

2013 Kootenai Forest Plan Revision Objection

Objectors Name: Montanans for Multiple Use – North Lincoln County Chapter.

Address: P.O. Box 259 Fortine, MT 59918

Phone # or E-mail address: montanansformultipleuse@gmail.com

Name of lead objector (if more than one): Scott Mattheis - President

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

Kootenai National Forest Land Management Plan 2013 Revision.

Responsible Official: Faye L. Krueger – Regional Forester, Northern Region.

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

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.

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

Reason #1

Page 18 of the Draft ROD states; “As shown by the 2011 Forest Plan Monitoring and Evaluation Report, the Forest has increased the number of miles of roads with prohibition from 1,669 miles in 1987 to 5,041 miles in 2011. This reflects a change from 27 percent of the roads in 1987 having some form of prohibition to 64 percent of roads in 2011”.

and

“The reasons for the unanticipated prohibitions include additional wildlife habitat security measures, to decrease potential sedimentation, and to improve hydrologic condition.”

Although we understand how seasonal road closures can be utilized to “improve wildlife habitat security” (many road closures during big game hunting season make perfect sense), and to decrease potential sedimentation and improve hydrologic condition (there is no doubt that certain roads should not be open when the road bed is saturated with water), we do not believe that the KNF can justify many of the existing or proposed seasonal or year long road closures based on these resource issues. There is absolutely NO science which supports many of the currently existing and proposed seasonal or year long road closures. In the vast majority of cases, allowing citizens access to roads during the months of June, July, and August, will have absolutely no negative implications for wildlife security, sedimentation, or hydrologic condition. In addition, we do not believe that the KNF has conducted a proper NEPA analysis for many of the current and proposed road closures.

Reason #2

Page 19 of the Draft ROD paragraph 4 states; “Alternative, B Modified, provides a balance to accommodate reasonable assurances of motorized and nonmotorized recreation choices, while protecting forest resources. Alternative B Modified does the following:

Allows over-snow vehicle use on 86 percent of the Forest. This is a change from 88 percent under the 1987 Forest Plan

We respectfully disagree that "Alternative, B Modified, provides a balance to accommodate reasonable assurances of motorized and nonmotorized recreation choices, while protecting forest resources"

What the KNF fails to understand is that 86% of the KNF is not "quality snowmobile habitat". To the contrary 10% or less of the KNF would be considered by snowmobilers as "quality riding areas". So, although it appears to KNF officials and others who do not understand the concepts discussed above, that snowmobilers are only losing 2% of the available riding area in the Alternative B modified proposal, in actual fact they are losing closer to 20% of the quality riding area available on the KNF. Given the fact that there is no science which definitively that snowmobiling is detrimental to any of the aforementioned "forest resources" present on the KNF, including threatened and endangered wildlife species, these management proposals are simply unacceptable.

Reason #3

Page 246 of the Final EIS states; "Negative impacts on grizzly bears are primarily limited to the den emergence period (basically the month of April), particularly for female bears with cubs of that year. There is the **potential** of separating a mother and cub, which could result in cub mortality, **although such effects have never been documented and there are no known scientific papers supporting this potential impact.**"

Given the small population size of grizzly bears, the overlap of less than 10 percent of modeled denning habitat in the CYRZ, and the seasonally-declining numbers of snowmobilers by April of each year, **the probability of a snowmobile encountering a female with cubs using a particular patch of denning habitat is low** (page A-43 in USFWS 2011c – information cited in USFWS 2011c is from the 2009 draft supplemental EIS for the Access Amendment).

"Our best information suggests that **current levels of snowmobile use are not appreciably reducing the survival or recovery of grizzly bears.**" The NCDE population has been increasing and is likely headed towards delisting, so current levels of over-snow motorized use does not appear to be preventing the population from recovering. Also in the 5-year review, USFWS stated, "**We found no studies in the literature specifically addressing the effects of snowmobile use on any denning bear species and the information that is available is anecdotal in nature [FWS 2002]**" (page 36 in USFWS 2011b).

Page 252 paragraph 3, under Motorized Over snow vehicle use states; "Under the action alternatives, FW-DC-WL-01 states that dens for threatened and endangered species are relatively free of human disturbance when they are in use. FW-DC-WL-01 is supported by **FW-GDL-WL-01 which restricts activities during spring emergence (4/1-5/1) where predicted denning habitat occurs.**

And

FW-STD-WL-05 states that no grooming of snowmobile routes in grizzly core habitat will occur in the spring after April 1 of each year. This will reduce the chance that disturbance could occur during spring emergence due to snowmobile

use. Combined, this direction results in the lowering of the likelihood that over-snow vehicle use will disturb grizzly bears during spring emergence.

Page 257 of the Draft EIS states; **"The acreage available to designate routes/areas for motor vehicle use and over-snow motorized use would decrease under Alternatives B Modified and C compared to existing conditions; "**

So, despite the fact that: The **potential** of for snowmobiles to separate a mother and cub, **has never been documented**, and there are **no known scientific papers supporting the potential impact**, and even if the potential event did occur, **it may or may not result in cub mortality**, and the **probability of a snowmobile even encountering a female with cubs using a particular patch of denning habitat is low**, and your best information suggests that **current levels of snowmobile use are not appreciably reducing the survival or recovery of grizzly bears**, and the KNF found **no studies in the literature specifically addressing the effects of snowmobile use on any denning bear species**, the KNF is proposing more restrictive management policies on both snowmobiling, and trail grooming. We object to the total lack of science used to support this management proposal.

Reason #4

Page 224 of the FEIS states; With the advancement in snowmobiles and increase in winter recreation on the Forest there has been an increase in snowmobile use throughout lynx habitat. Motorized vehicle access management strategies for grizzly bear were analyzed (USDA 2011). **There will be lower levels of motorized vehicle access and an increase in the amount of core (secure) habitat which in turn would potentially provide higher levels of security for lynx.**

So, we should restrict over the snow vehicle use in certain areas because "lower levels of motorized vehicle access could **potentially** provide higher levels of lynx security" This is a joke! Given the total lack of science to support these proposed management policies we do not believe that the KNF can adequately justify these restrictions.

Proposed Solution

The KNF needs to re-evaluate all existing and proposed year long and seasonal road closures. Unless the KNF can provide definitive scientific evidence that resource damage in the form of damage to wildlife, sedimentation, or damage to hydrologic condition, roads should be re-opened either year long, or for the months of June, July, and August. The KNF also needs to re-evaluate any proposals which reduce recreational access to snowmobiles, and rescind all proposals which would further restrict snowmobile access to KNF lands.

Statement demonstrating the link between the objection and prior formal comments:

Our comments specifically addressed this issue. In addition, our comments were recognized in the Response to Public Comments in category #101, and #112.

Signature: Scott Matthews

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

Kootenai National Forest Land Management Plan 2013 Revision.

Responsible Official: Faye L. Krueger – Regional Forester, Northern Region.

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 Executive Order #13575, dated June 13, 2011.

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

The reasons for this objection are this:

Reason #1

Executive Order #13575 created a rural economic council which is chaired by the Secretary of Agriculture. The mission and function of that council are stated below.

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. The Council shall:

(d) identify and facilitate rural economic opportunities associated with energy development, outdoor recreation, and other conservation related activities.

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 Lincoln and Sanders 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.”

The forest management proposals contained in the final KNF plan for MA1b, MA5a, and timber management are in clearly violate the provisions of EO#13575 as stated above.

Proposed Solution

The KNF needs to 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: Our comments (#324), clearly addressed this subject.

Signature: _____

Scott Matthews

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Responsible Official: Faye L. Krueger – Regional Forester, Northern Region.

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

We object to the process and protocol which were utilized to designate Inventory Roadless Areas (IRA's) in Region 1 of the Forest Service, and on the KNF. We also object to the evaluation process for wilderness characteristics applied to the IRA's currently designated on the KNF.

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

The reasons for this objection are this:

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.

Reason #1 – Examination of historic aerial photographs for many of the Inventoried Roadless Areas currently present on the KNF will clearly show the existence of forest roads, and in many cases, timber harvest units. Forest roads and timber harvest units should be considered both development and impairment for these areas.

2001 Roadless Area Conservation Rule (36 CFR 294 Subpart B): The 2001 Roadless Rule establishes prohibitions on road construction, **road reconstruction**, and timber harvesting on inventoried roadless areas on NFS lands.

Reason #2 – It should be impossible to have considerations made for road reconstruction in a true roadless area.

Inventory of Roadless Areas for Forest Plan Revision

When revising forest plans, national forests are required to evaluate **roadless** areas, consider their wilderness characteristics, and to make recommendations to Congress regarding areas suitable for inclusion into the National Wilderness Preservation System.

Reason #3 – Note the emphasis shown on the word "roadless". Many of the areas currently designated as Inventoried Roadless Areas on the KNF are not "roadless". (See explanation provided in reason #1).

The first step in the evaluation of potential wilderness is to identify and inventory all **roadless** areas within NFS lands that satisfy the definition of wilderness found in section 2(c) of the 1964 Wilderness Act.

Criteria for determining whether an area of NFS land qualifies as an IRA are provided in Forest Service Handbook 1909.12 (71.1), which states: "Areas qualify for placement on the potential wilderness inventory if they meet the statutory definition of wilderness. Include areas that meet either criteria 1 and 3, or criteria 2 and 3 below.

Evaluation Criteria #3 states:

3. Areas **do not contain forest roads** (36 CFR 212.1) or other permanently authorized roads, except as permitted in areas east of the 100th meridian."

Reason #4 – Note the emphasis shown on the word "**roadless**" in the first paragraph, and the "**do not contain forest roads**" requirement for evaluation criteria #3. Areas which contain forest roads, and timber harvest units clearly do not meet the definition of wilderness found in section 2(c) of the 1964 Wilderness Act.

Proposed Solution

The KNF and Region 1 of the USFS need to re-evaluate all areas on the KNF currently classified as Inventoried Roadless, and remove all acres within these areas which 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 which have been identified. A Wilderness suitability assessment can then be completed on those re-defined Inventoried Roadless areas, which are truly roadless.

Statement demonstrating the link between the objection and prior formal comments: Our comments (#324), clearly addressed Wilderness and Inventory Roadless Area evaluation.

Signature: Scott Matthews

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Responsible Official: Faye L. Krueger – Regional Forester, Northern Region.

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:

The reasons for this objection are this:

Reason #1

From Section 1 of the MYSYA: 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.

Reason #2

From Section 2 of the MYSYA - 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.

Reason #3

From Section 3 of the MYSYA - 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 both Lincoln County and Glen Lake Irrigation District, relative to the **"development and**

management” of KNF lands were not sufficiently considered by the KNF during this process.

Reason #4

From Section 4 of the MYSYA: “(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.

Reason #5

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 to not adhere to the directive stated in the above paragraph.

Reason #6

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.

Proposed Solution

The KNF needs to 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 by reducing outdoor recreational opportunities on NFS lands. 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: Our comments (#324), clearly address issues with the KNF's interpretation and violation of these Acts.

Signature: Scott Matthews

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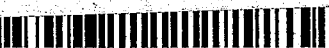
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FROM:

Montanans for Multiple USE
North Lincoln County Chapter
Scott Matthews (President)
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TO:

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