lack of a clear definition for the term "site", within the context of monitoring for the number of new "sites" of invasive plant species are also valid. There would be significantly different consequences and management responses depending on the way a "new site" was measured/quantified, and in either case the temporal aspects of the infestation must be a major component of the risk assessment. From an EDRR (Early Detection and Rapid Response) approach it is critical for the implementation of the Revised Plan to meet the objectives and related policy requirements in FSM 2900 to improve efficiency. The FEIS pointed to the previous direction located at FSM 2080, which was replaced by FSM 2900 between the draft and final EIS. A correction in the FEIS to acknowledge the new direction contained in FSM 2900, which contains an all taxa approach, needs to be documented.

Counting sites would not be in alignment with policy or other program protocols or performance requirements. Clarification of the utility of tracking sites should be provided or the reference to tracking sites should be removed.

The Revised Plan does imply that a site is measured in acres. There are already established standards, requirements and protocols related to documenting both the spatial extent of a targeted infestation (in acres) and the spatial extent of the priority area treated.

The documents also confuse invasive species and noxious weed terminology, in some cases using these terms improperly, or interchangeably. This misalignment with the definitions in law, Executive Order, and policy, can significantly affect how field personnel set invasive species priorities and could create wide variations in program management across multiple scales. FSM 2900 provides definitions which will clarify terms and provide consistent approaches, in part by defining "Priority Area Treated". In addition, there are detailed invasive species program management standards,

requirements, and record-keeping protocols related to defining the spatial extent of infestations and treated areas. FSM 2900 requires the Forest to follow these established requirements, standards, protocols, and related rules.

As stated in Chapter 5 of the Revised Plan, the monitoring questions will be used to evaluate whether management is moving towards the desired conditions. The evaluation of the monitoring indicators will show the effectiveness of treatments in moving towards desired conditions.

- *Instructions:*
  - Enhance documentation for how the invasive species program will follow program requirements and standards, including but not limited to the collection and recording of treatment efficacy. Specifically, enhance documentation to show the alignment of all program activities associated with invasive species with national policy (FSM 2900), and associated law, regulations, and the provisions of E.O. 13112 related to federal agency duties.
  - Clarify in the record that the utility of tracking sites does not apply to all invasive species infestations, but can be used in certain early detection and rapid response situations. If the utility of counting sites cannot be clarified, the reference to tracking sites should be removed.
  - Clarify in the record that the Forest, through compliance with law, regulation, and policy, will take an all-taxa approach to invasive species management rather than the more narrow focus on regulated noxious weeds.

## **Watersheds**

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-WTR-02, the objector contends the meaning of “hydrologic stability” is unclear. (#0026, p. 18)

- *Response:*

The guideline reads, “In order to avoid future risks to watershed condition, ensure hydrologic stability when decommissioning or storing roads or trails.” Revised Plan, p. 23. The term is not found elsewhere in the Revised Plan. The direction in the guideline would be improved if the Revised Plan made clear what is intended in the way of hydrologic stability.

- *Instructions:*
  - Add a definition for hydrologic stability to the Revised Plan’s glossary.

## Wild and Scenic Rivers

- *Objection Issue:*

Several objectors contend that using the rivers of the Kootenai NF as the comparative scale for the Wild and Scenic River (WSR) assessment is a misinterpretation of the language and the intent of the Act. They contend that using the rivers of the FS Region or the states within the Region is a more appropriate comparative scale.

“The comparative scale used for this assessment is the individual forest. That is, the rivers and streams on the KNF were compared one to another. We believe that using the boundaries of the KNF as the comparative scale for this assessment is a gross misinterpretation of both the language and the intent of the Wild and Scenic Rivers Act.” (#0017, pp. 10, 11; #0030, pp. 9-10; #0035, pp. 11-12; #0063, pp. 30-31)

One of the objectors also contends WSR ineligibility determinations for streams were based on the overall number of streams recommended by the public, in violation of Forest Service and Interagency policy. (#0030, pp. 10-11)

- *Response:*

“To be eligible for inclusion [in the National Wild and Scenic Rivers System], a river must be free-flowing and, with its adjacent land area, possess one or more “outstandingly remarkable” values [(ORVs)].” FSH 1909.12, 82.1; *see also* Wild and Scenic River Act §2(b). FSH 1909.12, 82.14 provides further direction on ORV identification:

In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. A river-related value would be a *conspicuous example of that value from among a number of similar examples that are themselves uncommon or extraordinary*. The interdisciplinary team must identify the area of consideration that will serve as the basis for meaningful comparative analysis. *This area of consideration is not fixed; it may be a national forest, grassland, prairie, or comparable administrative unit, a portion of a state, or an appropriately scaled physiographic or hydrologic unit*. Once the area of consideration is identified, a river’s values can then be analyzed in comparison with other rivers. (emphasis added)

The Interagency Wild and Scenic River Coordinating Council elaborates further on the ORV identification process in its “Wild and Scenic River Study Process” white paper, p. 12: “The area, region or scale of comparison is not fixed, and should be defined as that which serves as a basis for meaningful comparative analysis; it may vary depending on the value being considered. Typically, a “region” is defined on the scale of an administrative unit, a portion of a state, or an appropriately scaled physiographic or hydrologic unit.”

Further, Region 1 also provided a recommended approach in the “Final Consistency Paper, Wild and Scenic Rivers Assessment,” p. 1: “For the purpose of this forest planning effort, using either the forest or planning zone is acceptable.”

Given the preponderance of rivers and creeks with river-related values throughout the Northern Region and the northwest portion of the U.S., the KNF chose the individual forest as the basis for comparison. Identification of ORVs is a professional judgment that KNF resource specialists completed comparisons based on-the-ground knowledge. As stated in FEIS Appendix E p. 225, KNF determined that, “[t]he comparative scale used for this assessment is the individual Forest. That is, the rivers and streams on the KNF were compared one to another.”

Thus, the KNF was consistent with national, regional, and interagency policy on the scale of consideration of outstanding remarkable values. Further, because determining river values that are “conspicuous example[s]” at the comparative scale is a part of the ORV determination process, the KNF appropriately factored in the number of other rivers with similar values as part of this process.

The above findings notwithstanding, some instances were found in the FEIS where references were made to rivers on neighboring Forests in the Region. These references introduce some confusion as to what scale of comparison is being applied.

- *Instructions:*

- Remove any reference to rivers on other neighboring Forests in the Region, as it should not factor into the ORV analysis. If the existence of other designated or eligible WSRs in the Region impacted it’s analysis and deterred ORV findings for rivers on the forest, redo the analysis so that only river values on the Forest are considered.
- Edit the FEIS as necessary to ensure that wherever “rare, unique, or exemplary” is mentioned, it is used to describe “values,” not “rivers.” For example, FEIS p. 30 currently states, “The additional streams and rivers are not rare, unique, or exemplary when considered on a forest or regional basis.” This sentence should be modified to state, “The additional streams and rivers do not have values that are rare, unique, or exemplary when considered on a forest or regional basis.”

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- *Objection Issue:*

The objector contends the KNF violated Forest Service policy, NEPA, and the Administrative Procedure Act by refusing to accept data offered by outside organizations during the draft EIS. New information was submitted by a coalition of conservation organizations in the form of a *Wild and Scenic River Eligibility Report*, and the Forest replied that it was received too late to be included in the DEIS. The objector further contends, “Though the Forest claims that this new data was ‘addressed’ in the FEIS, it does not appear that the streams mentioned were given an updated site-specific evaluation, but instead were arbitrarily rejected in favor of an analysis that was completed

before our coalition submitted its data, as evidenced by the KNF's use of the same rationale even after new data was presented." (#0030, p. 15)

- *Response:*

The FEIS states that a comparison was made between the inventories conducted by the KNF and the group's report (p. 29). Some of the rivers were the same; however, the group listed several that were not designated as eligible by the KNF. The KNF lists the reasons for why they were not included.

It is evident that the KNF received and considered the report to some degree. As such, there does not appear to be a violation of law, regulation, or policy regarding whether or not the report was received and given consideration. However, there are some questions surrounding the sufficiency of their response and whether or not the report should have been considered further. Stating that the report was not available in time is not entirely sufficient. The report was made available prior to the issuance of the DEIS. While the MA allocations had been finalized and the DEIS analysis had been completed, this information should still have been considered (and was to some degree). If not in time for changes in the DEIS, then more evaluation could have been considered prior to issuance of the FEIS. A better explanation should be provided to the objector on why their information was not used more extensively and why the process that was used is sufficient.

- *Instructions:*

- Consider the American Rivers' report in the new eligibility analysis for Wild and Scenic Rivers.

## **Wilderness**

- *Objection Issue:*

Multiple objectors contend that "[t]he process utilized to designate Inventory Roadless Area's (IRA's) and evaluation process for wilderness characteristics applied to the IRA's currently designated on the KNF and IPNF in Region 1 of the Forest Service are not consistent with law." Claims include the areas do not meet wilderness criteria due to the existence of roads and past timber harvesting. (#0017, p. 1; #0027, p. 3; #0034, p. 6; #0035, pp. 1-4, 28-30; #0039, p. 12; #0047, pp. 1-3; #0050, pp. 3-5; #0059, p. 7; #0063, pp. 4-5, 6, 20, 33; #0065, p. 1; #'s 0029, 0056, 0057, 0058, and 0060, pp. 4-5, 6, 20)

- *Response:*

Forest Service Handbook 1909.12, chapter 70 provides the Forest Service process for identifying and evaluating potential wilderness in the National Forest System, and then determining whether areas are to be recommended for wilderness designation by Congress. The KNF followed this process during its forest plan revision, as described in FEIS Appendix C. See also FEIS, p. 447.

The KNF also appropriately addressed concerns over improvements that exist in some of their recommended wilderness area:

Direction for determining whether an area qualifies as an IRA states “areas do not contain forest roads (36 CFR 212.1) or other permanently authorized roads...” (FSH 1909.12, Chapter 70). 36 CFR 212.1 defines a Forest road as “determined necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.” User created roads, skid trails, or roads that are no longer needed do not meet the 36 CFR 212.1 definitions of forest roads.

In addition, direction outlines criteria for including improvements in potential wilderness inventory (FSH 1909.12, Chapter 71.11). One of the criteria is “Timber harvest areas where logging and prior road construction is not evident. Examples include those areas containing early logging activities related to historic settlement of the vicinity, areas where stumps and skid trails or roads are substantially unrecognizable, or areas where clearcuts have regenerated to the degree that canopy closure is similar to surrounding uncut areas.”

[...]

Appendix C of the FEIS has been updated to include descriptions of past management activities within the portions of the IRAs recommended as wilderness.

FEIS Appendix G, p. 390.

The KNF further elaborates on the Thompson Seton area of Whitefish Divide in FEIS Appendix C, p. 199:

The revised Forest Plan Whitefish Divide recommended wilderness area on the KNF also includes areas which are outside of an IRA (cherry stem of closed road systems and associated harvest in Blue Sky and Williams Creek) for manageability. Areas outside of the IRA account for approximately 13 percent of the total acres of recommended wilderness in Alternative B Modified, and 5 percent of the recommended wilderness in Alternative C.

Alternative D was also considered, with 0 acres of Thompson Seton (KNF only) included as recommended wilderness. While the objectors disagree with many of the wilderness ratings KNF applied to this IRA and others on the forest, KNF utilized their professional judgment and incorporated various management considerations into developing multiple alternatives for consideration. Therefore, the responsible official considered this range of alternatives before making a discretionary selection of the preferred alternative.

• *Instructions:*

- Provide additional explanation in the record on the current condition of the old roads and harvest areas included in Whitefish Divide (i.e., how evident the improvements currently are and the current stage of regeneration), as well as the manageability reasons for including the cherry stem in recommended wilderness. With 13 percent of this recommended wilderness area consisting of a cherry stem of closed roads and associated harvest, this calls into question the overall

wilderness capability of the area. Thus, further explanation would help to bolster support for KNF's determination.

- Clarify the following sentence in FEIS Appendix G, p. 390: "The Roderick and Whitefish Divide recommended wilderness areas meet the criteria above and do not have *forest roads* or timber harvest *in a significant percentage of their area.*" (emphasis added) Recommended wilderness should not contain any "forest roads."

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- *Objection Issue:*

Objectors describe potential boundary conflicts between the two forests (KNF and IPNF), inconsistent approaches and perceptions of changes between draft and final. The main issue concerns the Scotchman Peaks recommended wilderness area.

"We believe that the revised Land management Plan (RLMP) for the Kootenai National Forest (KNF) makes a poor and unsubstantiated choice in changing the boundary of the Scotchman Peaks Recommended Wilderness (SPRW) in the vicinity of the Kootenai and Idaho Panhandle National Forest... The Forest Plan documentation (EIS) lacks any site specific analysis and does not demonstrate sufficient public input for making such a major change." (#0022, pp. 2-4; #0053 pp. 1, 2)

- *Response:*

FEIS Appendix C (p. 142) describes "Parameters for mapping recommended wilderness" that are consistent with FSH 1909.12, chapter 70. Among the criteria described are these parameters:

- 1) Boundaries must be identifiable on the ground
- 2) Some boundaries are adjusted for wildfire protection
- 3) Boundaries generally accommodate maintenance of existing roads.

Scotchman Peak was subject of various KNF public meetings after the release of the DEIS (in Libby, Troy, Trout Creek and Eureka), where alternative maps including recommended wilderness were on display. Savage Creek and Dry Creek areas are important parts of the Scotchman Peaks recommended wilderness area. The Savage Peak area has been closed to over-snow vehicle use since the 1987 Forest Plan was adopted. The Dry Creek area is an access point for snowmobiling into the interior of the recommended wilderness area. A definable boundary is road 2291 at the base of the recommended wilderness area.

The Drift Peak area has been allocated to management area MA5c to allow snowmobiling in areas just north of the Scotchman Peaks recommended wilderness area. See FEIS Appendix G, p. 408. Discussions with local snowmobile club, snowmobile users, Troy district personnel, law enforcement, and other public comment indicate that Dry Creek has been used by a relatively small group of snowmobilers. The boundary for MA1b recommended wilderness was moved from the ridge down to Forest Road 2291. The reason for this was that the ridge line boundary has not been enforceable; district personnel have observed snowmobile tracks as far as the top of Billiard Table. Current

motorized restrictions and enforcement of the boundary at the ridge line have not been successful at preventing illegal snowmobile access. Moving the boundary down to the road system still provides access for snowmobilers (in a smaller area), but is more manageable and enforceable.

The closed area around Savage Mountain, on the KNF, has been closely monitored under cooperation by the Forest Service and the Troy Snowmobile Club. This closure has been enforceable and is in a manageable location.

- *Instructions:*

- Provide a more detailed response in the record explaining why the change was made to the Scotchman Peaks' recommended wilderness boundary.
- 

- *Objection Issue:*

The objector contends the following three IRAs should be recommended Wilderness: Saddle, Grizzly and Goldhill West.

The management designation of recommenced wilderness MA1b in the above three IRAs would begin to restore a 'balance' of opportunities in response to the broad range of public values by the agency. Because as it stands now, a great disparity exists between user activity on the Forest and opportunities available on the Forest for those activities and values. Alternative B Modified recommends 4.78% of the Forest for wilderness designation. The addition of Saddle, Grizzly, and Gold Hill West IRAs would bring the total percentage of recommended wilderness on the KNF in Alternative B Modified up to 6.47%. Although the number crunching results in only a 1.75% increase, the difference would be hugely significant for several species of wildlife and permanent protection for their habitat.

(#0007, pp. 9-11)

- *Response:*

Forest Service Handbook 1909.12, chapter 70 provides the Forest Service process for identifying and evaluating potential wilderness in the National Forest System, and then determining whether areas are to be recommended for wilderness designation by Congress. Various ecological and social factors are taken into consideration when evaluating areas through this process. The KNF followed this process during its forest plan provision, as described in FEIS Appendix C.

The KNF responded to public comments on the objector's three IRAs at issue (among others) in the following manner (398): "[Saddle, Grizzly Peak, and Gold Hill West IRA] are managed as either recommended wilderness in Alternative C or as backcountry. Alternative C was considered in selecting the preferred alternative for the FEIS. Alternative B Modified allocates these areas to the backcountry MAs (Mas 5a, 5b, and 5c), with the exception of Gold Hill. The backcountry MAs protect the wildlife and other

roadless values of these areas, as described in the Revised Plan and FEIS. The opportunity for seclusion is also high in the backcountry areas. MAs 5b and 5c allow for some motor vehicle use. MAs 5b and 5c both allow over-snow vehicle use. Thus, these areas may have motorized over-snow vehicle presence within certain areas during certain times (winter), but not on all acres.” FEIS Appendix G, p. 398.

For Saddle IRA, the KNF considered an alternative where a significant portion of the area was recommended wilderness (Alternative C). However, the preferred alternative (Alternative B Modified) allocated most of the area to MA5a and MA5c, based on the rationale that this allocation “would protect roadless characteristics, while considering existing uses.” FEIS Appendix C, p. 191. Additionally, the KNF also noted that “[t]he areas is surrounded by roads, and has an irregular shape with three lobes, which are also appropriate manageability considerations for recommended wilderness. *Id.*; see also FEIS Appendix C, p. 145.

For Grizzly Peak IRA, the KNF rated the areas as not suitable for recommended wilderness, due to “existing over-snow motorized use, close to Roderick IRA” and “with the relative small size and shape of this area most of the area is within one mile of roads proximity of roads.” FEIS Appendix C, pp. 140, 173. This rationale is consistent with the evaluation approach under FSH 1909.12, chapter 70. The allocation of this IRA to MA5a is within the Responsible Official’s discretion and is supported by the record.

For Gold Hill West IRA, the KNF considered an alternative where a significant portion of the area was recommended wilderness (Alternative C). However, the preferred alternative (Alternative B Modified) allocated most of the area to MA5c, based on the rationale that this allocation “would protect roadless characteristics, while allowing for over-snow motorized use.” FEIS Appendix C, p. 170. Additionally, the KNF also noted that the area has “boundaries along open roads.” *Id.* The allocation of this IRA primarily to MA5c is within the responsible official’s discretion and is supported by the forest’s consideration of other alternatives in the record.

- *Instructions:*

- Provide further explanation for the allocation of Gold Hill West IRA primarily to MA5c given the objector’s reference to FEIS Appendix C’s assessment that this area has high ratings for wildlife values and the terrain is difficult for cross country travel/snowmobile use is rare. See FEIS Appendix C, p. 107.

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- *Objection Issue:*

An objector contends “The draft ROD arbitrarily removes from recommended wilderness the Krag-Krinklehorn-Krag Peaks region of the Thompson-Seton IRA and the Kootenai NF side of the Tuchuck IRA and proposed wilderness along the Whitefish Divide, bordering the Trail Creek Grizzly Management Area, on the Flathead National Forest.” The objector further contends the removals are based on unjustified concerns about potential impacts to private property and municipal water supplies from wildland fires; incorrect capability and needs ratings; and an unnecessary accommodation to mountain

bikers. The objector also contends the removal of the Tuchuck IRA would result in an inconsistency with how the IRA will be managed in the future by the Flathead NF. (#0040, pp. 7-11)

- *Response:*

Forest Service Handbook 1909.12, chapter 70 provides the Forest Service process for identifying and evaluating potential wilderness in the National Forest System, and then determining whether areas are to be recommended for wilderness designation by Congress. The KNF followed this process during its forest plan provision, as described in FEIS Appendix C.

With regard to Whitefish Divide, and Thompson-Seton IRA in particular, the KNF considered an alternative where the vast majority of the IRA was recommended wilderness (Alternative C). The KNF also acknowledges that “[c]hanges were made, in the areas recommended as wilderness, in Alternative B Modified between draft and final in response to public comment.” FEIS Appendix C, p. 198. Specifically, the KNF describes the rationale for this change as follows:

In Alternative B Modified areas above the town of Rexford and in Williams Creek were moved from MA1b to MA5a due to concerns from the community. These concerns included potential management needs within areas that provide public water for the town of Rexford and areas of past logging in Williams Creek. This alternative would provide for some mechanized use on trails. The areas of concern were allocated to MA5a.

While the objector disagrees with this rationale, as well as many of the ratings the KNF applied to Thompson-Seton IRA throughout the wilderness evaluation process, the KNF utilized their professional judgment and incorporated various management considerations to develop multiple alternatives for consideration. And based on the analysis, effects, and public comments described in the FEIS, it was within the Responsible Official’s discretion to select the preferred alternative.

With regard to Tuchuck IRA, the KNF considered an alternative where the vast majority of the area was recommended wilderness (Alternative C). However, the preferred alternative (Alternative B Modified) allocated most of the area to MA5b, based on the following rationale:

Alternative B Modified would protect roadless characteristics, while considering over-snow motorized use. In this alternative Tuchuck was allocated primarily to MA5b. This was a change between draft and final, to make the area more manageable. The MA5a boundary in the draft was mid slope and not identifiable on the ground.

While manageability is an appropriate consideration and the responsible official has the discretion to select the preferred alternative, further explanation of the change made between draft and final would provide additional support for the decision and also help the public to better understand the KNF’s manageability concerns.

- *Instructions:*
  - Provide further explanation of the change made between the draft and final EIS. Provide more of an explanation of the manageability concerns and impacts to grizzly bear in the Tuchuck IRA.

## Wildlife and Fisheries

### Nesting and Denning

- *Objection Issue:*

Regarding Forest-wide desired condition FW-DC-WL-01, the objector contends “We are unaware of any scientific research that validates the inclusion of this blanket assumption for all wildlife. Logically, nesting/denning success would be a better index of the species’ tolerance of human use in the area.” (#0026, p. 40)

- *Response:*

The desired condition states, “Individual animals that establish nests and den sites near areas of pre-existing human use are assumed to be accepting of that existing level of human use at the time the animals establish occupancy.” This assumption is unsubstantiated in the planning record.

- *Instructions:*

- Review FW-DC-WL-01 and add documentation to support the last sentence of this DC or edit this sentence to remove the unsubstantiated assumption.

- 
- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-WL-16, the objector contends “This Desired Condition states, “(Raptors) that establish nests near pre-existing human activities are assumed to be tolerant of that level of activity.” We are unaware of any scientific research that validates the inclusion of this assumption for all raptors. Logically, nesting success would be a better index of a raptor’s tolerance of human use in the area. (#0026, p. 42)

The objector also contends, regarding Forest-wide guideline FW-GDL-WL-21, “This Desired Condition states, ‘Individual animals that establish nests and den sites near areas of pre-existing human use... are assumed to be accepting...’ We are unaware of any scientific research that validates the inclusion of this assumption for the remaining species ‘not covered under other forest-wide guidelines.’ Logically, denning/nesting success would be a better index of a species’ tolerance of human use in the area.” (#0026, p. 43)

- *Response:*

The full guidelines read as follows:

FW-GDL-WL-16. Raptors. Management activities on NFS lands should avoid/minimize disturbance at known active raptor nests, including owls. Timing restrictions and distance buffers should be based on the best available information, as well as site-specific factors (e.g., topography, available habitat, etc.). Birds that establish nests near pre-existing human activities are assumed to be tolerant of that level of activity.

FW-GDL-WL-21. Management activities on NFS lands should avoid/minimize disturbance at known active nesting or denning sites for other sensitive, threatened, or endangered species not covered under other forest-wide guidelines. Use the best available information to set a timeframe and a distance buffer around active nests or dens. Individual animals that establish nests and den sites near areas of pre-existing human use, inconsistent with the timeframes and distances in the other forest-wide wildlife guidelines or in the best available information, are assumed to be accepting of that existing higher level of human use at the time the animals established occupancy. In those instances, as long as the individual animals continue to use the site, the higher intensity, duration, and extent of disturbance could continue but would not be increased beyond the level existing at the time the animals established occupancy.

The objector is correct about the assumption stated in these two guidelines. Evidence is not provided to support the guidelines' assumptions.

Regarding the objector's second point about nesting success as a better indicator, territory occupancy is the primary response variable; nesting success is a more variable measure with numerous factors influencing interpretation of productivity. Monitoring should only be required if extensive habitat modifications are occurring that are expected to reduce habitat suitability across the planning unit or if a habitat alteration experiment is being conducted and the ecological responses are being evaluated.

- *Instructions:*
  - Review guidelines FW-GDL-WL-16 and FW-GDL-WL-21 and add documentation to support these guidelines or edit them to remove the unsubstantiated assumptions.

### **General Management Direction**

- *Objection Issue:*

Regarding Forest-wide guideline FW-GDL-WL-05, the objector contends "While in some ways the intent of this Guideline may be seen as protecting diversity, its wording can also be read to provide direction to log areas that scientific consensus recognizes as some of the worst places to do so, because of the ecological sensitivity and often rarity of such habitats." (#0026, p. 42)

- *Response:*

The guideline in question reads as follows:

Maintain unlogged conditions in some portions of areas burned by wildfires for 5 years post-fire. A well distributed diversity of patch sizes and burned conditions, based on fire characteristics and pre-fire forest conditions, should be left to provide habitat for species whose habitat requirements include recently burned forests (black-backed woodpecker, etc.).

The first sentence of the guideline could imply a presumption that burned areas will be logged and does not explain why some portions are to be logged and others not. The last point is the objector's preference for the guideline to be a standard rather than a guideline. The mission of the agency is to sustain the health, diversity, and productivity of forests and grasslands. Fire is a natural disturbance agent. Uncharacteristic wildfire may require management intervention to restore ecological balance to within the historic range of variability. Guidelines remind managers of their NFMA legal requirement to provide for diversity while providing management flexibility to achieve a balance of meeting multiple objectives. It is management's prerogative to decide which desired ecological conditions are to be standards and which are to be guidelines.

- *Instructions:*

- Ensure documentation clearly supports the intent of this guideline and make sure the guideline itself is clear.

## Attachment 3: Issues Reviewed and No Change Determined to be Necessary

This attachment documents those objection issues that were reviewed with a resulting determination that no change to the planning documents was necessary. Most of these issues are addressed with a limited response describing why no further action by the responsible official is necessary. However, for some of these issues the reviewers felt a more detailed response would be beneficial to helping the objectors and interested persons better understand the conclusions reached.

The first part of this attachment provides the more detailed responses. Following those responses is a table documenting the other issues considered.

### Climate Change

#### *Objection Issue:*

The Forest Service refused to include an alternative that considered this scientific research and opinion [forest management as a contributor to climate change]. Given that the alternatives all stress vegetation management, there could be no real comparison of management options. The FEIS even failed to use Climate Change as a topic for comparison of how the alternatives it did include respond to, or contribute to, climate change. (#0026, p. 70)

#### *Response:*

The KIPZ Climate Change report was compiled to synthesize the best available scientific information on climate change and summarizes available information on climate changes observed over the last 100 years and the amount of change projected in the coming decades. It contains over 200 pages and went through a science consistency review by specialists from two Forest Service Research Stations, the U.S. Geological Survey, and universities. Parts of the report were incorporated into the EIS and were used to guide revised Forest Plan elements (FEIS, p. 13). Upon reviewing the process used to develop and review the KIPZ Climate Change report, it appears the KNF used a reasoned and thorough approach in looking at the available science and making changes in response to comments received during the science consistency process. Following the development of the climate change report, additional publications and research related to the topic of climate change and adaptation opportunities for national forests has been published and reviewed by the KIPZ. Additionally, the KNF acknowledges that the science surrounding climate change and carbon sequestration will continue to evolve. The adaptive management approach of the forest planning process will allow the Forest Service to update and adjust the Forest Plan comprehensive evaluations and management options as additional information becomes available.

Appendix G (pp. 438-442) responds to multiple concerns raised by the objectors and explains the reasoning for using the scientific information that was used during the planning process.

Upon reviewing the specific quote questioned by the objectors, the KIPZ Climate Change report (p. 60) does not include a citation to support the statement “Harvested wood products increase the net sequestration on these forests by an undetermined amount.” A citation is not needed.

While climate change was not used as a topic for comparison of how the alternatives respond to or contribute to climate change, carbon sequestration and climate change are incorporated in the discussion on the affected environment and environmental consequences, primarily on pages 87-88 and 110-111, as well as throughout other parts of these sections. Carbon sequestration is listed as an indicator under the Vegetation resource area, and page 38 of the FEIS includes a table summarizing the effects by alternative for each revision topic. This includes a comparison of carbon sequestration for each alternative. There is currently no direction or any policy that requires forests to use climate change as a specific topic for comparing alternatives during the land management planning process.

## **Economics**

### *Objection Issue:*

The objector contends the economic impact analysis presented in the Social and Economic Analysis on pages 45-50 of the FEIS Appendices is inaccurate with regard to future economic output levels/revenues forecast for wildlife and fish on the KNF. The objector further contends, “Given the fact that big game populations are the primary driver for Wildlife and Fish economic outputs, and the fact that both big game habitat, and population numbers are currently on a downward trend, how can the KNF possibly forecast increased future economic for Wildlife and Fish on the KNF, without first having a solid plan in place that will reverse those trends. We do not believe such a plan is reflected in the 2013 KNF Land Management Plan.” (#0021, pp. 1, 2)

### *Response:*

The analysis by the KNF shows an increase in visits for all categories of recreation (except one) and all categories of wildlife/fish over current levels for all Alternatives considered for the Kootenai Forest Plan. As shown in the KNF FEIS (Appendix B, Social and Economic Analysis, Economic Impacts pgs. 45-50), the economic effects to local counties were estimated with input-output analysis using the IMPLAN (IMPact analysis for PLANning) modeling system (MIG 2003) and FEAST (Forest Economic Analysis Spreadsheet Tool) (Alward et al. 2010).

Data Assumptions for Recreation and Wildlife for input:

- Recreation visitor days were calculated using the most recent National Visitor Use Monitoring (NVUM) data. The current level was based on the most recent data collection, which occurred in fiscal year 2007. The proportion of recreation that was wildlife related was generated based on White and Stynes (2009), using case weighted averages.
- For the alternatives, a 13 percent increase was applied to the 2007 recreation levels to reflect the projected change in population over the next decade. Recreation figures were held constant for all alternatives.

- The direct, indirect, and induced effects from changes in recreation levels were generated by the IMPLAN model.

The basic assumptions in the FEIS economic analysis for recreation/wildlife are very general (based on a 13 percent expected increase in recreation levels). The model is not based on current big game hunter days.

A strategic approach to big game management would require coordination with multiple stakeholders including the State Game and Fish Department to be effective. This can be done under the Revised Plan without any modifications.

## Riparian

### *Objection Issue:*

Regarding standards FW-STD-RIP-01 and 02, the objector contends the meaning of “intact and...functioning at desired conditions” is unclear. There is no reference to any established objective criteria.” (#0026, p. 23)

### *Response:*

The KNF FEIS (p. 169) provides helpful clarification: “The conditions of riparian areas can be an indicator of overall ecosystem quality. There are an estimated 385,000 acres of riparian areas across the planning unit, and on average, these areas are considered to be approximately 91 percent intact. In general, many riparian areas on the Forest are believed to be functioning at or near their potential; and most degraded areas are in a stable condition or improving. It is estimated that almost all subwatersheds on the Forest have a low to moderate amount of disturbance. Although these areas are relatively functional and there has been improvement in some areas, there are localized areas where riparian areas may be functioning below potential.”

## Roadless Areas

### *Objection Issue:*

The objectors contend:

- The process used to designate IRAs currently designated on the KNF is not consistent with law due to the presence of roads.
- Roadless boundaries are incorrectly mapped. (#0032, pp. 5)

### *Response:*

The Idaho Roadless Rule (Idaho Rule) applies to inventoried roadless areas (IRAs) in Idaho and the 2001 Roadless Area Conservation Rule (2001 Rule) applies to IRAs in the remainder of the planning area. Each rule went through a public review and analysis process, separate from this Forest Plan revision. Both the 2001 Rule and the Idaho Rule provide higher level management direction for IRAs and limit the scope of changes that can be made in this Forest Plan revision. The terms of each rule are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plans or revisions (36 CFR 294.28 (Idaho

Rule); 36 CFR 294.14(e) (2001 Rule). All forest plans must comply with applicable laws and regulations, such as the 2001 Rule and the Idaho Rule.

Regarding IRA boundaries and the IRA designation process, designation of IRAs and the process used to map boundaries in the 2001 Rule and the Idaho Rule are outside the scope of this Forest Plan revision. The Forest Service established the boundaries of IRAs with the publication of each final rule (2001 and Idaho). Only the Chief of the Forest Service can modify an IRAs boundary; this process is separate from the Forest Plan revision process. As stated above, IRA designation and boundary drawing cannot be modified or revisited in the forest planning process.

## **Timber**

### *Objection Issue:*

Regarding Forest-wide standard FW-STD-TBR-02 (“If individual harvest openings created by even-aged silvicultural practices are proposed that would exceed 40 acres, then NFMA requirements regarding public notification and approval shall be followed. These requirements do not apply to the size of areas harvested because of catastrophes such as, but not limited to, fire, insect and disease attacks, or wind storms.”), the objector contends, “This highlights a problem we’ve long noted, there being an undefined category of natural processes the Forest Service calls ‘catastrophe’, which has generally translates to dead trees not being logged (not maximizing timber volume produced) as the catastrophe rather than there really being something truly ecologically harmful. Also, it seems redundant for a Standard to explicitly state that the law would be followed (#0026, p. 68).

### *Response:*

The word “catastrophe” does not imply an economic loss but rather large natural disturbance events such as fire, insect and disease attack, or windstorm. Dead trees are removed after a natural catastrophe for both environmental and social reasons. While safety of human communities and infrastructure protection is paramount, there is also a critical need to restore the function and structure of our forests after these events.

NFMA allows harvest openings created by even-aged silvicultural practices to exceed 40 acres after large natural catastrophic events. NFMA states, “...insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber will be used as a cutting method on National Forest System lands only where there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: Provided, That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm...”

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### *Objection Issue:*

Regarding Forestwide desired condition FW-DC-TBR-01, the objector expresses concern about the sentence stating: “A sustainable mix of timber products (including both sawtimber and non-

sawtimber) is offered under a variety of harvest and contract methods in response to market demand”. The objector contends “We feel that in light of the recently completed studies of timber capacity in the KNF Impact Zone and Timber Use, Processing Capacity and Capability to Utilize Small Diameter Timber within USFS Region One Timber processing Area, additional language should be included to ensure the mix of timber products is roughly equivalent to the processing capacity of the Impact Zone” (#0020, pp. 1-3).

*Response:*

FW-DC-TBR-01 is a desired condition in the Forest Plan and what actually is offered for sale is based on utilization standards and the market at the time of the site-specific project.

## **Vegetation**

### **Monitoring**

*Objection Issue:*

The objector contends that the indicator for MON-VEG-01-05, the annual measure of old growth and recruitment potential old growth, does not require that the old-growth definition as specified in the LMP Glossary be the measurement criteria utilized to determine if any acre is old growth.” The objector further contends “the measure of “recruitment potential old growth” is problematic due to its highly subjective definition” (#0026, pp. 72).

*Response:*

The definition of old growth in the Revised Plan’s glossary (p. 118) references the publication Green, et al. 1992 as the applicable source for old growth definitions, unless updated or replaced by the Northern Region. This makes it clear that references to old growth in the management direction and monitoring requirements of the Revised Plan are based on these definitions.

The term “recruitment potential old growth” is defined in the glossary for the Revised Plan on page 119.

### **Analysis**

*Objection Issue:*

Objector contends the use of VMap base data causes unacceptable inaccuracy in the wildlife analysis. More broadly, objectors contend the use of vegetation (the habitat proxy) is not valid for insuring viable populations of wildlife (#0025, pp. 35-40).

*Response:*

The issues regarding vegetation mapping and associated wildlife analysis are linked to the 1982 planning regulation at 36 CFR 219.19:

Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the

estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.

The use of VMap base data is in the ERG report. This report is supplemental analysis that augments the viability analysis as discussed on page 219 of the FEIS.

Further, the ERG Report 2012 recognizes the VMap data limitations and addresses them by comparing species-specific habitat identification criteria to FIA summary data for the KIPZ planning unit. They determined how many of the 723 forested fixed plots in the KIPZ met both of these criteria and then compared these results to VMap-based, SIMPPLLE-modeled data. Where species occurrence data were available, such data was overlaid with VMap-predicted habitat to refine the accuracy of the data and query design (e.g., goshawk nests and flammulated owls) (Doc. 01495, pgs. ES-3 and ES-4).

## **Watersheds**

### *Objection Issue:*

The objector contends the monitoring program lacks a focus on Water Quality Limited Segments and meeting state-defined beneficial uses (#0026, p. 74).

### *Response:*

While the objector is correct in identifying that the forest monitoring program does not contain a specific requirement for the monitoring of restoration or recovery of Water Quality Limited Segments (303d), the Revised Plan does have a specific Objective (FW-OBJ-WTR-02) that addresses the needs for improvements to 303(d) listed streams (“Annually, implement 50 to 250 acres of watershed improvement activities with an emphasis on 303(d)-listed watersheds, or watersheds with approved Total Maximum Daily Loads (TMDLs)”).

The FEIS specifically mentions these streams (54 percent of the subwatersheds (N=141) on the Forest) (FEIS, p. 163). In addition, the Revised Plan lists “Completing status assessments of water quality limited streams in cooperation with Montana Department of Environmental Quality through water quality assessments, total maximum daily loads, restoration plans, best management practices implementation, and monitoring” as a “potential action” (Revised Plan, p.130).

There is no requirement that every objective have a matching monitoring indicator.

## Wildlife and Fisheries

### Grizzly Bear

#### *Objection Issue:*

Two objectors contend the Kootenai Revised Plan fails to provide for adequate grizzly bear habitat adjacent to, and in the area of, the Cabinet Mountain Wilderness (CMW) in the following ways:

“ Inventoried Roadless Areas in the area are designated MA5b (motorized uses). This is especially critical in the southeastern portion of the CMW where greater habitat security and travel corridors are needed.”

“ Allowing motorized use of the lower section of Rock Creek Trail will squeeze shut the narrow travel corridor between CMW and Rock Creek IRA (#0066, p. 1; #0067, pp. 2-6)”

Relatedly, another objector contends, “Despite the Kootenai National Forest’s key role on the Cabinet-Yaak/Selkirk Grizzly Bear Subcommittee and IGBC Linkage Taskforce, the Final Forest Plan and FEIS fail to provide the habitat connectivity and home range security vital to recovering grizzlies in this ecosystem and the Lower 48 states.” More specifically, the objector contends the revised Plan and FEIS, “with its near total failure to protect key linkage IRA’s as Wilderness, or even as Non-Motorized Backcountry in many cases, puts the future of grizzly recovery in doubt.” (#0032, pp. 7-12)

#### *Response:*

In the FEIS Appendix G response to public comments, the KNF notes that the roadless integrity of the IRAs will not be reduced in any of the alternatives. (p. 525). The Rock Creek and Montanore Mines are currently undergoing analysis and it is unknown when they will be implemented (FEIS, p. 255).

The concerns with connectivity and isolation in the CYRZ are addressed in the wildlife specialist report, Biological Assessment, Biological Opinion, and FEIS. The KNF has proposed a Revised Plan that is expected to maintain and improve connectivity for grizzly bears (FEIS, p. 257). This plan includes an increase in recommended wilderness areas within the CTRZ. USFWS evaluated the effects of the Revised Plan on the CYE grizzly bear population in great detail. They concluded that the overwhelming majority of adverse effects from forest management projects to that population arise from roads, and associated high road densities and motorized access resulting in disturbance and displacement of grizzly bears (Revised Plan BO, Doc. # 01197, pg. II-80). They concluded that the Revised Plan, together with the Access Amendment and Forest-wide food order would substantially reduce adverse impacts to grizzly bears from Forest management activities (p. II-81). Considering cumulative effects, they concluded the actions would not jeopardize the continued existence of the grizzly bear. The KNF Revised Plan, therefore, provides for the conservation of grizzly bears.

## **Nesting and Denning**

### *Objection Issue:*

Regarding Forest-wide desired condition FW-DC-WL-06, the objector contends “The provision directing management to promote large-diameter trees in eagle nesting territories is not based upon any information source from the KNF that demonstrates its need, or on recommendations of any scientific research on bald eagles, as far as we are aware.” (#0026, pp. 40-41)

### *Response:*

The desired condition states, “Large-diameter trees are available within potential bald eagle nesting habitat adjacent to large lakes and major rivers. Forested stands are managed to promote large-diameter trees within eagle nesting territories, especially in the area between the nest site and the adjacent water body.”

The FEIS discusses potential bald eagle nesting habitat and coordination efforts with FWS.

Habitat for bald eagles on the Forest not only involves existing breeding areas (nest territories), but also suitable nesting habitat, and wintering and migration habitat as well. Nesting sites (both current nesting and suitable habitats) are generally located within larger forested areas near large lakes and rivers where nests are usually built in the tallest, oldest, large-diameter trees, primarily along the Kootenai, Clark Fork, and Pend Oreille River corridors and associated lakes and reservoirs. Nesting site selection is dependent upon maximum local food availability and minimum disturbance from human activity (Montana Bald Eagle Working Group 1994). The majority of their diet is comprised of fish. Important prey for bald eagles includes; waterfowl, especially in the winter, salmonids, suckers, whitefish, carrion, and small mammals and birds (MNHP and MFWP 2011).

Nearly all current nests on the Forest are located within one-quarter mile of, and overlook an adjacent water body. The Forest, in concurrence with the FWS, has mapped potential nesting habitat along all major river corridors and has maintained mature trees within those areas for current and future use by bald eagles. Suitable unused nesting habitat for bald eagles remains available throughout portions of the Forest and it is likely they will continue to expand. Both resident and seasonal winter use also occurs on the Forest.

FEIS, pp. 265-266

A recent update of the Montana Bald Eagle Management Plan (1994) includes a list of recommendations for conserving habitat. Included in this list are the following:

Actively manage forest stands to provide future nesting and foraging sites, and winter roost sites with an emphasis on retaining large trees and snags, and protecting habitat for fisheries, which are an important food source for eagles. (Montana Bald Eagle Working Group. 2010. Montana Bald Eagle Management Guidelines: An Addendum to Montana

Bald Eagle Management Plan, 1994, Montana Fish, Wildlife and Parks, Helena, Montana, p. 9)

The Montana Bald Eagle Management Guidelines (MBEMG) and the Montana Bald Eagle Management Plan (MBEMP) are not considered peer-reviewed scientific research, but they do represent the best available information regarding management for bald eagle on the Kootenai National Forest.

### **Management Direction**

#### *Objection Issue:*

An objector describes several concerns related to habitat connectivity and linkage areas for grizzly bears, as follows:

Management direction in the revised Plan is inconsistent with findings included in the Biological Opinion related to habitat connectivity and linkage zones. Specifically, the objector states, “According to the BiOP actions that fragment habitat, either temporarily (timber harvest) or permanently (developments), or alter species composition or stand characteristics, or decrease habitat security (access) also compromise habitat connectivity and linkage zones.” The plan does not preclude these kinds of activities in linkage areas.

The EIS contains no determination by the Forest Service of linkage areas that are important to grizzly bears, and therefore it cannot provide an adequate analysis of effects on this critical element of connectivity. It is fatally flawed because there is no discussion whatsoever in the EIS of whether the plan provides habitat for a viable population of grizzly bears in the planning area.

The revised Plan fails to adequately identify, map, quantify, or propose proactive management standards and guidelines for wildlife corridors and linkage zones, and as a result fails to comply with the species viability requirements at 36 CFR 219.19. ...Vaguely defined management direction and inability to determine where it applies leads to a high level of uncertainty regarding the effects of the plan on linkage areas and on grizzly bears.

Conservation measures recommended in the BO for grizzly bears show that the proposed plan is incomplete. ...the BiOp undercuts its own arguments that the plan adequately provides for connectivity by including additional recommended conservation measures to 1) identify linkage areas and 2) to provide management direction to protect and restore habitat connectivity. These features are clearly not yet part of the proposed plan, and until this direction is included in the plan, the FWS cannot base its effects analysis on these actions.

(#0048, pp. 1-6)

Another objector expressed support for establishing a Management Area 8: Wildlife Linkage Zones:

Given their importance to wildlife generally, and the Threatened grizzly bear in particular, it is imperative that the Kootenai Forest Plan include an MA-8 category:

Landscape Linkages and Habitat Connectivity, in the revised Forest Plan. Linkage Zones for grizzly bears, other wildlife and aquatic species must be identified and established as a special management area...

(#0026, p. 43)

*Response:*

Specific direction concerning viability is provided in the 1982 NFMA implementing regulations at 36 CFR 219.19: “Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area” (36 CFR 219.19).

Objectors refer to other NFMA planning requirements as well.

The KNF considered a specific alternative to identify linkage areas (referred to as the Wildlife Linkage Alternative):

This alternative would respond to comments about habitat connectivity. Commenters requested the development of specific MAs for habitat linkages with their own set of goals, objectives, standards, and guidelines. In addition, commenters requested at least one Plan alternative be created to focus on maximizing habitat connectivity in the face of climate change.

Habitat connectivity was one of the major themes found throughout the wildlife analysis in the FEIS and wildlife specialist’s report. Additionally, it was analyzed in the ERG report (ERG 2012). Connectivity is a topic that is woven throughout the wildlife direction in the revised Forest Plan, the wildlife specialist’s report, and the “Wildlife” section of chapter 3 of the FEIS.

(FEIS, p. 33)

The KNF rejected that alternative from detailed study providing the following rationale:

There was no need to have a separate MA designation for connectivity because of the direction present in the revised Forest Plan. The connectivity direction found in the “Forest-wide and GA” sections applies regardless of MA. Additionally, there is MA direction in the revised Forest Plan that specifically states that certain MAs contribute to wildlife movement and security. Furthermore, the direction in the revised Forest Plan would be implemented by all action alternatives, which eliminates the need to have a separate “wildlife linkage” alternative. All of the action alternatives have a desired condition of facilitating movement between

separated parcels of NFS lands and maintain options to address wildlife crossing concerns as they develop.

(ibid.)

The FEIS identified habitat connectivity within and between SRZ and CYRZ as an issue for grizzly bears. The main “fracture zones” identified that overlap KNF are: 1) within CYRZ- Highways 2 and 56 and rail lines paralleling Highway 2; 2) Highway 200 and paralleling rail lines between the CYRZ and the Bitterroot mountains; and 3) Highways 2 and 93 between the CYRZ and the NCDRZ. Also it is important that CYRZ is connected to larger bear populations in Canada. (FEIS, pp. 247-248). As is evident here, these linkage areas are identified at a coarse filter rather taking a fine-filter approach that would evaluate specific land forms and features conducive to movement (e.g., riparian areas, ridgelines, saddles) and existing habitat and land ownership that would facilitate wildlife movement.

The Revised Plan takes a more collaborative than prescriptive approach to habitat connectivity at the “fracture zones” (FEIS, p. 254). This approach is incorporated in to a desired condition and three guidelines (Revised Plan, pp. 32 and 34):

FW-DC-WL-17. Forest management contributes to wildlife movement within and between national forest parcels. Movement between those parcels separated by other ownerships is facilitated by management of the NFS portions of linkage areas identified through interagency coordination. Federal ownership is consolidated at these approach areas to highway and road crossings to facilitate wildlife movement.

FW-GDL-WL-12. During the construction or reconstruction of highways that cross National Forest lands, or high use Forest roads, wildlife crossing features should be included in the design where necessary to contribute to connectivity of wildlife populations.

FW-GDL-WL-13. Management activities within one-quarter mile of existing crossing features, and future crossing features developed through interagency coordination, should not prevent wildlife from using the crossing features. The vegetative and structural components of connectivity, including snags and downed wood, would be managed according to the desired conditions for vegetation.

FW-GDL-WL-14. In wildlife linkage areas identified through interagency coordination, federal ownership should be maintained.

In addition, maintaining large areas with limitations on motorized use and an increase in recommended wilderness areas would provide for habitat security and connectivity between grizzly bear populations (KNF Wildlife BA, Doc. #01444, pp. 100 and 104). Also the Biological Opinion (BO) notes that the forest-wide Food Storage Order further limits risk of conflicts between bears and humans in BORZ and thereby facilitating connectivity between the CYE and NCDE (Doc. #01197, p. II-55).

The FEIS concluded that connectivity would be maintained or improved under the Revised Plan (p. 257). The KNF Forest Plan Revision BO notes some recent developments like a 2012 MFWP conservation easement and a recently completed State of Montana Conservation Plan that suggests a flexible collaborative approach to managing connectivity that is adaptive to future events might be beneficial (Doc. #01197, p. II-25 and II-30-33). The BO recognizes that, if warranted in the future, the development of crossing structures for linkage is dependent on future interagency coordination and collaboration with the public, primarily because the highways and railroads that may be barriers for wildlife are not under the jurisdiction of the KNF. However, the KNF may manage lands near future crossing structures (i.e., approach areas) and has thus identified the need to manage lands near those features to maintain the effectiveness of those features. Because of the importance of linkage for grizzly bears, it is likely that they would be one of the species considered in the design of future crossing structures or maintenance or enhancement of lands near crossing areas to link blocks of habitat important to grizzly bears (#01197, p. II-71).

The USFWS evaluated the desired conditions and guidelines supporting connectivity in depth (Doc. #01197, p. II-70-74). They concluded that the Forest Plan elements would support linkage conditions on NFS lands that are likely to foster movement of subadult and male grizzly bears which are required for genetic recovery, and in time will also likely support linkage for females with cubs needed for demographic recovery.

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*Objection Issue:*

Multiple objectors contend that management of the Kootenai National Forest recommended wilderness areas with the “let it burn” policy used in Wilderness has a high potential to damage grizzly bear and bull trout habitat. They contend excluding vegetation management from these areas also restricts the ability to manage vegetation to improve grizzly habitat (#0027, p. 6; #0035, p. 4; #0065, p. 2; #0063, pp. 1-2, 23, 34; #0029, 0056, 0057, 0058 and 0060, pp. 1-2, 23).

*Response:*

The KNF met the requirements of ESA by conducting formal consultation on the Revised Plan’s effects to grizzly bear with USFWS (KNF Forest Plan Revision BO, Doc. #01197, Chapter 2 entire). USFWS concluded that the plan revision is not likely to jeopardize grizzly bears (BO, pp. 11-96).

The Forest Service does not have a “let burn” policy for Wilderness or areas of recommended wilderness. Management response to a wildland fire on federal land is based on objectives established in the applicable Land Management Plan and the Fire Management Plan. The KNF does recognize that the use of natural unplanned ignitions (referred to as “let burn policy” in the objection issue) is more likely in recommended wilderness areas (Biological Assessment (BA), Doc. #01444, p. 112). This is considered a good thing for grizzly bears, particularly when viewed long-term.

Grizzly habitat has changed on the Forest due mainly to fire suppression over the last several decades. Natural disturbance processes that create openings, such as fire, have not been allowed

to function naturally. If this continues, there would be fewer openings available to provide bear forage (FEIS, p. 250).

Those desired conditions for vegetation and fire are based on historic conditions and natural disturbance processes. Grizzly bears on the KNF evolved with those natural disturbance processes, so trending toward the desired conditions will restore/maintain grizzly bear seasonal habitat, forage, cover, and the vegetation component of connectivity. The desired conditions for vegetation, which are based on natural disturbance processes, will make grizzly bear habitat more resilient and resistant to large-scale disturbances (FEIS, p. 257).

Allowing fire to play a more natural role in the ecosystem through implementation of FW-DC-FIRE-03 would maintain or improve the vegetative component of bear habitat. Trending toward the Desired Conditions for vegetation would create habitats that are more resilient to large-scale disturbance. The Desired Conditions are based on historic conditions and natural disturbance processes, so grizzly bears would have approximately the types and amounts of habitats they would have had historically under natural disturbance processes. The amounts and distribution of seasonal habitats, cover, opening size, forage, and the vegetative components of connectivity under the Desired Conditions would be similar to what grizzly bears evolved with on the KNF. (BA, Doc. #01444, p. 106)

Increased flexibility to use fire as a tool to move toward or maintain the Desired Conditions for vegetation would make grizzly bear habitat more sustainable in the long-term. Vegetation would be more resilient to large-scale disturbance. The Desired Conditions for vegetation are based on historic conditions and natural disturbance processes, which are the conditions grizzly bears evolved with on the KNF. (BA, Doc. #01444, p. 112).

The vegetative component of habitat for grizzly bears has changed from historic conditions for the KNF due to a lack of disturbance. There are fewer openings and fewer stands with a semi-open canopy that promote bear forage. The Revised Plan would trend the KNF toward a Desired Condition for vegetation that is based on historic conditions and potential climate change. The vegetation on the KNF would be more sustainable and resilient to large-scale disturbance, much as it was historically and unlike how it is now. Vegetation would be nearer to what would have been present historically, therefore the vegetative conditions that grizzlies evolved with in this part of their range, including the vegetative component of connectivity, forage/cover, and seasonal habitats, would trend toward restoration with movement toward the Desired Conditions for vegetation. Opening sizes/patch sizes and the pattern of habitat would be nearer to conditions grizzly bears would have found historically under natural disturbance processes. (KNF Wildlife Specialist Report, Doc. #01498, p. 91).

The Desired Conditions are based on historic conditions and natural disturbance processes, which means the pattern of grizzly bear habitat across the Forest would be similar to what would have been present under natural disturbance processes. This would be even more likely if FW-DC-FIRE-03 is met. Given the predicted amounts of harvest, active restoration would have little impact on habitat pattern at the Forest scale compared to the potential impacts of fire use. The use of natural unplanned ignitions (passive restoration) would have a much greater likelihood of maintaining or improving habitat pattern across the Forest. (Doc. #01498, p. 92).

**FW-DC-FIRE-03.** The use of wildland fire (both prescribed fire and where appropriate, wildfire), increases in many areas across the Forest. Fire plays an increased role in helping to trend the vegetation toward the desired conditions while serving other important ecosystem functions. However, when necessary to protect life, property and key resources many wildfires are still suppressed. (Revised Plan, p. 22)

In addition to the ability to use wild fires to restore and maintain grizzly bear habitat, recommended wilderness areas are beneficial to grizzly bears by contributing to secure habitat and connectivity (Doc. #01444, p. 104). Taken as a whole, the project record demonstrates that increasing the amount of recommended wilderness areas is beneficial to grizzly bears, not detrimental as the objectors contend.

The KNF met the requirements of ESA by conducting formal consultation on the plan revision effects to Bull Trout with USFWS (KNF Forest Plan Revision BO, Doc. #001197, Chapter 4):

- In relation to Bull Trout, the 2013 Biological Opinion, Doc. #01197, Chapter 4 found that Bull Trout would not be negatively impacted by the 2013 Revised Forest Land Management Plan for the Kootenai National Forest (p.1-65). The BO stated that the biggest change to fuels management under the Revised Plan would be the addition of the ability to manage unplanned natural ignitions for multiple resource benefits FW-DC-FIRE-03. The addition of FW-DC-FIRE-02 emphasizes the treatment of fuels to reduce unplanned fire intensities, protect community infrastructure, reduce insect and disease mortality, and reduce the likelihood of stand replacing fires.
- With the Revised Forest Plan direction, guidelines to minimize effects to RHCAs from wildfire suppression activities through the implementation of Minimum Impact Suppression Tactics (FW-GDL-RIP-03), as well as to protect fish and aquatic organisms while drafting water by screening pumps and locating intakes away from spawning gravels (FW-GDL-RIP-04) would be added to the plan, improving protection for bull trout and other aquatic species.
- The USFWS BO determined that over the long-term this revised strategy would reduce the risk to bull trout and designated critical habitat by wildfire across the forest. (pp. 39-40).
- The 2013 BO, Doc. #01197, states: “changes in the Revised Plan that allow management of unplanned ignitions and emphasize fuel treatments to reduce the risk of stand-replacing fires should result in benefits to PCE 5 (natural hydrograph).” (p.50)

The issues in the table below were reviewed and determined to not require any changes based on one or more of the following reasons:

Determinations

- 1) The issue was one alleging non-compliance with law, regulation, or policy; but the review found adequate compliance with applicable law, regulation and policy, as supported by analysis and rationale made available in the FEIS and draft ROD and furthermore supported by information in the planning record.
- 2) The objector misinterpreted or incorrectly applied law, regulation or policy.
- 3) The appropriate models, methodology, data and/or science were applied.
- 4) The issue expressed disagreement with choices or decisions made in the planning process but the review found that those choices or decisions were within the discretion and authority available to the responsible official and were adequately explained in the planning documents.
- 5) An adequate and thorough response to the issue has already been provided in the Response to Comments section in the FEIS.

Issue Topic	Issue Statement	Objection Reference	Determination(s)
Access	All roads shall be open to public motorized use until such time as updated conclusive science proves otherwise. The current Forest Service budget restraints are not a valid reason for road closures. There must be an undeniable reason to close any road other than financial. The Forest Service shall require increased timber harvest to overcome budgetary shortfalls.	#0014, pp. 3-4	4
Access	“No consideration or analysis given regarding local law enforcement, national security agencies (i.e., Homeland Security/Border Patrol, and emergency response units, etc.) access of restricted National Forest roads and trails, where the road system is restricted to administrative use only. The northern most portions of the IPNF are unique to the forest as it intersects the international boundary with Canada. National security issues are paramount to the management of the road system.”	#0015, pp. 2-5	4, 5

Aquatic Habitat	Regarding the objective FW-OBJ-AQH-01, the objector contends the Forest Service sets as an Aquatic Habitat restoration Objective for the next 15 years an inadequate length of stream channels, hardly addressing the LMP Goal for this topic.	#0026, p. 25	4
Fire/Fuels	<p>“Catastrophic wildfires in the Whitefish Divide area would negatively impact municipal water supplies...Recommended Wilderness management policies for this area would not only decrease the available options to fight wildfire, but also eliminate options to manage vegetation in a way that could mitigate the potential impacts of wildfire on water resources.”</p> <p>“The ‘changes’ in recommended wilderness for the Whitefish Divide area stated above refer to the fact that the southern portion of the Whitefish Divide area was removed from proposed Recommended Wilderness management. We agree that these changes were needed, and that they were made in response to public comment, and concerns of public water supply areas. However, that portion of the Whitefish Divide area that has remained as recommended wilderness management in the Final Plan is still located within the town of Eureka’s municipal watershed. Therefore, all of the ‘concerns with management needs in the WUI and public water supply areas’, should still exist in the portion of the Whitefish Divide area that remains recommended wilderness. In fact, the concerns relative to this issue in the northern portion should be even greater than they were for the southern portion, considering that roughly three times as many acres contained in the northern portion of the area, (vs. the southern portion), are within the town of Eureka’s municipal watershed.”</p>	#0017, pp. 4, 5, 28-35	3, 4
Fire/Fuels	FW-DC-FIRE-02. “The Desired Condition does not contain any scientific perspective regarding the home ignition zone, nor does it prioritize treatments in the WUI where property owners have taken proper steps to minimize fire risk on their own property. The language of this Desired Condition would nullify the language in FW-DC-FIRE-03 that recognizes the desirability of wildland fire because of the latter’s vague language.”	#0026, p. 14	4
Fire/Fuels	An objector contends applying the “let burn” fire management policy in the northern portion of the Whitefish Divide area recommended for Wilderness designation, which is also in the municipal watershed for the town of Eureka and GLID, ignores the best science concerning the impacts of wildfire on water quality.	#0035, p. 40	4, 5

Fire/Fuels	“MA6-GDL-FIRE-01 has the same problems as FW-DC-FIRE-02. It is also redundant.”	#0026, p. 14	3, 4
Fire/Fuels	FW-DC-FIRE-03. “It is likely that the vague language in this Desired Condition would essentially nullify its intent that recognizes the desirability of wildland fire.”	#0026, p. 14	4
Fire/Fuels	Regarding objective FW-OBJ-FIRE-02, the objector contends the numbers must specify acres rather than fire starts; and that this should affect a much more significant portion of the IPNF than the wording of this objective implies—to be determined subject to the test of good science and full and fair analysis.	#0025, p. 14	4
Fire/Fuels	Regarding indicator MON-FIRE-02-01, the objector contends there is nothing ecological about this indicator, since there is no spatial measure (acres burned that meet positive ecological outcomes). It isn’t even a decent bureaucratic indicator, since a fire—allowed to burn 300 acres to meet ecological objectives but then suppressed before it was allowed to potentially meet ecological objectives over untold thousands more acres—could be placed in either category of ignition.	#0025, p. 65	4
Fire/Fuels	“The Draft Plan Elements needs much stronger direction and certainty for use of wildland fire for resource benefits. The FEIS does not present an analysis that faces up to this constrained budget scenario, in regards to the LMP’s strong management emphasis to “Move towards Desired Vegetation Conditions” using active management, mostly mechanical manipulations...[F]ire suppression will continue to dominate, except in those weather situations when and where suppression actions are ineffective, in which case fires of high severity will occur across relatively wide areas. The FEIS’s analysis fails to adequately recognize or consider that scenario’s likelihood.”	#0026, p. 15	4
Fisheries	Indicator MON-FLS-01-03. “Specific to the INFISH monitoring requirements that this Indicator adopts; since at age 18 years INFISH has long ago become more than “interim” the logical requirement is that the KNF must use monitoring data to determine if project implementation results in attainment of riparian goals and objectives—deemed to be “critical” monitoring by the Forest Service in Appendix B. Also, the bull trout redd count data must be supplemented by fish survey data for numbers of bull trout in bull trout streams. It is also important to measure population trends of brook trout in bull trout streams for hybridization reasons.”	#0026, p. 77	2, 4

Fisheries	MON-AQH-01-01. "...lacks a baseline of unconnected stream habitat for subsequent comparison."	#0026, p. 75	4
Fisheries	"The monitoring program lacks Monitoring Questions and Indicators for the Sensitive westslope cutthroat trout, inland redband trout, and western pearlshell mussel. This is necessary because monitoring elements for bull trout would not extend to large numbers of watersheds where the former inhabit."	#0026, p. 75	4
Forest Mgt.	<p>"[F]ailure of the U.S. Forest Service to meet NEPA requirements by neglecting to provide accurate information and adequately address important comments and feasible management alternatives provided by the public throughout the NEPA process.</p> <p>Misrepresentation of the Forest Jobs and Recreation Act (FJRA) In response to Public Comment 97, the Forest Plan states:</p> <p>'The special management areas in the Three Rivers Challenge do not allow any timber harvest.' (FEIS, Appendix G, 380)</p> <p>The above statement is clearly erroneous. There has always been a provision in the FJRA, since it was first introduced, that permits timber harvest within special management areas.</p> <p>The YVFC understands that due to the KNF's deadline to get the Forest Plan out to the public, the latest timber language addition to the FJRA could not be analyzed. However, the provision that permits timber harvest in order to control fire, insect, and disease has been included in the FJRA since its inception. So, for the KNF to claim that the FJRA does not allow for any harvest is completely false and only perpetuates myths that surround the FJRA - a Bill that is intended to help the agency achieve its own objective."</p>	#0007, pp. 2-3	1
Forest Pest Mgt.	FW-DC-VEG-06. "The implied assertion that root fungi and forest insects are causing too much tree mortality on the KNF is not supported by specific reliable historic data gathered from KNF surveys or science that we are aware of."	#0026, p. 6	4
Minerals	Indicator MON-MIN-01-01. "...the baseline number of unreclaimed abandoned mine sites must be disclosed. Additionally, including monitoring items for water quality and soil productivity in abandoned mine sites is important for biological resources including human health and safety."	#0026, p. 80	4, 5

NEPA	“While Alternative A provides the status quo option, all Action Alternatives are unabashedly pro-logging, pro-motorized use (year-round), pro-mechanization of the forest, and decidedly anti-Wilderness, anti-non-motorized, and anti-wildlife, particularly when it comes to ESA-listed species. ...The ‘Wilderness/Roadless Related Alternatives’ are dispatched with an analysis that is flawed from start to finish.”	#0026, pp. 47-48	4, 5
NEPA	An objector contends the range of alternatives considered was inadequate because all of the action alternatives would result in a greater degree of restriction on management while none allowed for a lesser degree of restrictions.	#0034, p. 2	1
NEPA	An objector contends the FEIS violates the NEPA by failing to provide a reasonable range of alternatives, most notably by not including a “true Conservation Alternative.”	#0032, pp. 12-14	1
Planning	“Most of the restrictive land use decisions being proposed are not based on impartial, scientific, published, or independent peer-reviewed documentation. Many of the studies cited for these restrictive land use plans use wildlife as a tactical tool to restrict land and have no scientific, practical, or economic considerations as evidence.”	#0019, pp. 5, 7	4
Planning	“We object to all portions of the Kootenai National Forest Land Management Plan 2013 revision which are related to questions posed to KNF officials by TLSC members during the DLMP comment period which were never answered. Furthermore, we believe that the failure of KNF officials to answer these questions is a blatant violation of the National Environmental Policy Act. Officials failed to provide written answers to questions posed to them regarding the science used to support the forest management policies proposed in the KNF Draft Land Management Plan (DLMP) and KNF Draft Environmental Impact Statement for the DLMP. Failure by KNF officials to provide answers to these questions undermined our ability to thoroughly and accurately comment on the KNF DLMP and DEIS.”	#0017, pp. 13-27	1, 4, 5

<p>Planning</p>	<p>“The KNF cites an investment in collaboration, yet the agency misinterpreted agreements that resulted from collaboration and also used collaboration as justification for some decisions and not others. The KNF inadequately addressed important comments and feasible management alternatives provided by interested members of the public during the NEPA process. The YVFC and forty-five other public comments submitted on the draft Forest Plan requested that the KNF honor all of the land-use designations and boundaries that resulted from the Three Rivers Challenge (TRC) (FEIS, Appendix G, 379). Yet the agency chose to honor only one piece of that landmark collaborative agreement - recommending Roderick as wilderness (of which the agency then subtracted 6,939 acres from that IRA for recommended status). It is arbitrary and capricious for the agency to selectively parse out aspects of a collaborative agreement, while (at the same time) citing that same collaborative process as justification for a decision.”</p> <p>“The agency responded to the YVFC and the other forty-five comments that requested the agency to adopt the multi-use designations that resulted from the TRC by stating, ‘The draft Forest Plan is consistent with the Three Rivers Challenge and contains many of the proposals features.’ (FEIS, Appendix G, 379) The YVFC argues that the Forest Plan does not contain ‘many’ of the TRC features (please see attached map of the TRC). Specifically, the feasible management alternatives in the TRC that were excluded from the Forest Plan include: Buckhorn IRA, Mt Henry IRA, recommended Roderick Wilderness (missing acres), Roderick Special Management Area, Northwest Peaks Scenic Area and IRA.”</p>	<p>#0007, pp. 4-5, 6-7</p>	<p>4, 5</p>
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<p>Planning</p>	<p>“The Draft Record of Decision for the 2013 Kootenai Forest Plan Revision stated that the one of the main reasons that Roderick Area was being proposal for Recommended Wilderness management was that this management strategy had the support of a local stakeholder group. The Galton Stakeholder Collaborative is a diverse local stakeholder group which has been collaborating on travel management strategies for the Galton Area on the Fortine Ranger District of the Kootenai National Forest. The Whitefish Divide Recommended Wilderness is contained within the Galton Area. The Galton Stakeholders Collaborative has 100% consensus on opposition to Recommended Wilderness management for this area, for many of the reasons previously discussed in this objection...Page 453 of the FEIS paragraphs 5 and 6 state; ‘Changes in recommended wilderness for Whitefish Divide were made between draft and final in response to public comment...In Alternative B Modified areas above the town of Rexford and Williams Creek were moved from recommended wilderness MA1b to backcountry MA5a due to concerns from the community. These concerns included potential management needs within areas that provide public water for the town of Rexford and areas of past logging in Williams Creek.’</p> <p>Considering the fact that there has been an equal amount of public comment opposing the remaining portion of the Whitefish Divide recommended wilderness area, and that all of the ‘concerns regarding potential management needs within areas that provide water for the towns of both Rexford and Eureka’ (the KNF somehow forgot to include Eureka’s water supply in this statement), still exist, (and are likely more substantial in the portion of the Whitefish Divide which is still proposed for recommended wilderness management), we do not see how the KNF can possibly justify this management proposal.”</p>	<p>#0017, pp. 4-5</p>	<p>4</p>
<p>Planning</p>	<p>An objector who is a local government entity engaged in land use planning on federal lands managed by the KNF contends the coordination requirements of FLPMA Title 43, Section 1712 were not met because their input was not adequately considered by the Forest Service.</p>	<p>#0035, pp. 14-15</p>	<p>2</p>

<p>Planning</p>	<p>“Misrepresentation of public comment &amp; lack of appropriate analysis: In alternative B modified, the Responsible Official selected the management designation of Backcountry MA5c (winter motorized) for the entirety of the Zulu IRA. The YVFC disputes the USFS justification for this MA designation; given that:</p> <p>a.) The YVFC was told when the Starting Option map was released, by then KNF Supervisor (Bob Castenada), that the only way it would change is if collaborative input was received by the agency.</p> <p>b.) The stated purpose by the KNF for holding GA work group meetings was to, ‘collaboratively discuss and develop desired conditions for each of the revision topics within the workgroup’s GA...discuss Starting Option maps and potential changes to suggest to the Forest Service’(DROD, 3). If this was truly the purpose for holding the meetings, then why was the collaborative approach to Zulu not honored by the KNF in the Forest Plan?</p> <p>c.) The YVFC and YVFC supporters provided the only site-specific public comments on the DEIS of the Forest Plan that addressed the management designation of Zulu. All of which supported the collaborative approach of managing Zulu as MA5a on the Three Rivers side and as MA5c on both the Rexford and Libby portions.</p> <p>d.) The YVFC understanding is that the winter-motorized community does not use the Three Rivers portion.</p> <p>e.) There have been documented grizzly bear denning sites within Zulu IRA.</p> <p>f.) 87% of the KNF is open to over-snow vehicle use (FEIS, 420), while only 2-3% of recreation visits to the Forest are for snowmobiling (FEIS, 411). These figures more than suggest that opportunities for winter-motorized recreation greatly outweigh the percentage of people who visit the Forest to snowmobile.”</p>	<p>#0007, pp. 3-4</p>	<p>4,5</p>
<p>Planning</p>	<p>“We object to the proposal to manage the area within the Whitefish Divide area from Williams Creek south to the KNF forest boundary and east to the KNF forest boundary as MA 5a-Backcountry non-motorized year round.” (Includes concerns regarding management being “de-facto wilderness:” effects of catastrophic fire on water quality, bull trout viability, and general health of forest.)</p>	<p>#0017, pp. 41-42</p>	<p>4, 5</p>

Planning	“[MA] 5a management for this area would be detrimental to local economies. The rural economies of this area benefit from the diversity of both summer and winter recreational opportunities currently offered in this area. Managing this area under 5a management policies would significantly decrease the diversity of both summer and winter recreational opportunities available in this area, thereby negatively impacting local economies.”	#0017, p. 42	3, 4
Planning	Objectors contend many unspecified LMP Objectives are not linked with LMP Goals, as required.	#0026, p. 3	1, 2, 4
Planning	Objectors contend the use of the word “should” in Guidelines is of concern because of the level of discretion it allows managers.	#0026, p. 3	4
Planning	Objectors contend “short term” and “long term” are not defined.	#0026, p. 3	4
Planning	An objector contends the revised Plan does not include those monitoring components required under 36 CFR 219.12(k)(4).	#0046, p. 2	1, 5
Planning	The LMP’s Monitoring Program is inadequate for informing the agency and the public within any valid adaptive management framework. For many resources, Table 22 Monitoring Indicators (“specific resource measures used in answering the monitoring questions” p. 95) lack specific direction on what and how the indicators are to be measured, to the degree that one cannot determine if they would be valid or reliable measures.	#0026, p. 70	3, 4
Planning	Objectors contend the management constraints associated with MA1b, MA5b, and “timber management” violates provisions of the Multiple Use Sustained Yield Act and Federal Land Policy and Management Act.	#0035, pp. 34-35	1, 2, 4
Planning	Objectors contend that switching to an objection process from the previously used appeal process, without public notice, is arbitrary and capricious.	#0061, pp. 5-6; #0058, p. 5	1
Planning	“Executive Order 13575 was violated in the case of coordinating with SNRC.”	#0019, p. 7	2

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Planning	“Local citizens did not have a fair or reasonable opportunity to become aware of the access amendment or draft plan, understand related implications, or comment on the documents prior to the comment deadlines. Public notice was not advertised in the newspapers within the counties which contain the bulk of subject NFS lands...The agency did not hold informational meetings, acknowledge adverse impacts the plan would have on access and production, or afford interested local citizens a realistic opportunity to review the extensive planning documents or have questions accurately answered prior to closure of the comment period.”	#0019, p. 2	4, 5
Planning	“We object to the KNF’s proposal to designate 36 additional special areas (MA 3), totaling 30,635 acres, and three additional research natural areas (MA 4), totaling 3,226 acres. We also object to the proposal to increase the size of the Northwest Peaks, and Ten Lakes, scenic areas.”	#0017, pp. 43-44	4
Planning	An objector contends the forest management “proposals” in the revised Plan violate Executive Order #13575 requirements to promote economic prosperity and quality of life, and to identify and facilitate rural economic opportunities associated with outdoor recreation.	#0034, p. 5; #0039. p. 1	2
Planning	“...current Forest management continues to lose economic value for the citizens of this country and are a Health, Safety, and Welfare Risk to the citizens and communities in and near the lands managed by the Forest Service...Increasing wilderness, wilderness study areas, Roadless (backcountry), Wildlife Connectivity areas reduces management flexibility, adversely impacts forest health and economic productivity, and endangers citizens and wildlife.”	#0019, p. 6	1, 4
Planning	“Despite growing and widespread public concern over the Plan’s adverse effects, USFS personnel acted as if these concerns were based solely on citizen’s misunderstandings.”	#0019, p. 3	4, 5
Planning	“Page 480 of the FEIS under Effects from Recreation Management states:  ‘In order to provide an essentially primitive character, eligible segments classified as wild would not likely have any recreation development occur. In segments classified as scenic or recreational, recreation development would be allowed but only when it would preserve the identified river values.’  This statement is in direct violation of the language and intent of MYSYA, FLPMA and Executive Order #13575...”	#0017, p. 12	1, 2

Planning	“This overlap of BMU and BORZ onto non-NFS lands is not disclosed on the Land Management Map, nor is it within the jurisdiction of the federal government to apply land use zoning. Sanders County citizens have rejected land use planning & zoning by voter referendum, thereby making no planning and zoning the policy of Sanders County.”	#0019, p. 3	2, 4
Planning	“The overarching theme of the Plan would create a Forest with little commitment to Inventoried Roadless Areas, Wilderness, wildlife security, or habitat connectivity and too permissive of roads, logging, and motorized/mechanized use of landscapes (winter and summer).”	#0032, p. 2	4
Recreation	“This plan further restricts the public's motorized access to their forest by creating both large wilderness areas, increased ‘Roadless areas’ (Backcountry land classification), and far too many ‘Wild and Scenic River’ designations. All of these areas involve further restrictions to the public land and most importantly, <i>discriminate against those that must use motorized access to use and enjoy their national forests.</i> ”	#0019, p. 5	4
Recreation	<p>AWR’s comments noted that, the 2006 KIPZ Draft Comprehensive Evaluation Report (2006 CER) contained many more special areas than the draft LMP recommended. ...In response to comments, the FEIS stated, “These areas were dropped because they were either not unique, not areas that required special management (i.e., forest plan direction already protected them), or were areas that were not appropriate for public use.” However, FEIS disclosed no analysis of the specific characteristics of those proposed special areas which disqualified them.</p> <p>An objector contends the KNF's proposal to designate 36 additional special areas, 3 additional Research Natural Areas, and to increase the size of the Northwest Peaks and Ten Lakes Scenic areas are not supported by explanations of why they are needed, why they require specific constraints on management and special protections that can't be met through “current management policy.”</p>	#0026, p. 46; #0035, pp. 37-38	4
Riparian	Regarding Forestwide objective FW-OBJ-RIP-01, the objector contends “the wording of this objective (including ‘maintain or’) renders it aimless.”	#0026, p. 23	4

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Riparian	<p>FW-STD-RIP-02. “The last sentence is a vast loophole that allows this standard to be ignored in project development as long as the project documents make any claim that the project has some “large scale” restoration component.</p> <p>“Also, FW-STD-RIP 02 contradicts the INFISH direction, which states: WR-3. Do not use planned restoration as a substitute for preventing habitat degradation (i.e., use planned restoration only to mitigate existing prob[lems] not to mitigate the effects of proposed activities).</p> <p>“Inexplicably, the KNF omitted INFISH WR-3 from the LMP Summary of Retained Decisions.”</p>	#0026, pp. 23-24	5
Riparian	<p>FW-STD-RIP-03. “This Standard incorporates the INFISH direction in the 1995 forest plan amendment. The LMP and FEIS fail to acknowledge the known limitations of the INFISH direction by supplementing it with sufficient other LMP Direction. ...According to the [1998 Bull Trout BO regarding INFISH, INFISH does not provide sufficient protection for bull trout and thus the reliance of the DEIS on INFISH does not ensure against further violations of the Endangered Species Act.”</p>	#0026, pp. 24-25	3, 4

Roadless Areas	<p>“We object to the process and protocol which were utilized to designate Inventory Roadless Areas (IRAs) in Region 1 of the Forest Service, and on the KNF. We also object to the evaluation process for wilderness characteristics applied to the IRAs currently designated on the KNF...Paragraph 2 on page 454 of the FEIS states; ‘The revised Forest Plan Whitefish Divide recommended wilderness area on the KNF includes areas which are outside of an IRA (cherry stem of closed road systems and associated harvest in Blue Sky and Williams Creek) for manageability. Areas outside of the IRA account for approximately 13 percent of the total acres of recommended wilderness in Alternative B Modified.’ This paragraph basically states that through some creative mapping around closed road systems and associated harvest units in the Blue Sky Creek and Williams Creek drainages, the KNF has ‘manufactured’ an inventoried roadless area, which the KNF is now proposing as recommended wilderness. We believe that these ‘creative mapping techniques’ are a violation of the regulations defined for creating inventoried roadless areas, and the regulations provided for evaluating these areas for wilderness characteristics.</p> <p>The paragraph also states that 13 percent of the total acres of recommended wilderness are contained outside of the IRA. So, not only is the Whitefish Divide recommended wilderness contained within an IRA which has been manufactured with creative mapping techniques, but 13% of the area proposed as recommended wilderness are not even present in the IRA, and therefore likely do not meet any semblance of the definition of wilderness.”</p>	#0017, pp. 38-40	3, 4
Socio-Economics	The Forest Service has failed to provide for multiple uses and economic production in areas where multiple uses and economic production are compatible.	#0019, pp. 4-5	4
Socio-Economics	<p>Objectors contend the FS has failed to conduct a site specific economic analysis of the potential impacts associated with the revised Plan.</p> <p>Another objector contends the economic analysis is inadequate because it should have included impacts of Kootenai NF management activities on employment income back to at least 1987.</p>	#0034, p. 4; #0058, p. 2; #0050, p. 7	3, 5
Socio-Economics	The plan inadequately considers the economic impacts to Recreation that the management policies proposed in Alternative B modified will have on the residents of Lincoln County, Montana, due to restriction of access to over 300,000 acres.	#0021, p. 1	3, 5

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Socio-Economics	The Economic Impacts presented in the Social and Economic Analysis on pages 45-50 of the FEIS Appendices is inaccurate with regard to future economic output levels/revenues forecast for timber outputs. The projected higher volume does not match past averages.	#0021, p. 1	4, 5
Socio-Economics	“The Draft ROD fails to recognize Thompson Falls as a community that has social, economic and historic ties to the KNF. (Draft Record of Decision Kootenai National Forest, Page 1-2.)”	#0019, p. 4	4
Socio-Economics	Monitoring Question MON-SOC-01. Data on the contribution to the economy from those gathering non-timber products, hunters, anglers, and recreationists would lead to a more balanced understanding by the agency of how the Forest sustains local and regional economies.	#0026, p. 80	4
Socio-Economics	FW-DC-SES-04. This Desired Condition risks perpetuating the Smoky Bear myth that protection from fire is a promise that the government can and should make. Unlike the direction provided in the LMP Fire section, there is no recognized balance with ecological considerations. This Desired Condition does not provide any further increment of public safety over and above the direction provided in the LMP Fire section, and is redundant.	#0026, p. 69	2, 4
Soils	The Monitoring Program lacks a measure for determining significant reductions in soil productivity due to land management activities in any timeframe short of forever. There is a lack of any measure of the areal extent of soil damage within any geographic scale.	#0026, p. 76	4
Soils	There is no monitoring of the accomplishment of soil restoration.	#0026, p. 76	4
Soils	The LMP and FEIS do not consider cumulative losses of soil productivity due to noxious weeds in assumptions concerning timber growth and yield, or any biological feature positively correlated to the productivity of soils. The Forest Plan did not implement any standards for noxious weed management that address the cause of the problem through prevention.	#0026, p. 22	3, 4

Soils	“NFMA regulations at 36 CFR 219.27(e) state: ‘No management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment shall be permitted within these areas which seriously and adversely affect water conditions or fish habitat.’ The LMP does not contain direction that explicitly limits the amount of sediment that would be allowed to enter water bodies from management activities.”	#0026, pp. 25-26	5
Soils	“There are no soil quality standards in the LMP. FEIS Appendix G refers to the ‘Regional Forest Quality Standards (FSM-2500-99-1)’ ...Many provisions of FSM-2500-99-1 are written with language that resembles guidelines, objectives, or other more discretionary components found in the LMP, so no Forest Service statement exists that insures everything in them is mandatory despite the FEIS using the word ‘required’ in referring to them...Nowhere in the LMP or FEIS did the Forest Service demonstrate that it will actually prevent irreversible soil damage. ...The failure to ensure that soils are not irreversibly damaged violates NFMA.”	#0026, pp. 20-21	5
Soils	FW-DC-SOIL-01. This Desired Condition states, “Physical, biological, and chemical properties of soil are within the recommended levels by soil type as described in the KNF soil inventory.” The properties are not explicitly described to provide meaningful direction.	#0026, p. 19	4
Soils	FW-DC-SOIL-02. The meaning of the sentence “Areas with sensitive and highly erodible soils or landtypes with mass failure potential are not destabilized as a result of management activities” is unclear.	#0026, p. 19	4
Soils	FW-DC-SOIL-03. The meaning of the term “Managed areas” is unclear. The areal extent could be delineated as a certain area of a few square feet, a logging unit, a timber sale contract area, an entire watershed, or even a Ranger District.	#0026, p. 19	4
Soils	FW-OBJ-SOIL-01. The meaning of “not meeting soil quality criteria” is unclear.	#0026, p. 19	4
Soils	We are aware of no scientific information based upon IPNF data that correlates the proxy (areal extent of detrimental soil disturbance in activity areas) to metrics of long-term reductions in soil productivity in activity areas, in order to validate the use of the proxy as a scientifically meaningful estimate of changes in soil productivity.	#0026, p. 22	2

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Soils	There is no LMP requirement to quantify, minimize, or even consider the total amount of detrimentally disturbed soils. ...The potential loss of productivity from compaction should also be accounted for in the ASQ model runs.	#0026, p. 21	4
Timber	The objector contends, “With only 36% of the KNF to be managed for timber productivity, the plan fails to fulfill Forest Service mission to sustain the health, diversity, and productivity of the nation’s forests and grasslands to meet the needs of present and future generations.”	#0019, p. 4	4, 5
Timber	Objectors generally object to the lack of forest vegetation management proposed with respect to currently existing timber stands, “which are in desperate need of either commercial or pre-commercial thinning, especially those stands which exist at over 4000 feet elevation.” More specifically, objectors contend commercial timber harvest should receive a greater emphasis because the amount projected by the revised Plan will not be sufficient to create many jobs or sustain processing facilities, or to provide the thinning needed for wildfire hazard reduction and forest health.	#0034, p. 16; #0050, p. 6	4, 5
Timber	“The acreages allotted to timber production in Sanders County are not equitable with local needs and desires.”	#0019, p. 5	4
Timber	“We object to the inclusion of an objective that sets a budget constrained timber sale volume target rather than a timber sale volume that will allow the Agency to meet the stated desired future condition for the forest.”	#0024, p. 1	5
Timber	FW-GDL-VEG-08. “The first sentence, coupled with the consistency requirement on page 4, suggests that any silvicultural system may be used in any proposed treatment unit, regardless of its appropriateness.”	#0026, p. 13	4

Timber	<p>“The wording of FW-DC-TBR-03 essentially nullifies any meaningful distinction between suitable and unsuitable land, and together with timber targets (FW-OBJ-TBR-01) and the ASQ (FW-DC-TBR-04), encourages logging in unsuitable land. One or more of the ‘purposes’ of logging it allows in land that is ‘unsuitable’ appear in all timber sale NEPA documents.”</p> <p>FW-GDL-TBR-01 and MA6-STD-TBR-01. “Together with the wording of FW-DC-TBR-03, this Guideline and Standard essentially nullify any meaningful distinction between suitable and unsuitable land, and together with timber targets (FW-OBJ-TBR-01) and the ASQ (FW-DC-TBR-04), encourages logging in unsuitable land. One or more of the ‘purposes’ of logging it allows in land that is ‘unsuitable’ appear in all timber sale NEPA documents.”</p>	#0026, pp. 67-68	4, 5
Timber	FW-OBJ-TBR-01. “Any timber target provides incentives which conflict with ecological sustainability. The annual target of offering 47.5 million board feet for sale is not based upon scientifically sound modeling that adequately considers ecological and economic constraints. It creates a sense of false expectations for forest products industries.”	#0026, p. 68	4
Timber	FW-DC-TBR-01. “Including the sentence that begins with ‘Salvage...’ perpetuates the longstanding conflict between timber production and natural processes that create wildlife habitat. The Desired Condition also includes the vague phrase, ‘associated desired conditions.’ And the Desired Condition fails to recognize that, for decades, market demand has conflicted with ecological sustainability.”	#0026, p. 67	4, 5
Transportation Mgt.	Monitoring Questions MON-AR-02 and MON-AR-03. Identification of the minimum transportation system necessary is a regulatory requirement, so the KNF must complete forestwide travel planning in 2015.	#0026, p. 79	4, 5
Transportation Mgt.	“Reduction in existing roads is an example of the violation of US Federal Regulations involving fraud, waste and abuse of taxpayer funds or assets. Each public road in the Forest, represents very expensive permanent infrastructure, bought and paid for by public resources. The elimination of any roads is the reduction of access for fire suppression, research study, forest products collection, or future mineral or timber harvest for the public good. The elimination of roads, or their abandonment, destroys permanent public infrastructure without compensation to the public, thus it represents a waste of public assets, without the consideration of future economic yield those areas and roads could provide.”	#0019, p. 5	2, 4, 5

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<p>Transportation Mgt.</p>	<p>An objector contends the revised Plan fails to comply with agency policy to identify its minimum road system or to include direction that would require the road network be reduced to a level that can be maintained within foreseeable future budgets.</p> <p>“Inadequate direction to designate the minimum road system...The Draft Plan does not contain adequate direction to designate the minimum road system.”</p>	<p>#0045, pp. 9-11; #0026, pp. 43-44</p>	<p>4, 5</p>
<p>Travel Mgt.</p>	<p>“There is currently no credible science which documents that the management policies currently in place for this area, which allow for winter motorized use, are in any way detrimental to any of the resources contained within this area, including but not limited to any threatened or endangered species. In the absence of this science, there is absolutely no reason that the current recreational uses for this area, should not be allowed to continue.”</p> <p>“We object to the reductions in motorized forest access and recreation opportunities on the KNF that will result from the implementation of Alternative B modified.”</p>	<p>#0017, pp. 42, 51-53</p>	<p>3, 4</p>
<p>Travel Mgt.</p>	<p>Having 85% of the Kootenai NF open to snowmobiling will “forever limit additional wilderness designation on the majority of the forest.”</p>	<p>#0066, p. 1</p>	<p>4</p>
<p>Travel Mgt.</p>	<p>FW-DC-AR-04. “This Desired Condition is a forest plan decision that prioritizes vast but unspecified acreages of the KNF for motorized recreation, in the absence of the travel planning required by regulation to be completed in 2015. In addition, because of the existing degraded condition of many motorized travel routes and the implications of the Table 7 acreage, this Desired Condition conflicts with FW-DC-AR-07 and 08.”</p>	<p>#0026, p. 44</p>	<p>4, 5</p>
<p>Travel Mgt.</p>	<p>FW-OBJ-AR-04. “This Objective is a forest plan decision that designates unspecified mileages of the KNF for motorized recreation, in the absence of the travel planning required by regulation to be completed in 2015. In addition, because of the existing degraded condition of many motorized travel routes this Desired Condition conflicts with FW-DC-AR-07 and 08.”</p>	<p>#0026, pp. 44-45</p>	<p>4, 5</p>

Travel Mgt.	An objector contends there is no scientific support that year-round road closures are consistent with the given reasons for having them in place—additional wildlife habitat security measures, to decrease potential sedimentation, and to improve hydrologic condition. Objector further contends scientific support is lacking for over-snow prohibitions as being necessary to protect forest resources, including T&E species such as grizzly bear and lynx.	#0035, pp. 32-33; #0059, pp. 1-3	4, 5
Travel Mgt.	“The acreages allotted to motorized and non-motorized uses are not equitable or reflective of user demographics.”	#0019, p. 4	4, 5
Travel Mgt.	An objector contends the Silver Butte-Fisher River drainage should be allocated as non-motorized backcountry rather than motorized year-round because of its relatively undisturbed condition and the important habitat it provides for a variety of big game species, grizzly bear, and bull trout.	#0001, pp. 1-2	4
Travel Mgt.	MA designations (particularly MA5a, MA5b, and MA5c designations) which eliminate existing snowmobile/motorized recreation opportunities make on the ground changes to existing snowmobile use and/or would predetermine a decision in the future for travel management pursuant to the revised plan constituting site-specific decisions made without adequate NEPA or public process and are contrary to the Idaho Roadless Rule.	#0009, p. 2	4, 5
Vegetation Mgt.	FW-STD-VEG-01. “This Standard’s allowance of active mechanical treatments in old growth ignores the scientific fact that such active management is the very antithesis of old growth. The Forest Service cites no scientific research or monitoring results from the KNF that demonstrate such manipulations will create net ecological benefit and not net ecological harm to old growth and old-growth associated wildlife.”	#0026, pp. 7-8	3, 4, 5

Vegetation Mgt.	<p>“The LMP contains no minimum acreage or distribution requirements for maintaining old growth, as does the 1987 plan. Those acreage and distribution requirements responded to 36 CFR 219.19 viability provisions, their purpose being that large areas of the Forest would not become devoid of old growth or old-growth associated wildlife.</p> <p>“The Forest Service has never completed an analysis, based upon the best scientific information available, that adequately analyzes the wildlife viability implications of managing the KNF well outside the HRV for old growth.</p> <p>“The Draft Plan contains no requirement to maintain old growth in large enough contiguous blocks to meet the habitat requirements of old-growth associated wildlife.</p> <p>“The Draft Plan contains no requirement to designate specific stands of mature forest, i.e., ‘recruitment’ old growth, to be protected from logging so that they evolve into old growth for the future.</p> <p>“The Draft Plan does not contain a Standard to protect old growth from firewood gathering. Current roads adjacent to and through old growth result in the loss of important habitat components when snags and down logs are removed for firewood.”</p>	#0026, pp. 8-11	3, 4, 5
Vegetation Mgt.	An objector contends the revised Plan does not take concrete steps to ensure that old growth will increase to the historic levels, which means that old growth associated wildlife will be at risk. The objector contends the revised Plan lacks any standards to assure achievement of the Desired Condition for old growth and does not perpetuate an inventory of old growth that was first directed by the Chief of the Forest Service in 1989.	#0046, pp. 6-7	1, 3
Vegetation Mgt.	MON-VEG-01-01. “...since the LMP has no valid, scientifically based metrics forming a definition of a stand that is resilient, resistant, meeting Desired Conditions, etc. it will always be cloaked in ‘professional judgment.’ Even old growth is not good enough, as the LMP directs that it be logged.”	#0026, p. 71	4
Vegetation Mgt.	“The Indicator MON-VEG-01-08 lacks relevance since it would merely measure the ‘Number of acres influenced by insects and disease.’ Naturally, the outcome would be—every acre on the forest.”	#0026, p. 73	3

Vegetation Mgt.	Indicator MON-VEG-01-04 relies upon the FIA program. The size of the plots used by the FIA methodology is ¼-acre. The FIA survey methodology results in boots-on-the ground measurements in less than 10 acres of forest meeting old-growth criteria...FIA data is not subject to independent verification because plot locations are kept confidential.	#0026, pp. 71-72	3, 4
Vegetation Mgt.	FW-DC-VEG-05. “The desired increase in size of forest patches in the seedling and sapling size classes and decreases in size of forest patches in the small and medium size classes is not supported by specific reliable historic data gathered from KNF surveys or science that we are aware of.”	#0026, p. 6	3, 4
Vegetation Mgt.	FW-DC-VEG-07. “The desired ranges for snags are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of. The scientific basis for the delineation of snags into two diameter groups using 20” d.b.h. as the division point is not disclosed.”	#0026, p. 6	4
W&S Rivers	<p>“The public was not given the opportunity to properly review the KNF study reports as is required by section 4(b) of the Wild and Scenic Rivers Act.</p> <p>Taken From ‘National Wild and Scenic River, Final Revised Guidelines for Eligibility, Classification, and Management of River Areas’. Federal Register, Tuesday September 7, 1982.</p> <p>Pg 4 – The Study Process ‘The purpose of a wild and scenic river study is to provide information upon which the President can base his recommendations and Congress can make a decision.’</p> <p>The Study Report ‘Each river study report will be a concise presentation of the information required in sections 4(a) and 5(c) of the Act.’</p> <p>‘Study reports will be reviewed by other Federal agencies, states, and the public as required by section 4(b) of the W&amp;SRA.’”</p> <p>The public was not given the opportunity to properly review the KNF study reports as is required by section 4(b) of the Wild &amp; Scenic Rivers Act.</p>	#0017, p. 10; #0035, p. 11; #0039, pp. 6-7; #0063, p. 30	1, 2

W&S Rivers	<p>“We object to the proposal to manage Big Creek, Little North Fork Big Creek, Good Creek, North Fork Big Creek, Copeland Creek, Drop Creek, South Fork Big Creek, East Branch of South Fork Big Creek, West Branch of South Fork Big Creek, Yaak River, West Fork Yaak River, Vinal Creek, Bull River, North Fork Bull River, Middle Fork Bull River, Bighorn Creek, East Fork Bull River, and Vermillion River as Management Area 2–Eligible Wild, Scenic and Recreational Rivers. We also object to KNF personnel using the boundaries of the KNF in the eligibility portion of the analysis process.”</p>	#0017, p. 7	4
W&S Rivers	<p>Data is flawed. The majority of recommendations are not rivers, but creeks.</p> <p>“The vast majority of water bodies being proposed for Wild, Scenic and Recreational RIVER designation within the KNF Forest Plan are small streams and creeks. When you evaluate the streams and creeks being proposed by the Kootenai National Forest relative to those RIVERS currently designated as Wild, Scenic, or Recreational under the Wild and Scenic Rivers Act, it is clear that the KNF evaluation process for Wild, Scenic and Recreational river eligibility DOES NOT conform with the original intent and spirit of the Wild and Scenic Rivers Act. Given this FACT, these streams and creeks should not be eligible for Wild, Scenic, or Recreational River designation.”</p>	#0017, pp. 8-9; #0034, p. 12; #0035, pp. 8-9; #0039, pp. 4-5; #0049, pp. 4-6; #0063, p. 28;	1
W&S Rivers	<p>Objectors contend that management constraints, including those associated with recommended W&amp;S Rivers and Management Areas 1b and 5c, are inconsistent with the direction of the Multiple Use Sustained Yield Act, the Federal Land Policy and Management Act, and Executive Order #13575.</p>	#0034, pp. 4-5; #0035, pp. 12, 34-35; #0039, pp. 9-10; #0061, p. 4; #0063, p. 31; #0059, pp. 5, 9-10	1, 2, 4, 5
W&S Rivers	<p>Landowners along the Bull River System were not properly notified of the Wild &amp; Scenic River proposal for that system, and that this is important because according to the Wild and Scenic Rivers Act their lands could be affected by such a designation.</p>	#0039, pp. 6-8	2
Watershed	<p>MON-WTR-01-01. “Number of Best Management Practices...” This Indicator is too vague to answer the Monitoring Question, “Are soil, water quality, and riparian and aquatic habitats protected and moving towards desired conditions?”</p>	#0026, p. 74	3, 4

Watershed	<p>MON-WTR-02-01, MON-WTR-02-02. “It is unclear how measuring watersheds by “miles of restoration activities” would be useful. It is also unclear how measuring watersheds by “acres of restoration activities” would be useful since the definition of restoration in the LMP and in NEPA documents is so lax that every acre treated would be considered restoration. “</p> <p>Indicator MON-WTR-02-02: “Too general; the meaning of “trended toward” (as discussed elsewhere in this Objection) is highly vague and subjective. It is hard to understand how any of these three indicators would answer the Monitoring Question.”</p>	#0026, p. 74	4
Watershed	<p>“The LMP provides no information regarding which instream and biotic attributes and what instream and channel parameters will be monitored and measured, or how they will be summarized, to determine whether KNF watersheds are trending toward desired conditions. It also provides no information regarding the frequency and extent of the monitoring, or whether the monitoring results will be included in an Annual Monitoring Report.”</p>	#0026, pp. 75-76	5
Watershed	<p>“The major flaw in these Watershed Condition Ratings is that there is no enforceable threshold associated with the conditions of the watersheds to impede or approve of a level of permitted activities.”</p>	#0026, p. 16	3, 4, 5
Watershed	<p>FW-GDL-WTR-01. “This guideline offers little to no protection to the impaired waters on the IPNF. Even with an approved TMDL, there is no legal authority to enforce a violation of the TMDL.”</p>	#0026, p. 18	4, 5
Watershed	<p>“The Watershed Disturbance Rating strongly suggests forestwide direction to attain watershed restoration. Yet, there are no forestwide standards for those parameters, which would provide much stronger prioritization towards meeting forestwide Watershed and Water Quality Desired Conditions than the LMP includes.”</p>	#0026, p. 19	4

Wilderness	<p>“The ‘Area Capability Assessment’ performed by the KNF on the Thomson-Seton IRA #483 was incorrect. If you possess a thorough understanding of the on the ground features and characteristics of the area, and objectively evaluate and rate the criteria provided in the Capability Assessment... (large list that they requisition corrected)... ‘Proof that these evaluating criteria should be altered can be provided with a thorough examination of the on the ground features and characteristics of the area. Once the Area Capability Assessment for this area is revised, the area would have a LOW capability for Wilderness Recommendation. A correct revision of the Capability Assessment criteria rating would significantly reduce the capable of this area for Wilderness designation.’”</p>	#0017, pp. 1, 2-6	4
Wilderness	<p>“Area Needs Assessment for the Thompson Seton IRA was altered in the FINAL EIS appendices. The alternation in this assessment was that the rating for the Presence of sensitive plant species was changed from Low to High. This rating was changed based on ‘updated 2012 Natural Heritage Program list of plant species that are rare at the global or state level’.</p> <p>A. We would like an explanation of exactly which plant species was found to exist in this area that is on the updated 2012 Natural Heritage Program list?</p> <p>B. An explanation of exactly how the identification of a single plant species can change a wilderness Need rating from Low to High.</p> <p>This appears to be nothing more than the KNF again manipulating the wilderness evaluation process in order to come to a pre-determined conclusion.”</p>	#0017, pp. 2-3	4
Wilderness	<p>“The current theme designation for this area under the Idaho Roadless Rule is Wild Land Recreation. See CFR 294.23(a) and CFR 294.24(a), which allows for mountain biking and mechanical devises. Should the Recommended Wilderness designation apply to all the identified lands on Page 179, Table 163; 35,636 acres, of the Appendices, Final EIS for Revised Land Management Plan, August 2013, and also identified on Page 86, Table 18, Land Management Plan 2013 as 35,026 acres, then per national directive the current uses will eliminate and cause harm to the public that enjoys them at present.”</p>	#0014, pp. 1-2	1, 2, 5

Wilderness	“On page 462 of the KNF Final EIS, right after the 3 bullets it says that ‘if congress were to drop an area from further consideration as recommended wilderness, management would be reconsidered.’ This statement says that congress has identified recommended wilderness? Not so, the forest service looks at the suitability and evaluates the Need, Capability, & Availability. Before recommending a PW designation. Since congress has not acted on the Scotchman Peak PW for the past 25 years, it's time to remove this designation and identify it as only an IRA with different designations possible.”	#0052, p. 2	4
Wilderness	“The Northern Region’s Wilderness Evaluation Process based upon Capability, Availability, and Need (CAN) flatly ignores the intent of Congress in the 1964 Wilderness Act; is subjective and biased; and willfully substitutes manager preferences and human recreational ‘wants’ for ecological ‘needs.’”	#0032, pp. 2-7	1, 4
Wilderness	Monitoring Question MON-WLDN-01. “The KNF has so many acres of roadless areas that deserve protection as Wilderness. The public would be well-served with a Monitoring Question and Indicators that assess wilderness conditions and trends in roadless areas.”	#0026, p. 80	4
Wilderness	“When the draft KNF Forest Plan was released to the public, both the KNF Supervisor and Forest Planner informed the YVFC that although the Forest Plan was developed using the 1982 Planning Rule regulations, the Forest Plan would be in full compliance with the new 2012 Planning Rule (published in the Federal Register on April 9, 2012). The 2012 Planning Rule requires Forest Plans to provide for ‘management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation’ (Final Sec. 219.10(b)(1)(iv)). The agency failed to properly incorporate ecological and social characteristics as the basis for recommended wilderness suitability determination, as required by the 2012 Planning Rule. Also, the agency failed to meet NEPA requirements by neglecting to provide accurate information and adequately address important comments and feasible management alternatives provided by the public throughout the NEPA process.”	#0007, pp. 7-8	1, 4

Wilderness	<p>“It's fair to say the topic of recommended wilderness on the KNF is fiercely debated, but the YVFC would like to know what data the agency used in order quantify the statement that public opinion regarding recommended wilderness is ‘greatly divided?’ Because if one looks at the public comments submitted on the draft Forest Plan regarding recommended wilderness (which should qualify as an appropriate way to gauge public opinion), a markedly different trend is apparent. The public comments that specifically address recommended wilderness (MA1b) on pages 396-408 of the FEIS (Appendix C) reveal 232 comments that clearly support recommended wilderness, compared to 40 comments that are clearly against recommended wilderness. These figures are far from a 50/50 split that would indicate a ‘great divide.’ The agency's perceived public division as reasoning to keep the same amount of recommended wilderness in the revised Forest Plan as the 1987 Plan is not only unjust, but the statement itself is irrational and backed by no scientific or social explanation. By the same logic, shouldn't the revised Forest Plan incorporate the same 220 mmbf annual ASQ that was listed in the 1987 Plan? The fundamental reason for Forest Plan revision is to update the previous Plan—to reflect new directions in land management and to balance economic, ecologic, and social needs. The agency's reasoning in the revised Forest Plan on recommending acres to wilderness status was invalid, illogical, and outdated - and did not ‘provide for management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation.’”</p>	#0007, pp. 7-9	4
Wilderness	<p>Managing the Whitefish Divide area as Recommended Wilderness would restrict motorized and bicycle recreational opportunities within this area resulting in increased motorized and bicycle recreational use within the Ten Lakes Wilderness Study Area. Considering the close proximity of these two areas, it is not hard to see how restricting motorized and bicycle use in the Whitefish Divide area would essentially displace the vast majority of those user days into the TLWSA. According to the Montana Wilderness Study Act, the Forest Service is obligated to manage their lands in a way that will not encourage increased use within the TLWSA.</p>	#0027, p. 6	4, 5
Wilderness	<p>Recommended Wilderness Areas have established mechanized and motorized use yet were considered to have sufficient characteristics to be recommended for wilderness designation. Therefore, prohibiting those uses now to protect those same characteristics is arbitrary and capricious.</p>	#0061, p. 1	4

Wilderness	Management of the Kootenai NF recommended wilderness areas with the “let it burn” policy used in Wilderness has a high potential to negatively impact municipal water supplies and fails to meet the water quality protection requirements at FSH 2509.22 or comply with the Clean Water Act. Excluding vegetation management from these areas also restricts the ability to manage vegetation to mitigate the potential impacts of fire on water resources, including municipal and private water supplies.	#0063, pp. 1, 11-12, 23, 24-25; #0029; #0056; #0057; #0060, pp. 1, 11-12, 23, 24-25; #0039, p. 13; #0058, p. 1; #0027, pp. 5-6; #0035, pp. 4-6, 16-17	4, 5
Wilderness	There is “no credible science which documents that the management policies currently in place for this area [Whitefish Divide], which allow for winter motorized use, are in any way detrimental to any of the resources contained within this area, including but not limited to any threatened or endangered species. In the absence of this science, there is absolutely no reason that the current recreational uses for this area, should not be allowed to continue.”	#0063, pp. 2, 25; #0029; #0056; #0057; #0058; #0060, pp. 2, 25	3, 4, 5
Wilderness	Paragraph two on page 454 of the FEIS states; “The revised Forest Plan Whitefish Divide recommended wilderness area on the KNF includes areas which are outside of an IRA (cherry stem of closed road systems and associated harvest in Blue Sky and Williams Creek) for manageability. Areas outside of the IRA account for approximately 13 percent of the total acres of recommended wilderness in Alternative B Modified.” Objector contends this “creative mapping” is a violation of the regulations for creating inventoried roadless areas and evaluating them for wilderness potential, because the 13 percent of recommended wilderness outside the IRAs likely does not qualify for wilderness designation.	#0035, pp. 6, 30; #0047, p. 3; #0063, p. 6; #0029, #0056, #0057, #0058, and #0060, p. 6	4
Wilderness	An objector contends the wilderness assessment results in unlawful recommendations and is constrained by the arbitrary ceiling of the 1987 Plan's recommended wilderness acreage. The objector further contends the wilderness assessment does not comply with the 1982 planning regulations because it “fails to take an objective view, fails to apply relevant criteria, and fails to identify unique, site-specific qualities of wilderness candidate lands on the KNF.”	#0040, pp. 6-7	1, 4
Wilderness	Recommended Wilderness management for the Whitefish Divide Area would be detrimental to local economies.	#0027, pp. 6-7; #0035, p. 5	4

Wilderness	An objector contends the draft ROD proposes to reclassify wild lands adjoining and near the Cabinet Mountains Wilderness from MA 2 Non-Motorized to 5b Motorized, thereby threatening to diminish the special character and remote wild land values of the largest unprotected tract of wild lands in the Cabinet Mountains including the Cabinet Wilderness East, Barren Peak, Galena and Allen Peak Inventoried Roadless Areas. The objector contends placing these areas into a motorized ROS classification is “an unfair and disproportionate accommodation.”	#0040, pp. 12-18	4, 5
Wilderness	“Boundary County absolutely objects to any areas of Recommended Wilderness within the Idaho Panhandle National Forest and the Kootenai National Forest. We specifically object to the Recommended Wilderness designation of the Salmo, Page 174, Table 154, 16,027 acres and the Selkirk Crest IRA, on Page 179, Table 163, 35,636 acres, of the Appendices, Final EIS for Revised Land Management Plan, August 2013...Recommended Wilderness, Wilderness and Primitive Classification does not allow for adaptive management of the forest as the condition is constantly changing. The inability to manage for human benefit, endangered species benefit, water quality benefit and other habitat needs, is not allowed under these classifications.”	#0014, pp. 1-2	4
Wilderness	An objector contends that in conducting the Regional Needs Assessment for Wilderness, the choice of a 100-mile radius for consideration of population centers was arbitrary and suggests bias by the manager. The objector states that “by selecting either of these distances or nearby communities, the Forest signals that it is improperly viewing the Kootenai as a state or regional park to be managed for the wants and needs of the local people.”  Retention of roadless areas should be maximized to preserve future opportunities for wilderness designation rather than basing suitability on distance from populations.	#0032, p. 6; #0066, p. 1	4

Wilderness	<p>Forest Service mentions that all 43 IRAs have been through the Capability/Availability/Need (CAN) process and the handful of survivors “represents the maximum potential for wilderness recommendation.” As detailed below, the CAN effort, rather than being the “rigorous and objective” process required by NEPA, is completely subjective, biased, and arbitrary – and violates the clear intent of Congress.</p> <p>...The conditions that Congress clearly intended to discourage or disallow were human dominance, settlement, overuse, or mechanization of wild landscapes. Conditions to be encouraged and guarded were untrammled and uncontrolled landscapes and ecological processes, with areas protected and preserved in their natural condition. Finally, humans were to be temporary visitors only—not managers, manipulators, or highly mechanized recreationists.</p> <p>Yet in the Wilderness Evaluation Process, we see that Forest Service has impermissibly stood this clear Congressional intent on its head, repeatedly injecting subjective manager values, management preferences, and human recreational “Wants” into areas where humans and their works were not to “dominate the landscape.” It is hard to imagine that a screening process so transparently Anti-Wilderness was created by accident.</p>	#0026, pp. 47-66	1, 4
Wilderness	FW-GDL-IRA-01. This Guideline implies direction to the Forest Service to remove (or at least allow degradation of) Wilderness potential on 84% of the inventoried roadless areas on the Forest. Because Wilderness is a nonrenewable resource, there must be no more loss of Wilderness potential.	#0026, p. 47	4
Wilderness	<p>“The Forest failed to inventory, evaluate, analyze and determine recommended wilderness in a fully transparent manner...The Forest Service intends to eliminate all ‘non-conforming’ uses in Recommended Wilderness Areas-- <i>essentially treating these areas as de-facto Wilderness</i> without the ability to negotiate the issues as contemplated by Congress in the Wilderness Act. The Kootenai Tribe disputes the characterization of existing uses as ‘non-conforming’ and believes that this decision is not only inconsistent with the Wilderness Act on a legal basis, but bad policy that needlessly instigates conflict in our communities. The Kootenai Tribe maintains that the Forest Service has a broad range of discretion to determine management prescriptions in Recommended Wilderness Areas...the elimination of current existing uses may not be necessary and could lead to diminishment of Treaty and religious access for Kootenai citizens that rely on trails to certain areas.”</p>	#0037, pp. 4-5	4, 5

Wildlife	Regarding Forest-wide guidelines FW-GDL-WL-01, 02, 08, 11, 16, 17, 18, 19, 20, and 21, the objector contends “The words, ‘or minimize’ are not objectively defined and threaten to nullify these guidelines. Since the intent of the use of Guidelines in the LMP (pp. 3-4) is to provide some management discretion, the inherent uncertainty of the words ‘or minimize’ is entirely unjustified.”	#0026, p. 42	4
Wildlife	“We object to the management policies proposed in the name of species currently listed as threatened or endangered under the Endangered Species Act including; Grizzly Bears and Canada Lynx.”	#0017, pp. 45-50	3, 4, 5
Wildlife	FW-GDL-WL-10 Big Game. The LMP has no numerical big game security standard, the Objective now stating “...subunits should maintain existing levels of security...” This assumes that subunits are currently functioning as adequate security, and seems to identify a static security measure, (“existing”) without stating what that is.	#0026, p. 42	4
Wildlife	“To continue to use linkage zone models that could not be supported by an intensive, highly technical GPS tracking study would be a clear violation of the U.S. False Statement Statute.”	#0016, p.4	1, 3, 4
Wildlife	An objector contends selecting hairy woodpeckers as an MIS is “meaningless” because their habitat requirements are so broad.	#0046, p. 5	4, 5
Wildlife	Monitoring Question MON-MIS-01. This lacks a requirement to estimate baseline population numbers, and measure population trends in response to management actions.	#0026, p. 77	4, 5
Wildlife	Indicator MON-MIS-01-03. “This relies upon a measurement system that is not explained anywhere in the LMP. It merely commits to monitoring “changes” in the parameter, measured vaguely somewhere every five years.”	#0026, p. 79	4, 5
Wildlife	Indicator MON-WL-01-01. “Nothing is required specific to any wildlife species, rendering it useless as a biological indicator. It is also highly redundant with above inadequate Monitoring Indicators. It is also unclear how measuring “acres of habitat restored or enhanced” would be useful since the definition of restoration in the LMP and in NEPA documents is so lax that every acre treated would be considered restored or enhanced.”	#0026, p. 79	4

Wildlife	Monitoring Question MON-FLS-01. “This is worded too vaguely to provide meaningful answers. The overarching goal of ESA listing is population recovery, which is omitted from this Question. It is not sufficient to measure these parameters. A measure of population numbers of grizzly bears is essential for determining attainment of recovery, as is mortality information.”	#0026, p. 76	1, 4
Wildlife	Indicator MON-FLS-01-02. “These parameters must be reported annually, however a measure of population numbers of Canada lynx is essential for determining attainment of recovery, as is information on trapping mortality.”	#0026, p. 76	4
Wildlife	“The FEIS does not disclose the minimum viable population of any of the Sensitive species (plant, wildlife, or aquatic), nor does it describe the quantity and quality of habitat needed to maintain viable populations of any of the Sensitive species...The LMP does not contain any requirement for the Forest Service to insure that its management activities will maintain viable populations of Sensitive species. The LMP does not even include a definition of viable population in its Glossary.”	#0026, pp. 28-30	4
Wildlife	<p>The Endangered Species Act (USFWS 1973) requires all federal agencies to conserve listed species and the ecosystems upon which they depend; to avoid creating “Jeopardy” to listed species; and “Harm” to these species and their habitat. Yet the LMP and FEIS fail to do all three.</p> <p>The KNF is home to grizzly bears, wolves, lynx, and the soon to be listed as Threatened wolverine. All of these species, and others on the Sensitive species list, rely on big, wild, interconnected landscapes for their survival and recovery. Yet despite repeated references to the importance of large habitat blocks, landscape connectivity, and the role of Wilderness in achieving both, the Plan functionally leads to the exact opposite—a fractured landscape with a few comparatively small, isolated Recommended Wilderness “islands” in a sea of roads, “general forestry”, and mechanized/motorized “Backcountry” and IRAs. Such a landscape paints a bleak picture for the future of the Cabinet-Yaak Ecosystem’s critically endangered grizzly bear population.</p>	#0026, pp. 60-61	1, 4, 5
Wildlife	Catastrophic wildfires may cause harm to bull trout –an ESA violation.	#0017, p. 4	1, 4

Attachment 3  
 Issues Reviewed and No Change Determined to be Necessary

Wildlife	An objector contends restrictive management policies regarding access and vegetation management are unwarranted given the stable or increasing populations for grizzly bear, gray wolf, and bull trout, and the high relative density for Canada lynx.	#0034, pp. 9-11	1, 4, 5
Wildlife	An objector contends constraints on the transportation system that are associated with grizzly bear and Canada lynx protection are not based on the best available science because there is no existing science that definitively proves motorized use is harmful to those species.	#0035, pp. 40-41, 50-51	3, 4
Wildlife	Outside of grizzly bear habitat specified by the Access Amendment, the LMP has no road density standards. AWR comments stated: The draft KNF FP contains no standards that limit road densities in bull trout occupied and critical habitat/watersheds.	#0026, pp. 45-46	4, 5
Wildlife	The LMP does not contain any requirement for the Forest Service to insure that its management activities will maintain viable populations of Sensitive species. The LMP and FEIS do not even include a definition of viable population.	#0026, p. 30	4
Wildlife	“There are gaps in explanations, questionable conclusions, and apparent discrepancies between the ERG Report and the Final EIS [suggesting that the ERG report had limited internal USFS biological review]...Northern Goshawk: The ERG analysis indicates that [Northern] goshawk habitat will decline over the next 50 years under any alternative. The decrease is less under Alternative B (constrained) and most under Alternative B (unconstrained). These decreases move goshawk habitat from within the Historic Range of Variability (HRV) to about 25% below the HRV. The ERG report state the estimates of habitat are low in the model (potentially indicating more appropriate criteria are needed), territoriality limits the population (in general, as habitat quality increases, territory size decreases), and concludes that the species is viable with no citations to support these contentions. Moreover, the ERG report stated that a reduction substantially below HRV could result in a risk to the viability of the species (pg. 16, ERG 2012). Movement away from HRV occurs again in the chipping sparrow/dusky flycatcher and the marten (mesic) analysis. <i>The FEIS concludes the species are viable and cites ERG. These expected declines need to be better explained and defended in the FEIS.</i> ”	#0037, pp. 2-3	3

Wildlife	FW-OBJ-WL-01. “Neither the Draft FP nor the DEIS includes any information that indicates that there is a scientific basis for the Forest Service’s determination that certain silvicultural “treatments” have achieved, and therefore will continue to achieve the maintenance or restoration of wildlife habitats. If species abundance monitoring is discontinued there will be no way of determining the effects of silvicultural “treatments” on wildlife populations and viability.”	#0026, p. 41	4, 5
Wildlife - Grizzly Bear	Objector alleges that the 1997 Wkkinen and Kasworm Report on Grizzly Bear and Road Density Relationships in the Selkirk and Cabinet-Yaak Recovery Zones is not the best available science upon which the Forest Service could have based their decisions regarding road density and closures in Grizzly Bear Recovery Areas. Objector alleges that failure to consider a 2005 study by Waller which they claim reflects the best available science (using a variety of statements about peer review, statistical analysis, experimental design, use of radio vs. GPS tracking) is a violation of the US False Statement Statute.	#0016, pp. 1-4	1, 5
Wildlife - Grizzly Bear	An objector contends the KNF EIS and draft ROD, Grizzly Bear Amendment is not utilizing the best available science regarding grizzly bear numbers if it does not take into account the yet-to-be-announced results of hair snag sample tests conducted by the USGS.	#0051, p. 1	3, 4
Wildlife - Grizzly Bear	An objector contends there is no scientific support that roads and grizzly bears are incompatible, and that in fact at least one study indicates grizzlies may prefer roaded conditions.	#0051, pp. 1-2	3, 4
Wildlife - Grizzly Bear	An objector contends a need for constraints on snowmobiling and trail grooming for the protection of grizzly bear are contradicted by information presented in the FEIS	#0035, pp. 48-49	3, 4
Wildlife - Lynx	An objector contends constraints on vegetation management above 4,000 feet elevation for protection of Canada lynx are not based on the best available science because there is no existing science that definitively proves vegetation management in these areas is harmful to Canada lynx. The objector also contends information in the FEIS suggests that vegetation management above 4,000 feet elevation would likely be beneficial to lynx.	#0035, pp. 41, 50	3, 4