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Objection Topic: Land Management Plan, 2013 Revision, Kootenai National Forest

Responsible Official: Faye Krueger, Regional Forester, Northern Region

Summary of Objection

The Kootenai National Forest final revised land management plan and Draft Record of Decision (ROD) fails to adequately identify, quantify, or propose management standards and guidelines for wildlife corridors and linkage zones within the KNF and adjacent jurisdictions, including to Canada, the Flathead National Forest, Idaho Panhandle National Forest, and Lolo National Forest. These deficiencies will result in inconsistent management of the KNF and to delayed, impaired or counterproductive recovery of the grizzly bear in particular. We recommend as a viable, achievable, and prudent measure the designation of a Linkage Zone Management Area (MA) for linkage zones within the KNF and between adjacent jurisdictions.

We raised these issues in our comment letter of May 14, 2010 (Defenders of Wildlife) and March 30, 2012, and May 4, 2012 (Headwaters Montana).

BACKGROUND

Grizzly bears are listed as a threatened species under the Endangered Species Act. Among the existing grizzly bear populations identified by the U. S. Fish and Wildlife Service, those in the Selkirk and Cabinet-Yaak recovery zones are the least viable. According to the Biological Opinion (BiOp), 'metapopulation theory directs that connectivity is the best long-term conservation practice to increase the resiliency, redundancy, representation, and overall probability of persistence of remaining grizzly bear populations in the lower 48 States' (citing Boyce 2000, pp. 6-242-243). Moreover, with regard to these populations of grizzly bears, 'interchange of bears is ultimately dependent on creating and/or maintaining effective habitat linkage zones between the Yaak and the Cabinet Mountains (citing USFWS 2006a, p. A-17), as well as between the NCDE and CYE.' One of six conservation measures necessary to achieve grizzly bear recovery is to 'Enhance population linkage across Highways 2, 3, 200, 135, and 95.'

The continued existence of grizzly bear populations on these national forest lands thus depends to a large degree on a coordinated, strategic management of grizzly bear linkage areas across lands owned and managed by many different parties. The Forest Service must do what it can to promote connectivity in these linkage zones.

Strategic land use planning for national forest lands must be conducted in accordance with the National Forest Management Act planning process. Under the 2000/1982 planning regulations, a plan must contain 'multiple-use prescriptions and associated standards and guidelines for each management area ...' (36 CFR 219.11(c)). A management area is defined in the agency planning directives as 'an area with similar management objectives and a common management prescription' (FSM 1905(44)). Maps of management areas are required (FSM 1922.21(5)). Management prescriptions may also be applied to the entire national forest.

NFMA requires that each national forest be managed to provide for diversity of plant and animal communities. The 1982 planning regulations require habitat to be managed for viable populations of native vertebrate species in the planning area (36 CFR 219.19). This habitat must be able to support a minimum number of individuals and their habitat must be well distributed so that reproductive individuals can find each other.

The planning regulations also require that each plan include objectives that provide for recovery of threatened and endangered species. Where appropriate, conservation measures must include 'the designation of special areas to meet the protection and management needs of such species' (36 CFR 219.19(a)(7)). The grizzly bear recovery plan stresses the importance of connectivity, and recent efforts by the Interagency Grizzly Bear Committee that oversees the recovery plan have focused on identifying important linkage areas to be conserved.

Both NEPA and ESA require that the effects of the revised plan on grizzly bears be determined. NFMA requires that these effects be evaluated in terms of its diversity and viability requirements. ESA requires a determination of whether the effects of plan decisions will jeopardize the species. These analyses require a clear presentation of the plan's decisions and where they apply in relation to important habitat – in this case linkage areas.

THE PLAN INADEQUATELY DEFINES AND CONSERVES LINKAGE AREAS

This forest plan's approach to managing linkage areas is almost non-existent. It fails to identify what areas will be managed as linkage areas, and to the extent it vaguely suggests such areas, and how they might be managed, it fails to map them as management areas.

It is important to distinguish two ways of looking at linkage areas. One focuses on vegetative connectivity, typically in terms of composition and structure. The plan glossary defines connectivity as occurring where 'similar habitats are either close together or linked.' For species that need a certain kind of vegetative habitat, such as habitat with old growth characteristics, that habitat must be distributed in ways that allow movement of individuals from one patch of it to another. The focus is primarily on vegetation conditions within the boundaries of the national forest.

The other focuses more broadly to also include physical human-created barriers. 'Linkage areas' are defined in the plan glossary as, 'The area between larger blocks of habitat where animals can live at certain seasons and where they can find the *security* they need to successfully move between these larger habitat blocks.' In the context of the plan, linkage areas are where animals must cross from one block of national forest to another. Security depends on both vegetation and the degree of human development and use.

Much of the plan documentation does not make this distinction. It reflects a view that most connectivity concerns can be addressed by vegetation management strategies. For linkage areas, the proposed plan will do the following:

There is a forest-wide desired condition of 'contributing to wildlife movement within and between national forest parcels.'

If and when a linkage area is identified through 'interagency coordination,' there will also be a desired condition to 'consolidate' federal landownership in 'approach areas.' 'Approach areas' are areas on public lands, adjacent to wildlife crossings, that *will be managed to facilitate animal movements*. (They are therefore a management area that only exists where there are current crossing structures.)

Future crossing structures are encouraged (but not required) 'where necessary to contribute to connectivity of wildlife populations.'

If and when a new crossing structure is built, management of national forest lands within one quarter mile may (not must) be changed to 'not prevent wildlife from using the crossing features.' (Changing national forest management would require a plan amendment, so that direction cannot be considered part of the currently proposed plan.)

In such areas, vegetation will not be managed differently than anywhere else on the Forest.

To summarize, the design of the proposed plan is that after the plan is adopted, some undescribed process involving unknown parties at some unknown future time may determine where to put crossing structures, and the national forest near these areas may receive minimal additional protection if the plan is then amended. Meanwhile, it is not known what areas these might be, and therefore where 'contribution to wildlife movement' should occur as national forest management actions are proposed.

The plan contains no maps of linkage areas (nor does it identify any existing crossing structures). It does include extensive references to 'wildlife movement' being a desired condition in vaguely defined portions of the geographic areas, but it would be difficult to determine exactly where the desired conditions would apply. Although these include some references to roads, there is no mention of linkage areas in these descriptions.

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. The most plausible assumption to make is that linkage areas will never be specifically identified and will be managed the same as the rest of the management area they are found in.

THE PLAN WILL LEAD TO LINKAGE AREA DISTURBANCE

There is strong direction in the plan for activities that may adversely affect connectivity in linkage areas. For example, there is an objective of treating vegetation on 250,000 acres of the Forest. Much of that will probably occur on the periphery of the Forest where linkage areas are found (for example there is an objective that focuses fuel treatment on the WUI). There is also an objective to annually offer 47.5 MMBF of timber for sale, and linkage areas may be suitable for timber production. There is nothing in the plan that establishes a standard that ensures habitat security in linkage areas will not be lost due to management for developed sites or motorized use.

EFFECTS OF PLAN DECISIONS

The EIS states that grizzly bear management is usually based on three themes. One requires large areas of habitat that are connected, but the EIS says very little about how the plan will affect the connections defined as linkage areas. A second theme focuses on minimizing human interactions with grizzly bears. The plan provides no direction to emphasize this on national forest lands in linkage zones where they are in closest proximity to human populations.

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 states that direction for linkage areas will reduce the impacts of roads on connectivity. It adds that all of the action alternatives maintain options to address 'wildlife crossing concerns as they develop.' It fails to disclose that direction for linkage areas may never be applied if no one ever proposes a highway crossing structure; the plan direction clearly does not 'maintain options.' Appropriate management of linkage areas is probably more important to grizzly bears in the absence of crossing structures.

The EIS credits access management direction in BORZ areas with reducing potential impacts of roads on connectivity. Because neither the plan nor the EIS identify linkage areas, it is not clear how this conclusion about BORZ areas was reached. In any case, BORZ areas are much larger than linkage zones, are not based on connectivity considerations, and would not necessarily address connectivity issues in linkage areas.

For cumulative effects, the EIS states that, 'Areas between recovery zones were evaluated for connectivity effects.' While the Forest Service has no authority for such actions, it may influence them by its own actions – or inactions. There is no discussion of the effect of the Forest Service decision in the plan to wait for construction or reconstruction of highways before it manages linkage areas for connectivity.

The EIS concludes that, 'Connectivity will be improved/maintained under the revised Forest Plan.' This statement does not distinguish between connectivity that may be improved by access management or other direction outside of linkage areas and connectivity that may be lost by deferring identification of linkage areas to outside parties.

The ERG Wildlife Habitat Assessment does evaluate 'corridors' identified by American Wildlands. ERG recognizes that low road densities and low levels of human activities are important to connectivity; however, it acknowledges that its analysis consists entirely of vegetation conditions. Moreover, it focuses exclusively on 'the persistence and

recruitment of large-tree-dominated stands,' habitat that is not particularly germane to grizzly bears.

There are frequent references to additional supporting documentation in a different 'wildlife specialist's report,' but no such report was included on the website. While the EIS specifically refers to this document for maps of lynx linkage areas, and grizzly bear BMUs and BORZ areas, it does not indicate areas important as linkage for grizzly bears were ever mapped.

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 BiOp provides the most detailed discussion of linkage areas and how they *should* be managed:

“The Forest does have the capacity to ensure habitat conditions in the approach areas to linkage zones support continued use of existing areas of linkage and at future crossing structures. The KNF also manages lands on either sides of highways and can enhance the potential for bears to cross by maintaining high quality habitat, including cover, for grizzly bears.”

However, the BiOp apparently fails to recognize that the plan does not do these things or that the plan does not map or sufficiently characterize these important areas.

There is no provision to maintain linkage areas because they have not been identified in the plan. The plan also explicitly states that there will be no direction to manage such areas (if and when they are identified) specifically for vegetative cover. The BiOp cites the guidelines and desired conditions for these non-existent linkage areas throughout its effects analysis. It also attaches much more significance to management of BORZ areas in support of connectivity than the Forest Service does. The Forest Service stated only that, 'Some of these BORZ polygons lie between the NCDE and the Cabinet-Yaak (and therefore *could* contribute to connectivity)' (emphasis added to demonstrate that no actual analysis was done). Therefore the conclusion in the BiOp that the plan would support conditions in linkage areas is based on a misunderstanding of the action subject to consultation.

Finally, 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.

'RESPONSE TO COMMENTS' INADEQUATE

The responses to comments rely heavily on the missing 'wildlife specialist's report.' The wildlife specialist report should have been included as part of the public record for this decision.

The Forest Service has defended the adequacy of its direction for linkage areas in its response to public comment number 439 (Appendix G). They respond that the plan commits the agency to managing for connectivity in linkage areas, even though it neither identifies their location nor provides the kind of protective management the BiOp says is needed. The response generally fails to distinguish linkage areas from connectivity in general, backcountry from cross-boundary linkage issues, and vegetation conditions from the security that is important in linkage areas.

The Forest Service seems to believe that the only thing that is important to connectivity is the 'natural disturbance process,' and that linkage locations may change, when in fact remaining linkage areas between large blocks of habitat are more likely to be defined by (the absence of) permanent human developments. The BiOp indicates that locations of linkage areas are well known, for example mentioning actions taken by other parties to conserve lands in linkage areas. It also cites Kasworm for the conclusion that, 'Generally, habitat conditions on NFS lands *within linkage zones* currently contribute to connectivity and linkage within the CYE population and between the recovery zones.' The contrary Forest Service position that linkage areas are not known and may change indicates that the agency doesn't really understand the role and importance of linkage areas.

The response to comments asserts that maps of suggested linkage areas were submitted by the public (Headwaters Montana, comment letter dated May 4, 2012), and effects on them were evaluated. The response also indicates that GA direction overlaps linkage areas from ongoing research, and concludes that plan direction for these areas is 'consistent with' these linkage studies. None of this analysis was provided, but (for example) if linkage areas are managed for timber production they would *not* provide the vegetation conditions or human activity levels needed to promote connectivity (the reference to the ERG report for the reverse proposition is not appropriate, as described earlier).

The Forest admits that, 'The direction in the revised Forest Plan allows the KNF to cooperate and *respond to* any interagency/multi-landowner efforts to address connectivity issues.' This is instead of taking the proactive approach required by NFMA to manage its lands to provide habitat for viable populations of grizzly bears.

HOW THE PROPOSED PLAN DECISION MAY BE IMPROVED

We request that the KNF define a Linkage Zone Management Area, map linkage zones within the KNF and between adjacent jurisdictions based on agency knowledge and USFWS and public input.

At a minimum, the Forest Service (and FWS) must properly analyze the effects on connectivity from national forest lands across other ownerships by overlaying the plan's management areas on the areas most important to this connectivity. These have been defined as linkage areas. Therefore the Forest Service must use the best available science to determine which linkage areas (from the suggestions provided by research, FWS, the public or areas with existing connectivity conservation efforts) it considers important to this evaluation and map them.

The evaluation must acknowledge areas where the management area direction may conflict with the forest-wide desired conditions for wildlife movement, and make it clear how these conflicts will be resolved, before it evaluates effects. The evaluation must also acknowledge that the only places that will be managed specifically as linkage areas are those where there are existing crossing structures (and there appear to be none). The likelihood of future structures and plan amendments is unknown and cannot be assumed (whereas designation in the plan could be assumed to have beneficial direct effects and some indirect effects by influencing others).

The Forest Service must complete a viability analysis for grizzly bears and include an explanation of how management of linkage areas contributes to or detracts from habitat for a viable population. It must also demonstrate how management of linkage areas conserves and recovers grizzly bears by implementing the grizzly bear recovery plan.

After completing these required analyses, the Forest Service should find that it must provide more specific and proactive guidance for management of linkage areas. Areas to be managed as linkage areas should be defined and identified in the plan itself. Regardless of whether they are labeled as management areas, a map of areas to be managed for linkage should be included. Management direction for these areas should provide security, similar to what is provided in grizzly bear core areas (including not being suitable for timber production). In order to 'insure' that grizzly bears' 'continued existence is well distributed in the planning area' (36 CFR 219.19), this direction must be in the form of mandatory standards that prohibit activities and developments detrimental to connectivity.

The following recommendations made in our comments on scoping in 2010 should be adopted: "(W)ildlife linkages should have a road density of no more than 0.25 mile/square mile, limited developed sites, no logging (except for restoration treatments), no vehicle or mountain bike use off of designated roads and trails, and no

new road construction. Where wildlife linkages are known to intersect with main roads, linkages should include wildlife-dedicated crossing structures that allow wildlife to cross the road safely. This will be a benefit to motorist and visitor safety as well. Management guidelines in wildlife linkages should be informed by the needs of specific target species. Wildlife linkages should be targeted for habitat restoration as appropriate.”

CONCLUSION

Given the unquestioned importance of connectivity to these grizzly bear populations, the management direction in the forest plan provides insufficient recognition and protection of linkage areas to meet NFMA requirements for grizzly bear viability and recovery. In addition, the disclosure of effects under NEPA and ESA fails to account for the uncertain future of important linkage areas that have not been adequately identified.

The FS is responsible for meeting NFMA requirements on national forest lands. There is no reason why the FS can't identify the areas where it believes connectivity is important to grizzly bears, and include plan direction for how it will manage national forest lands in such areas to protect grizzly bears; NFMA requires it to do so. (The plan does identify linkage areas for Canada lynx and provides specific direction for them.) Unlike the current plan's approach that would wait until others choose to act (if ever) before protecting connectivity for grizzly bears on the national forest, NFMA requires that the plan preserve existing connectivity in the planning area (at least until such time as it is foreclosed by actions of others). To the extent that the Forest Service believes that it has already identified management areas for linkage (through its vague GA descriptions), it has not provided the required management area maps.

Providing such direction and mapping linkage zones as a separate MA would have no direct effect on adjoining lands. However, by adopting this strategic position in its land management plan, the Forest Service may indirectly contribute to focusing discussion among the various parties that will be needed to fully secure useable habitat for grizzly bears in linkage areas. Other species would certainly benefit from this as well, increasingly so as climate change occurs.

The degree to which the Forest Service demonstrates leadership by how it manages its own lands may strongly influence the actions of others to conserve grizzly bears. The hoped-for result is that coordinated management of connectivity will occur, and grizzly bears will continue to be found and to flourish in the parts of these ecosystems managed by the Forest Service. NFMA requires the Forest Service to give this outcome its best shot in its long-term management plan. The current plan fails to meet this requirement.

Thank you for the opportunity to submit these objection comments.

A handwritten signature in black ink that reads "Peter Nelson". The signature is written in a cursive style with a long horizontal line extending from the end.

Peter Nelson, Senior Policy Advisor for Federal Lands
Defender of Wildlife

A handwritten signature in black ink that reads "Dave Hadden". The signature is written in a cursive style with a long horizontal line extending from the end.

Dave Hadden, Executive Director
Headwaters Montana