

Kootenai Forest Plan Revision Objection-2013

Objectors Name: Sanders Natural Resource Council = (SNRC)

Address: PO Box153 – Plains, MT. 59859

Phone # or E-mail address: snrc@blackfoot.net

Name of lead objector (if more than one): John Trochmann - Chairman

Name of the plan revision being objected to and the responsible official:

Kootenai National Forest Land Management Plan 2013 Revision including Appendices, FEIS and ROD. Responsible Official: Faye L. Krueger – Regional Forester, Northern Region.

Statement of issues and/or parts of the plan revision which the objection applies:

KNF Forest management proposals are in violation of **Executive Order #13575**, dated June 13, 2011.

Statement explaining the objection and how the proposed plan should be altered:

Executive Order #13575 created a rural economic council that is chaired by the Secretary of Agriculture. Quoting from the document.

Sec. 4. Mission and Function of the Council. *“The Council shall work across executive departments, agencies, and offices to coordinate development of policy recommendations to promote economic prosperity and quality of life in rural America, and shall coordinate my Administration's engagement with rural communities.”*

According to KNF FEIS Appendices 2013, Commissioners from Boundary County ID. Mineral and Lincoln County MT. do not support your plan. Commissioners from Sanders County MT. are dead silent on the entire Plan. Did meaningful engagement with our local elected officials really happen?

Forest management proposals contained in the final KNF plan for MA1b, MA5a, and timber management **DO NOT** *“promote economic prosperity and quality of life”* in the portion of rural America contained within Sanders and Lincoln Counties Montana.

Forest management proposals contained in the final KNF plan for MA1b, and MA5a, **DO NOT** *“identify and facilitate rural economic opportunities associated with outdoor recreation.”* As prescribed in this Executive Order.

The forest management proposals contained in the final KNF plan for MA1b, MA5a, and timber management are in violation of EO#13575.

Proposed Solution

The KNF must re-evaluate all forest management proposals including proposals to designate lands as MA 1b - Recommended Wilderness, MA5a – Backcountry non-motorized year long, and Timber management. The plan should be altered to remove

those management area proposals, which are in violation of Executive Order #13575. The timber management policies should be altered to adhere with the provisions of EO #13575.

Statement demonstrating the link between the objection and prior formal

comments: SNRC has used the coordination process offered in Executive Order #13575 to coordinate with Forest Services Officials. SNRC assigned FEIS Appendices #312.

Signature:_____.

Send written objections to: USDA Forest Service, Objection Reviewing Officer, EMC
RPC-6th Floor, Attn: Judicial and Administrative Reviews, 1601 N. Kent Street,
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Send electronic objections to: objections-chief@fs.fed.us

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Statement of issues and/or parts of the plan revision which the objection applies:

We object to placing any part of the Kootenai River into the Wild and Scenic Rivers Act. We also object to the proposal to manage Bull River, North Fork Bull River, Middle Fork Bull River, East Fork Bull River, Vermillion River, 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, Vinal Creek, Bighorn Creek, Yaak River, and West Fork Yaak River as Management Area 2 – Eligible Wild, Scenic and Recreational Rivers.

Statement explaining the objection and how the proposed plan should be altered:

The following is of grave concern to most of the citizens in both Lincoln and Sanders Counties Montana who do not support the following.

KNF ROD page 9 Kootenai River: *“The Kootenai River is a prominent feature on the KNF. This river basin extends from the north in Canada, through the KNF, and west into Idaho. The construction of Libby Dam, completed in 1972, created the 90-mile long Lake Koocanusa reservoir, of which 48 miles is within KNF borders. The Kootenai River white sturgeon, an endangered species, is found in this river basin below the dam. There is a community interest-based watershed group, consisting of individuals from Montana, Idaho, and British Columbia, that has an interest in the management of the Kootenai River Basin. Their mission is to involve stakeholders in the protection and restoration of the chemical, physical, and biological integrity of the Kootenai River Basin waters. With such a large percentage of NFS lands in the Kootenai River Basin, the KNF has an important role in working with this community group”.*

Posted: Nov 8, 2013 4:05 PM by **Dennis Bragg - KPAX News LIBBY** – *“It's beginning to look like the Libby Dam, and the massive reservoir behind it, could be a major piece on the chessboard as the U.S. and Canada work out a new Columbia River Treaty. When Libby Dam was constructed in the 1970s, it impacted not only Northwestern Montana - but the lands north of the border in southeast British Columbia. Because it's really a "regional" reservoir - issues like flood control, water supply, fisheries management and even security have required cross-border cooperation. But now with the U.S. and Canada*

starting to discuss renewal of the 50-year old Columbia River Treaty, future operations at Libby Dam are starting to be seen in a new light”.

The following are separate issues from the Kootenai River:

The KNF has not given priority to the rivers evaluated for Wild and Scenic River designation in the manner that was specified for in the Wild and Scenic Rivers Act.

The Wild and Scenic Rivers Act of 1968 states that streams proposed for designation under the W&S rivers act must *“possess an outstandingly remarkable river related value that is a unique, rare, or exemplary feature that is significant at a comparative regional or national scale”*. We do not believe that the KNF has adequately demonstrated that the streams listed above *“possess an outstandingly remarkable river related value that is a unique, rare, or exemplary feature that is significant at a comparative regional or national scale”*

Page 4 of the Wild and Scenic Rivers Act of 1968 states:

*“Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in sub paragraphs 5(a) (1) through (27) of this Act no later than October 2, 1978. In conducting these studies the Secretary of the Interior and the **Secretary of Agriculture shall give priority to those rivers.***

(i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system, and

(ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.). Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics, which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.”

The majority of the water bodies being proposed for Wild and Scenic RIVER designation in the KNF Forest Plan are not RIVERS, and therefore should not be considered as eligible for Wild, Scenic or Recreational RIVER designation .

The following RIVERS are the original eight rivers that were designated as Wild, Scenic, or Recreational under the Wild and Scenic Rivers Act of 1968.

Clearwater River, Middle Fork, Idaho.
Eleven Point River, Missouri,
Feather River, Middle Fork, California
Rio Grande River, New Mexico
Rogue River, Oregon
St. Croix River, Minnesota and Wisconsin
Salmon River, Middle Fork Idaho
Wolf River Wisconsin

Since these original eight RIVERS were designated as Wild, Scenic or Recreational under the Wild and Scenic RIVERS Act, numerous other RIVERS have been added to this list. 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, some of which run dry during summer months.

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.

The evaluation process utilized by the KNF to determine eligibility for inclusion of a water body into the Wild and Scenic River system is conflicting and fundamentally flawed. In addition, it appears that the evaluation conclusions have been **manipulated** in order to substantiate a predetermined outcome.

Pages 323 & 324 of the KNF Draft EIS, Table 71, shows the Big Creek System segments 1 thru 7 as having “**Scenery & Recreation**” as the “**outstandingly remarkable**” value.

In direct conflict to this, the KNF Wild and Scenic Rivers - Initial Assessment for Eligibility (3/9/2005), states:

- * Big Creek South Fork as a **NO** for Recreation Value.
- * Big Creek South Fork East Branch and West Branch, as a **NO** for Scenery Value.
- * Copeland Creek as a **NO** for both Scenery & Recreation Values.
- * East Fork Lookout Creek as a **NO** for Recreation Values, and does not evaluate the Unnamed tributary to Lookout Creek.

In direct conflict with previous statements, the KNF Final EIS, page 476, Table 122, shows the Big Creek System segments 1 thru 7 as having “Recreation” as the “outstandingly remarkable” value.

Pg 477 of the KNF Final EIS, Table 123, shows the North Fork of the East Fork Bull River segments 1&2, as having “**Scenery**” as the “**outstandingly remarkable**” value.

In direct conflict to this the KNF Wild and Scenic Rivers - Initial Assessment for Eligibility (3/9/2005), shows the Bull River North Fork of the East Fork as a **NO** for both Scenery & Recreation Values.

Pg 325 of the KNF Draft EIS, Table 72, shows the Quartz Creek System segments 1 thru 3, as having “**Scenery**” as the “**outstandingly remarkable**” value.

In direct conflict to this The KNF Wild and Scenic Rivers - Initial Assessment for Eligibility (3/9/2005), shows the Quartz Creek and the West Fork Quartz Creek (Quartz Creek Segments 2 & 3 in the evaluation), as a **NO** for Scenery Value.

In direct conflict with previous statements, the KNF Final EIS, page 477, Table 123, states that “Fisheries and Botany” are the “outstandingly remarkable” values found in all segments of Quartz Creek.

Pg 325 of the KNF Draft EIS, Table 72, shows the West Fork Yaak River, segments 1 & 2, as having “**Scenery & Recreation**” as the “**outstandingly remarkable**” values.

In direct conflict to this, The KNF Wild and Scenic Rivers - Initial Assessment for Eligibility (3/9/2005), shows the West Fork of the Yaak River as a **NO** for both Scenery & Recreation Values.

In direct conflict with previous statements, the KNF Final EIS, Page 478, Table 123 states that “Scenery and History” are the “outstandingly remarkable values found in all segments of the West Fork Yaak River

Pg 324 of the Draft EIS, Table 72, shows the Grave Creek System segments 1 thru 4 (including Stahl Creek, Clarence Creek & Blue Sky Creek), as having “**Scenery and History**” as the “**outstandingly remarkable**” values.

In direct conflict to this the KNF Wild and Scenic Rivers - Initial Assessment for Eligibility (3/9/2005), states that:

- * Grave Creek as a **NO** for both Scenery & History Values.
- * Stahl Creek as a **NO** for both Scenery & History Values.
- * Clarence Creek as a **NO** for both Scenery & History Values.
- * Blue Sky Creek as a **NO** for both Scenery & History Values.

In direct conflict previous statements, the KNF Final EIS, Page 477, Table 123 states that “Fisheries” are the “outstandingly remarkable” values found in all segments of Grave Creek.

Questions:

How is it possible that the “*outstandingly remarkable*” values of so many stream segments could have changed so drastically between the Initial Assessment for Eligibility and the writing of the KNF Draft EIS?

How is it possible that the “*outstandingly remarkable*” values of so many stream segments could have changed so drastically between the KNF Draft EIS and KNF Final EIS?

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. Taken From “National Wild and Scenic River, Final Revised Guidelines for Eligibility, Classification, and Management of River Areas. Federal Register, Tuesday September 7, 1982.

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.”

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.”

*“Study reports will be reviewed by other Federal agencies, states, **and the public as required by section 4(b) of the W&SRA.**”*

Our investigation of your Wild and Scenic proposal on the Bull River system finds the public was not properly notified. Here are the names and telephone numbers of just a few of the many who reside along the Bull River who feel you have let them down. Richard Haskins (406) 847-0036, Chad Peterson (406) 847-0400, Mickey Weare (406) 847-1947, Larry Kattrell (406) 847-0013, Kenny Bosker (406) 847-2782, Travis Bosker (406) 847-0078, Dave Nye of Big Horn Lodge, (406) 847-4676.

KNF 2013 Appendices FEIS, page 468, Public Comment 309 = Response: ***“The Forest Plan will not affect private property rights or values.”***

The wild and Scenic Rivers Act Sec 6 (g) states

(1) Any owner or owners (hereinafter in this subsection referred to as “owner”) of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them....

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

The wild and Scenic Rivers Act Sec 6 (b) states “...**Nothing contained in this section, however, shall preclude the use of condemnation when necessary** to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river...”

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act....”

The citizens of Sanders County have twice voted not to have Planning and Zoning in their County. With the placement of Wild and Scenic Rivers over the top of private property one can easily see where this is headed.

Solution:

The proposal for placing any part of the Kootenai River into Wild and Scenic status, we believe, will eventually lead to the removal of the Libby Dam. We recommend that you remove the Kootenai River from this status.

Also the plan should be altered to remove all streams listed above for Wild, Scenic and Recreational river consideration until such time as the KNF can provide an adequate explanation of the conflicts and questions identified above, and can provide a precise description of each stream segment's "*outstandingly remarkable*" value, as well as definitive evidence of why that value is "*a unique, rare, or exemplary feature that is significant at a comparative regional or national scale*". In addition, KNF representatives must reconnect with local landowners who will be directly affected by the implementation of this Plan.

Statement demonstrating the link between the objection and prior formal comments: SNRC assigned FEIS Appendices #312.

Signature:_____.

Send written objections to: USDA Forest Service, Objection Reviewing Officer, EMC RPC-6th Floor, Attn: Judicial and Administrative Reviews, 1601 N. Kent Street, Arlington, VA 22209.

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Statement of issues and/or parts of the plan revision which the objection applies:

We object to forest management proposals within the Kootenai National Forest Plan which violate the Multiple-Use Sustained Yield Act of June 12, 1960 (P.L. 86-517, 74 Stat.215), and/or the Federal Land Policy and Management Act of October 21, 1976 (P.L. 94-579,90 Stat. 2742, as amended)

Statement explaining the objection and how the proposed plan should be altered:

From Section 3 of the MUSYA - SEC. 3. 16 U.S.C. 530A *“In the effectuation of this Act the Secretary of Agriculture is authorized to cooperate with interested State and local governmental agencies and others in the development and management of the national forests.”*

During the process of formulating the land management proposals contained in the KNF Forest Plan the Secretary of Agriculture has not sufficiently cooperated with interested local government agencies in the development of the plan. The concerns voiced by Commissioners from Boundary County Idaho, Mineral and Lincoln County Montana along with Glen Lake Irrigation District, relative to the *“development and management”* of KNF lands were not sufficiently considered by the KNF during this process. Commissioners from Sanders County MT. are dead silent on the entire Plan. One would wonder if meaningful engagement with our local elected officials really happens?

From Section 2 of the MUSYA - SEC. 2. 16 U.S.C. 529 *“The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom.”*

The KNF’s proposals for MA1b, MA5a, and timber management, clearly to not adhere to the directive stated in the above paragraph.

From Section 1 of the MUSYA: That 16 U.S.C. 528 *“it is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.”*

Proposed Forest Management Policies in the KNF Forest Plan for MA1b - Recommended Wilderness and MA5a – Backcountry Non-motorized, and Timber Management,

effectively reduce outdoor recreation opportunities on those lands, and clearly DO NOT manage those acres for range, timber, watershed, wildlife or fish purposes.

From Section 4 of the MUSYA:

(a) *“Multiple use means: **The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources.**”*

(b) *“Sustained yield of the several products and services” means **the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.**”*

The “let it burn” fire management policies that would be implemented in MA1b and MA5a management areas are clearly not the most judicious use of land for some or all of the resources which are contained in those areas. In addition, the proposed timber management policies will fail to achieve and maintain in perpetuity a high level annual or regular periodic output of the timber resources on the KNF.

From Section 1 of the Federal Land Policy and Management Act of October 21, 1976.

*(7) **goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;***

The KNF’s proposals for MA1b, MA5a, and timber management, clearly do not adhere to the directive stated in the above paragraph.

Page 472 of the FEIS under Legal and Administrative Framework States: Federal Land Policy and Management Act of October 21, 1976 (P.L. 94-579, 90 Stat. 2742, as amended): This act declares (per Sec. 102) that *“...the public lands be managed in a manner that...will provide for outdoor recreation and human occupancy and use.”*

Proposed Forest Management Policies in the KNF Forest Plan for MA1b - Recommended Wilderness and MA5a – Backcountry Non-motorized, will effectively reduce “outdoor recreation opportunities” on those lands, as well as opportunities for “human occupancy and use.” These proposed management policies are a clear violation of the directives for management of these lands as stated in the language of the FLPMA.

It is obvious to SNRC members and most of the public in the KNF area that the motto *“Caring For The Land And Serving People”* along with that system **has been hijacked.** Example, the Noxon/Heron/Trout Creek High School and the Noxon/Heron Grade School enrolment has declined forty four percent in the last fifteen years. The number of freshman students is thirty-three and the number of first graders is fifteen. These management policies have devastated our communities, our economy and our way of life.

Proposed Solution

The KNF needs re-evaluate all forest management proposals including proposals to designate lands as MA 1b - Recommended Wilderness and MA5a – Backcountry non-motorized year long, and predicted timber volume. The plan should be altered to remove those management area proposals, which violated these Acts. The plan should also be altered to produce annual timber harvest volumes that will “achieve and maintain in perpetuity a high level of annual or regular periodic output of timber resources from the KNF.

Statement demonstrating the link between the objection and prior formal comments: SNRC assigned FEIS Appendices #312

Signature:_____.

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Statement of issues and/or parts of the plan revision which the objection applies:

We object to the wilderness proposal for management of the Scotchman Peaks, Roderick, and lands adjacent to the existing Cabinet Mountain Wilderness Area as MA 1b – Recommended Wilderness.

Statement explaining the objection and how the proposed plan should be altered:

The process of evaluating the Inventoried Roadless Areas are flawed as these areas do not meet the definition of Wilderness as described in The Wilderness Act of 1964. These areas DO NOT “*generally appear to have been affected primarily by the forces of nature with the imprint of man’s work substantially unnoticeable*”. When you evaluate historic aerial photographs you can clearly see both roads and past management activities (including numerous timber harvest units) in all of these area. Considering this FACT, regardless of whether or not the Forest Service has taken these roads out of their data base, and off the map, they still exist. Therefore, these areas should not have been considered for “Roadless” evaluation.

Example, Scotchman Peaks “as it is called today” in Idaho and Montana. The Montana side has at least twelve roads in it in various conditions of disrepair to say nothing of the mining claims that have existed there. It has roads because it has been logged. In the late eighties there were bulldozers on top to assist in firebreaks.

The Record of Decision for the 2013 Kootenai Forest Plan Revision states “*the Roderick Area’s proposal for Recommended Wilderness management has the support of a local stakeholder group*”. This is not true. Several members of the above referenced stakeholder group including Lincoln County Commissioners and F.H. Stolze Lumber Company do not support this proposal.

Also if the lands adjacent to the existing Cabinet Mountains Wilderness Area truly possessed the wilderness characteristics as defined in the Wilderness Act, why were they not included in the original designation of Wilderness for that area? Considering the FACT that these lands were not included in the original designation one can only conclude that these areas DO NOT possess the wilderness characteristics as defined in the Wilderness Act.

The population centers located in or near the KNF Recommended Wilderness Area has, according to the USFS Northern Region Wilderness Needs Assessment (2003) “*a low need for more wilderness acres*”. The population centers have a total of 1,704,141 acres of Congressionally designated wilderness near by. They are the Bob Marshall =1 million plus acres, Great Bear =286,700 acres, Scapegoat = 239,936 acres, Mission Mountains = 73,877 and the Cabinet Mountains =94,272 acres. Montana already has fifteen Congressionally designated Wilderness sights totaling 3,443,407 acres of non productive land. According to the Wilderness Needs Assessment as defined by Region 1 of the Forest Service “*any population center with 1 million or more acres of Congressionally designated wilderness has a low need for more wilderness.*”

If Climate Change were coming as described in the LNF documents, why would the Forest Service attempt to establish more off limit areas for fire suppression? There are many reminders of the 1910 disaster all around the inland northwest. Have we forgotten?

Catastrophic wildfires in the Whitefish Divide area would negatively impact municipal water supplies. A local expert (USFS Fire Ecologist Steve Barrett), in fire ecology has stated that the portion of the Whitefish Range contained within the Whitefish Divide area is “overdue for a large scale and high intensity fire event”. Considering that the Whitefish Divide Recommended Wilderness Area is within the town of Eureka Montana’s and Glen Lake Irrigation District’s municipal watershed, management of this watershed with the “let it burn” fire management policy that is applied to Wilderness Areas is unacceptable. When this fire event occurs, (See Steve Barrett reference), the Kootenai National Forest would be in violation of the Endangered Species Act, as well as numerous policies related to the conservation of threatened and endangered species.

Proposed Solution

Page 443 of the FEIS States:

36 CFR 219.27(b): Special Designations - (b) Wilderness Area Reviews states: “*Unless federal statute directs otherwise, all undeveloped areas that are of sufficient size as to make practicable their preservation and use in an unimpaired condition must be evaluated for recommended wilderness designation during the Plan revision process.*”

The KNF needs to re-evaluate all areas currently classified as Inventoried Roadless, and remove all acres within these areas that have forest roads in them. Once this process has been completed, new boundaries and acreage figures need to be defined for all the true “roadless” areas that have been identified. A Wilderness suitability assessment can then be completed on those re-defined Inventoried Roadless areas, which are truly roadless.

The KNF LMP (Alternative B Modified) map is extremely insufficient in that it has no Forest Service roads or markers to identify areas of interest. **If the Forest Service were to present this map to the U. S. Congress to justify more wilderness, it should be considered extremely deceitful at best.** We highly recommend that this map be assembled properly for all to view and understand.

Statement demonstrating the link between the objection and prior formal comments: SNRC assigned FEIS Appendices #312.

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Statement of issues and/or parts of the plan revision which the objection applies:

We object to the adoption of the “Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones” Record of Decision (with its road closures and road density standards intended to protect grizzly bears) into the Kootenai Forest Plan.

Statement explaining the objection and how the proposed plan should be altered:

ROD 2011, Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones, page 3, par 2

“In 2001, the Forests settled the lawsuit with Alliance for the Wild Rockies by agreeing to amend their Forest Plans to address grizzly bear habitat management. The LNF, though not named in the lawsuit, was included in the planning process in order to make conforming amendments to its own Forest Plan and to provide consistent management direction throughout the Cabinet-Yaak Recovery Zone. In compliance with the settlement agreement, the Forests released an FEIS in March 2002. On March 24, 2004, the Record of Decision was signed that amended the Forest Plans for the KNF, LNF, and IPNF.”

SNRC considers the above out of court settlement a flagrant violation of the public trust by a government agency, as we have no access to the details of this settlement, and the public had no say in its terms.

ROD 2011, Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones, Page 3 par 4

“...On December 13, 2006, the Court ruled in favor of the Forest Service and USFWS on most issues, but against them on one issue in the lawsuit brought by the Cabinet Resource Group, Great Bear Foundation, Idaho Conservation League, Natural Resources Defense Council, and Selkirk Conservation Alliance. As a result, the District Court ordered that the 2002 FEIS and 2004 Record of Decision be set aside as contrary to law and that the matter be remanded to the Forest Service for preparation of a new environmental analysis that complied with 40 CFR 1502.22 (a) and (b). Specifically, the court held that the analysis must: (1) acknowledge that study authors Wakkinen and Kasworm were uncertain whether the bears they studied had chosen optimal habitat or whether they simply chose the best habitat available, (2) must take into account the misgivings of the

USFWS biologists over the 33/26/55 standards, (3) must consider the findings of other studies measuring habitat parameters in other ecosystems, ...”

SNRC is surprised and disappointed that the Forest Service did not comply with Courts Orders. The Forest Service knows that the Wakkinen and Kassworm system is inaccurate and out dated at best. We totally disagrees with the methods used to determine road closures. In spite of all the warnings and appeals the Forest Service goes their mary way not caring about the damage done to local communities.

The Wilderness Act (16 U.S. C. 1131-1136).page 3: Publication in Federal Register. (A) “give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;” The papers the Forest Service advertises in are 100 to 140 miles from our local area. We have to take your plans very seriously as they affect us all the way from our daily lives to real-estate values.

Proposed Solution

Scrap the obsolete Wakkinen and Kassworm system and start over using real GPS science. Listen to professionals like Paul C. Fielder, Certified Wildlife Biologist (his report attached) and correct your course of action before it costs the taxpayers additional losses in the forum of more lawsuits.

Connect with local citizens who are most affected by your plans. Do it through local papers and meaningful dialog. (See attachment by Senator Jennifer Fielder)

Statement demonstrating the link between the objection and prior formal

comments: SNRC filed an appeal on November 24th, 2011 with the Appeals Deciding Officer, USDA U.S. Forest Service Northern Region, P.O. Box 7669, Missoula, MT 59807. (Appeal attached) SNRC assigned FEIS Appendices #312.

Signature:_____.

Send written objections to: USDA Forest Service, Objection Reviewing Officer, EMC RPC-6th Floor, Attn: Judicial and Administrative Reviews, 1601 N. Kent Street, Arlington, VA 22209.

Send electronic objections to: objections-chief@fs.fed.us