



File Code: 1570
Route To:

Date: July 11, 2018

Subject: Objection Response for the Flathead National Forest Land Management Plan
Revision's Species of Conservation Concern

To: Regional Foresters, Northern Region

This is my response to the objections regarding the identification of Species of Conservation Concern (SCC) related to the final Environmental Impact Statement (EIS), draft Record of Decision (ROD), and the revised Land Management Plan (revised Plan) for the Flathead National Forest filed by Friends of the Wild Swan, Defenders of Wildlife, Alliance for the Wild Rockies and Wild Earth Guardians.

In addition to the four objections submitted and accepted, there were six requests from interested persons. Each objector and interested person will receive notification of my response. The final objection response is available on the Web site at <http://www.fs.fed.us/objections> and listed under Region 1 – Northern Region, or hard-copy, upon request.

Background

The Flathead National Forest *1986 Forest Land and Resource Management Plan* (Forest Plan) is being revised under the 2012 planning rule requirements. The Flathead National Forest staff provided documentation, rationale and public outreach for a potential SCC list provided as part of the *2014 Assessment of the Flathead National Forest*.

The Regional Forester sent a memorandum with a list of SCC for the Flathead National Forest's draft revised Plan and draft EIS to the Flathead National Forest Supervisor on May 25, 2016. The list was developed by biologists, botanists, and other resource specialists from the Regional Office and Flathead National Forest using best available scientific information, including expertise offered by regulatory agencies and tribal, research, and conservation communities. In the memorandum, the Regional Forester noted the identification of SCC is a dynamic process. New scientific information and public input may prompt changes in the SCC list for the final EIS and final revised Plan. The public had a chance to comment on the SCC list during the 90-day comment period for the Draft EIS.

On November 28, 2017, a memo was sent from the Regional Forester to the Flathead National Forest Supervisor with the final SCC list for the Flathead National Forest's final revised Forest Plan. The updated list removed fisher, harlequin duck, Townsend's big-eared bat, and west slope cutthroat as SCC. A plant species, Hudson's Bay bulrush, was added.



The responsible official for the SCC list is Leanne Martin, Regional Forester, Northern Region. The Reviewing Officer for the SCC objection is the Interim Chief of the Forest Service. Associate Deputy Chief Christopher B. French has been delegated authority and is representing Interim Chief Victoria Christiansen.

Review and Consideration of Objection Issues

I convened a review team to look at the objection issues and the project record related to identification of SCC. On April 12, 2018, I took part in the Flathead National Forest revised Plan objection resolution meeting being held in Kalispell, Montana. The information and conversations that occurred during the discussion of SCC objection issues was also used to inform my decision. I have enclosed the review team's detailed review of the objection issues. The following is a summary of the four objection issues:

***Issue 1:** Friends of the Wild Swan and Alliance for the Wild Rockies contend Sensitive Species should have been identified as species of conservation concern or a scientifically defensible analysis provided as to where there is no concern about a downward trend in number, density or habitat capability.*

- The review team examined the documentation and found it was sufficient in accordance with regulation and policy for identification of SCC. Each plant or animals species that was a Regional Forester's Sensitive Species (RFSS) was evaluated for inclusion as SCC. Those not identified as SCC were determined not to fit the definition for SCC. The documentation is contained within the record analyzing terrestrial animals, aquatic animals and botanical species for identification as SCC. The documentation walks through the criteria that defines what should be identified as SCC.

***Issue 2:** Defenders of Wildlife contend threats from outside the plan areas should have been part of the consideration of SCC. If there is insufficient information on a species persistence in the plan-area, the analysis area should be broadened to include a larger area if there is sufficient information outside the plan area.*

- The review team concluded the Northern Region appropriately excluded harlequin duck, northern bog lemming, boreal (western) toad, Sandhill crane and gray-crowned rosy-finch from the SCC list. The information presented in the record show the species are secure in the plan area.
- The process the Northern Region used to identify SCC took into account species at-risk at a broader scale and their status within the plan. This is evident through their citation of the best available science contained within the Montana Natural Heritage Program (MNHP) data.

- It is important the SCC rationale include consideration of whether broad-scale threats (through NatureServe, MNHP data or other sources) are relevant to, and cause substantial concern about, the species' capability to persist over the long term in the plan area. The review team believes the documentation could be stronger for the specific species listed by the objector.
- The review team found the documentation supports the decision not to identify hooked snowfly, subartic darter, boreal whiteface, a mayfly, glacier amphipod, and brushed tipped emerald as SCC, but found the connections between the NatureServe/MNHP rankings, documentation of the species threats, and the rationale for SCC determination was unclear in the Aquatic Spreadsheet.

Issue 3: Several species known to occur in the plan area were excluded.

- The review team found that the documentation supports the decision not to identify bighorn sheep, Gillette's checkerspot, Suckley cuckoo bumble bee, fisher, and western pearlshell mussel as SCC.
- The review team found information was needed in the record to clarify the nature of bighorn sheep transient use on the Flathead National Forest.

Issue 4: The Regional Forester should identify wolverine as a species of conservation concern

- The review team found it was appropriate not to identify wolverine as SCC.
- The wolverine is currently a proposed species for listing under the Endangered Species Act. The 2012 planning rule at 3 CFR 219.9© states, "A species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species..."

Reviewing Officer Instructions to Regional Forester

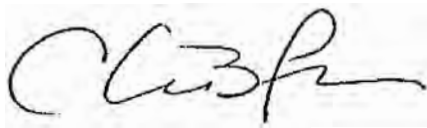
As a result of the Objection review I am instructing you to do the following:

- 1) Please review and amend the documentation for harlequin duck, northern bog lemming, boreal toad, Sandhill crane, and gray-crowned rosy-finch to verify the broad-scale threats do not cause substantial concern about these species capability to persist over the long term in the plan area, as necessary.
- 2) The Region should review the documentation of threats for mantleslug, hooked snowfly, subartic darter, boreal whiteface, a mayfly, glacier amphipod, and brushed tipped emerald to ensure the record clarifies why a NatureServe ranking or listing as Montana Sensitive Species does not result in the identification of these species as SCC.

- 3) Documentation for bighorn sheep should include more detailed information about the sightings of bighorn sheep on the Flathead National Forest. Bighorn sheep habitat maps should be added to the record to further clarify known bighorn sheep range.

As you address the above listed instructions, you may need to reconsider the identification of a species as SCC. If that occurs, please follow the process described in FSH 1909.12, Chapter 20, section 21.22b, as expeditiously as possible, following the signing of the Record of Decision for the Flathead Land Management Plan.

By copy of this letter and notification of availability on the internet, I am notifying all Objectors and Interested Persons of my decision. This response represents the final decision of the U. S. Department of Agriculture on this objection (36 CFR 219.57(b)(3)).

A handwritten signature in black ink, appearing to read 'CB French', is positioned above the printed name.

CHRISTOPHER B. FRENCH
Reviewing Officer for the Chief

Flathead Species of Conservation Concern

REVIEW TEAM ANALYSIS

Introduction

The Flathead National Forest's 1986 *Forest Land and Resource Management Plan* (Forest Plan) is being revised under the 2012 planning rule requirements. The Flathead National Forest staff provided documentation, rationale, and public outreach for identification of a potential species of conservation concern (SCC) list provided as part of the *2014 Assessment of the Flathead National Forest*.

Building upon the information provided by the Flathead National Forest in their assessment, the Northern Regional Forester identified SCC for the Flathead National Forest's draft revised Forest Plan and draft environmental impact statement (EIS) (memorandum from Regional Forester to Flathead National Forest Supervisor, May 25, 2016). The list was developed by biologists, botanists, and other resource specialists from the Regional Office and Flathead National Forest using best available scientific information, including expertise offered by federal and state regulatory agencies, tribal interests, research, and conservation communities. In the memo the Regional Forester noted the identification of SCC is a dynamic process. New scientific information and public input may prompt changes in the SCC list for the final EIS, final revised Forest Plan and any time in the future. The public had a chance to comment on the SCC list during the 90-day comment period for the Draft EIS.

On November 28, 2017, a memorandum was sent from the Regional Forester to the Flathead National Forest Supervisor updating the SCC list for the Flathead National Forest's final revised Forest Plan. The updated list removed fisher, harlequin duck, Townsend's big-eared bat, and west slope cutthroat as SCC. A plant species, Hudson's Bay bulrush, was added.

Regional Guidance

The Northern Region documented the process for identifying animal and plant species of conservation concern for the Flathead National Forest in two separate documents, *Animal Species of Conservation Concern Identification Process for the Flathead National Forest's Draft Revised Forest Plan and Draft Environmental Impact Statement* and *Plant Species of Conservation Concern Identification Process for the Flathead National Forest's Revised Forest Plan and Final Environmental Impact Statement*. Spreadsheets detailing the species by species evaluation and rationale for identification as SCC were developed: *Terrestrial Animals Evaluated for Species of Conservation Concern – For the Flathead National Forest Revised Forest Plan and Final Environmental Impact Statement* (Terrestrial Spreadsheet), *Aquatic Animals Evaluated for Species of Conservation Concern – For the Flathead National Forest Revised Forest Plan and Final Environmental Impact Statement* (Aquatic Spreadsheet), *Plants Evaluated for Species of Conservation Concern – For the Flathead National Forest Revised Forest Plan and Final Environmental Impact Statement* (Plant Spreadsheet). The region followed the 2012 planning rule and they also followed the direction for identifying SCC in the Forest Service Handbook (FSH) for land management planning at FSH 1909.12, chapter 10, section 12.52 and chapter 20, section 21.22a.

The Northern Region used a four-step approach in identifying animal (terrestrial and aquatic vertebrates and invertebrates) SCC and a three-step process for plant SCC. The best available scientific information, including external expert knowledge and information received from the general public, was considered during the development of the list.

The 2012 planning rule at 36 CFR 219.9(c) *species of conservation concern* states:

For purposes of this subpart, a species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan

area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area.

Further clarification regarding "Implementation of the 2012 Planning Rule, Directives, and Regional Forester Sensitive Species" was provided in two memorandums from the Deputy Chief, National Forest System to Regional Foresters on June 6, 2016.

Objectors

Friends of the Wild Swan (Arlene Montgomery), Defenders of Wildlife (Peter Nelson), Alliance for the Wild Rockies (Mike Garrity) and Wild Earth Guardians (Greg Dyson).

Objectors disagree with various aspects of the regional forester's interpretation of 2012 planning rule requirements: how threats from outside the plan area are considered, the exclusion of species when there is not sufficient information to determine whether or not there is substantial concern for persistence, the threshold used for substantial concern, the exclusion of species at risk at a broader scale, and the criteria used for "known to occur in the plan area." The process used to identify species of conservation concern on the Flathead National Forest is documented on the Northern Regions website:

<https://www.fs.usda.gov/detail/r1/landmanagement/planning/?cid=fseprd500402>.

Summary of Objection Issues

Issue 1: Sensitive Species should have been identified as species of conservation concern or a scientifically defensible analysis provided as to where there is no concern about a downward trend in number, density or habitat capability.

From Friends of the Wild Swan Objection letter:

"Designate sensitive species as species of conservation concern."

From Alliance for the Wild Rockies Objection letter:

"The FEIS fails to present a scientifically defensible analysis for those [currently sensitive] species that justifies the conclusion that there is no concern about a downward trend in numbers, density or habitat capability that would reduce a species distribution. For the RF to not list them as SCC is arbitrary and capricious."

Objector's Proposed resolution

- The regional forester must designate sensitive species as species of conservation concern.
- The list of species of conservation concern should be remanded and withdrawn.

Review Team Response:

Sensitive species are one aspect of Forest Service wildlife, fish, and sensitive plant habitat management policy found in Forest Service Manual 2670. Species of conservation concern were established and defined by regulation under the 2012 planning rule (36 CFR 219.9). The conservation and management of regional forester sensitive species (RFSS) has been a part of land management plans and projects for decades.

The criteria for inclusion on the RFSS are different criteria than SCC. The region documented how they used the criteria under FSH 1909.12 to identify SCC (See Northern Region SCC website at <https://www.fs.usda.gov/detail/r1/landmanagement/planning/?cid=fseprd500402>.) This website includes:

- Regional Forester’s letter identifying SCC for the Flathead National Forest final forest plan is based on the documentation of the process used and the spreadsheet using the criteria to analyze each potential SCC, which indicates all RFSS were analyzed.
- Documentation of the process used to identify terrestrial and aquatic animal and plant SCC for the Flathead National Forest final forest plan.
- Spreadsheets documenting rationale (species evaluations) used to identify terrestrial animal, aquatic animal, and botanical SCC for the Flathead National Forest final plan.

The analysis included consideration of all RFSS on the Flathead National Forest when developing the SCC for the revised forest plan. Defenders of Wildlife’s statement in their objection alleged the Regional Forester did not mention western pearlshell mussel. This is incorrect. The mussel was documented on row 16 of the Aquatic Spreadsheet. Each RFSS were analyzed in the Aquatic, Terrestrial or Plant Spreadsheets. The RFSS not identified as SCC did not meet the criteria for SCC. The reasons are documented in the spreadsheet under the column titled, “Rationale for SCC Determination.”

The FEIS, Volume 1 – Wildlife Section 3.7 of the final EIS for the revised Forest Plan, includes analysis of RFSS in accordance with FSM 2670 requirements. Included in this section is consideration of the best available scientific information for each species (see affected environment sections). (36 CFR 219.9 and/or FSH 1909.12, Chapter 20, Section 23).

The Region did not identify all RFSS as SCC. Each RFSS plant or animals species was evaluated for inclusion as SCC. Those that were not identified as SCC were determined not to fit the definition for SCC. The documentation is contained within the spreadsheets analyzing terrestrial animals, aquatic animals and botanical species for identification as SCC. The documentation walks through the criteria that defines what should be identified as SCC. *The review team found the documentation was sufficient and in accordance with regulation and policy for identification of SCC.*

Issue 2: Threats from outside the plan areas should have been part of the consideration of SCC. If there is insufficient information on a species persistence in the plan-area, the analysis area should be broadened to include a larger area if there is sufficient information outside the plan area.

From Defenders of Wildlife Objection letter:

“We disagree with the way threats from outside the plan area are considered, and this disagreement affects a number of species.”

“We find that the Region has arbitrarily excluded the following species because they relied exclusively on plan area information, and have not addressed the effects within the plan area of a species being at-risk at a broader scale (all are NatureServe ranked S2, “high risk of extinction.”):

- Harlequin duck
- Northern bog lemming
- Boreal (western) toad
- Sandhill crane
- Gray-crowned rosy-finch.”

From Defenders of Wildlife Objection letter concerning insufficient information:

“Species may be excluded if there is not sufficient information to determine whether or not there is substantial concern for persistence. This criterion would not be met when there is sufficient information to determine that the species is at-risk at a broader scale that includes the plan area. We find this to be the case for the magnum mantleslug (NatureServe S2S3). Excluding it due to “insufficient information” would be arbitrary. The same is true for the following aquatic species listed as “high risk” by NatureServe that were excluded because there is not “sufficient scientific

information available to determine if there is substantial concern for long-term persistence in the plan area.” Alternatively, these species were improperly excluded because of exclusive reliance on plan area monitoring data, based on the rationale discussed above:

- Subarctic darner
- Hooked snowfly
- Boreal whiteface
- A mayfly (*Parameletus columbiae*)
- Brush-tipped emerald
- Glacier amphipod.”

Objector’s proposed resolution

- The Regional Forester must provide further analysis and explanation of why the threats identified at the larger scale do not translate into substantial concern for a species’ persistence in the plan area.
- The Regional Office should cite best available scientific information that demonstrates that there is no threat originating beyond the plan area.
- The Regional Office must provide a rationale for excluding species based on insufficient information for which sufficient information was available to make a determination of broad-scale concern.
- The list of species of conservation concern should be remanded and withdrawn.

Review Team Response:

Objectors contend that the Region has arbitrarily excluded the following species because they relied exclusively on plan area information, and have not addressed the effects within the plan area of a species being at-risk at a broader scale: harlequin duck, northern bog lemming, boreal (western) toad, sandhill crane, gray-crowned rosy-finch.

The 2012 planning rule at 36 CFR 219.9 (c) requires that for a species known to occur within the plan area to be a SCC the best available scientific information must indicate a substantial concern about the species’ capability for persistence **within the plan area** (emphasis added). A memorandum from the Deputy Chief of National Forest System (Leslie A. C. Weldon memorandum of June 6, 2016 (File Code 1920)) to regional foresters clarifies that, “If a species is determined to be at risk across its range, but is determined to be secure within the plan area, it cannot be a SCC.”

Broad scale threats (spanning past USFS boundaries) are important to consider when identifying SCC. If there are threats identified at a broadscale (through NatureServe, Montana Natural Heritage Program data or otherwise), the Forest Service should determine and document whether broadscale threats are relevant to, and cause substantial concern about, the species’ capability to persist over the long term in the plan area.

As discussed previously, the region documented the analysis of species to identify potential SCC in a series of spreadsheets. The following discusses the above mentioned species specifically:

Harlequin duck. Evidence presented in row 25 of the Terrestrial Spreadsheet shows harlequin duck are secure in the planning area, a breeding population is well distributed, with broad production on at least 9 streams in four Geographic Areas within the plan area. In those 9 streams, broad presence has been verified in over 70% of all survey-years between 1990 and 2016 (this data is included in 2 additional spreadsheets that are part of the Terrestrial Spreadsheet). Available data suggest potential stressors, such as human activity during the first four weeks of life, are not of sufficient magnitude or

extent to conclude there is substantial concern for long term persistence. Further protection is included in long standing direction in the forest plan to comply with Clean Water Act and Endangered Species Act, which protect streams and riparian areas. Because the breeding population is well distributed, with broad production in the plan area, it is determined to be secure in the plan area. *Therefore the review team found harlequin duck is appropriately not identified as SCC.*

Northern bog lemming. Evidence presented in row 33 of the Terrestrial Spreadsheet shows distribution, abundance and population trends for northern bog lemming within the plan area are relatively unknown. The lack of knowledge is due to minimal sampling data and because the species is difficult to trap using standard small mammal trapping methods. However, known habitat preferred by northern bog lemming is relatively common in the plan area (bogs, wetlands and fens) and no life history characteristics or other relevant information indicate cause for substantial concern. Further protection is included in long standing direction in the forest plan to comply with Clean Water Act and Endangered Species Act, which protect streams and riparian areas. *Therefore the review team found northern bog lemming is appropriately not identified as SCC.*

Boreal (western) toad. Evidence presented in row 12 of the Terrestrial Spreadsheet shows boreal (western) toad is well distributed and secure in the plan area. There is no evidence of population decline, habitat decline, or major relevant threats to habitat or populations in the plan area. Further protection is included in long standing direction in the forest plan to comply with Clean Water Act and Endangered Species Act, which protect streams and riparian areas. *Therefore the review team found boreal (western) toad is appropriately not identified as SCC.*

Sandhill crane. Evidence presented in row 37 of the Terrestrial Spreadsheet shows Sandhill cranes use the plan area for foraging during the summer and the migration seasons. The plan area does not contain overwintering or breeding habitat. There are no relevant threats to the foraging use in the plan area. The Flathead National Forest does not contain overwintering or breeding habitat. *Therefore the review team found Sandhill crane is appropriately not identified as SCC.*

Gray-crowned rosy-finch. Evidence presented in row 23 of the Terrestrial Spreadsheet shows the gray-crowned rosy-finch nests in alpine habitats (above timberline), primarily on cliffs and talus slopes above snowfields. The species forages in barren, rocky or grassy areas adjacent to nesting sites. There are no significant stressors in alpine habitats within the plan area. Although the population trend is unknown, the habitat is stable and not subject to management activities because most alpine sites occur in Wilderness Areas that are protected by law, or do not have significant management threats because of their remote location. *Therefore the review team found gray-crowned rosy-finch is appropriately not identified as SCC.*

Forest Service policy directs regions to identify a species as SCC if there is “substantial concern about the species’ capability for persistence within the plan area.” We understand the objector’s concern for a species being at-risk at a broader scale and maintaining the distinctive role and contribution a forest plan area plays in providing a safe haven for species at risk in the broader landscape. The 2012 planning rule (36 CFR 219.7(f) and the Forest Service Handbook (FSH 1909.12, Chapter 20, Section 22.32) directs the Agency to evaluate the plan area’s distinctive roles and contributions within the broader landscape. The above-mentioned memorandum (June 6, 2016) giving direction to the Regional Foresters States, “When exercising your oversight responsibility, where you deem plan components would contribute to ecological sustainability of the species in the broader landscape (FSM 1921.11), you may require the forest supervisor to provide plan components that contribute to the ecological sustainability of the species within its range where SCC criteria are not strictly met. You may also require the forest supervisor to provide plan components as needed to protect or maintain the distinctive role or contribution of the plan area with regard to the species.” The Flathead National Forest did this. They analyzed the distinctive roles and contributions of the forest for ecological resources as set forth on pages 9, 10, and 11 of the revised Forest Plan. The revised Forest Plan discusses how the Flathead National Forest provides

habitat for hundreds of species of native mammals, birds, fish, reptiles, amphibians, and invertebrates. The habitat includes abundant aquatic and wetland resources including the threatened plant water howellia. For example, both bull trout and westslope cutthroat trout migrate as adults from Flathead Lake to spawn on the forest. Hungry Horse Reservoir serves as a protective barrier to non-native fish, resulting in the South Fork of the Flathead River system and Hungry Horse Reservoir supporting one of the largest intact native fish assemblages in the western United States. As stated in the revised Forest Plan, these distinctive roles and contributions within the broader landscape serve as “a source of the motivation or reasons behind the desired conditions” (revised Forest Plan, Page 9) and therefore helped to shape components in the Forest Plan.

The Review Team concluded the documentation supports the decision to not identify harlequin duck, northern bog lemming, boreal (western) toad, Sandhill crane and gray-crowned rosy-finch as SCC. The process used to identify SCC took into account species at-risk at a broader scale and their status within the plan area in their analysis. For the species mentioned specifically by the objectors, the information presented in the spreadsheets showed the species were secure in the plan area, but did not show whether broad-scale threats were relevant to or cause for substantial concern about the species’ capability to persist over the long term in the plan area.

It is important that the SCC rationale documentation include whether broad-scale threats (through NatureServe, Heritage Program data or otherwise) are relevant to, and cause substantial concern about, the species’ capability to persist over the long term in the plan area. Therefore, the Review Team proposes that the Regional Forester review and amend as necessary the documentation for harlequin duck, northern bog lemming, boreal toad, Sandhill crane, and gray-crowned rosy-finch to verify the broad-scale threats are not relevant and cause substantial concern about these species capability to persist over the long term in the plan area.

Objectors believe that the Region improperly excluded some species as SCC due to insufficient information when the objectors believe there was sufficient information at the broader scale to determine a species was at-risk. Objectors specifically call attention to the mantleslug and 6 aquatic species.

Forest Service Handbook (1909.12, ch. 10, 12.52c(2)) explains that, “If there is insufficient scientific information available to conclude there is a substantial concern about a species’ capability to persist in the plan area over the long-term that species cannot be identified as a species of conservation concern.”

The Terrestrial, Aquatic and Plant Spreadsheets show the rationale used by the Regional Forester for determining whether a species is an SCC on the Flathead National Forest. Rationale is provided based on distribution, population trend, habitat, relevant life history and threats to the population. Best available scientific information (BASI) is cited for each species analyzed (last column of spreadsheets) including those species for which there is insufficient information for the Regional Forester to determine substantial concern for species’ capability to persist in the plan area.

There was insufficient scientific information available to conclude a substantial concern for the following species’ capability to persist in the plan area over the long-term, and therefore they were not identified as SCC. Additional rationale was presented in the project record, and is included here.

- Mantleslug: Evidence presented in row 29 of the Terrestrial Spreadsheet shows very limited information regarding this species. There are two documented observances, one in 1950 and one in 2003. Relevant threats to the species in the plan area were stated in the Terrestrial Spreadsheet as, “Little is known about this species, including sensitivity to disturbance (MNHP¹ and MFWP² 2016). There has been speculation that logging, grazing, fire, rural home development, recreation and weed control threaten the species (MNHP and MFWP 2016). However, these are theoretical threats and empirical evidence of actual population level threat is lacking.” The broad-scale

¹ MNHP: Montana Natural Heritage Program

² MFWP: Montana Fish Wildlife and Parks

MNHP information used as BASI acknowledges that the threats are speculative, and there is no information on sensitivity to disturbance or population response to threats. In general there is very little scientific information about the mantleslug.

- Hooked snowfly: Evidence presented in row 12 of the Aquatic Spreadsheet shows little is known about species habitat and use, particularly in the plan area. Rationale for not being an SCC is “Insufficient information. Too little known about species to designate as SCC.” Though the species is known to occur in the plan area, the population trend and habitat requirements are unknown. There is not enough information to determine there is substantial concern about the species’ capability of persisting in the plan area.

The subartic darter, boreal whiteface, a mayfly, glacier amphipod, and brush-tipped emerald were not identified as SCC because there was no substantial concern about threats to persistence in the plan area. These species occur in aquatic habitat that has been monitored as a result of PACFISH INFISH Biological Opinion monitoring since 2000. The Aquatic Spreadsheet under the column heading “Habitat trend in the Plan Area” states, “Generally improving across plan area (PACFISH INFISH Biological Opinion monitoring, unpublished data in project file).” Further protection is included in long standing direction in the forest plan to comply with Clean Water Act and Endangered Species Act, which protect streams and riparian areas. For each of these under the column titled, “Relevant Threats to Populations Using the Plan Area”, the documentation says “no.”

The review team found the documentation supports the decision to not identify hooked snowfly, subartic darter, boreal whiteface, a mayfly, glacier amphipod, and brushed tipped emerald as SCC, but found the connections between the NatureServe rankings, documentation of the species threats, and the rationale for SCC determination found in the record needs clarity in the Aquatic Spreadsheet. The Review Team proposes the information concerning why a species had a NatureServe ranking or was listed as a Montana Sensitive Species, but not SCC should be represented in the Aquatic Spreadsheet for the species listed by the objector.

Issue 3: Several species known to occur in the plan area were excluded.

From Defenders of Wildlife Objection letter:

“We also object to the failure to identify the following species because they are not known to occur in the plan area:

- Bighorn sheep. The rationale does not attempt to explain why the past occurrences should be dismissed as “transient” for a species that inhabits land adjacent to the Forest. They can’t be dismissed merely because they are “not yearlong residents” (EIS, p. 421). If habitat could support them on the Forest, and it is within a seasonal dispersal distance, then there should be a presumption they would use it again. The BE matrix indicates they are only found in statutory wilderness, which could sufficiently mitigate threats, but wilderness is rarely found without other NFS lands between it and the national forest boundary. In addition, the species is listed by the Forest Service as sensitive on the Flathead, which indicates it has been considered present for the purpose of past management. The new information supporting this change must be provided.
- Gillette’s checkerspot. Given the low survey effort and general rarity, there needs to be further explanation of why they would not be expected to recur on the Forest.
- Suckley cuckoo bumble bee. Failure to look for a species that is hard to find does not justify a conclusion that it isn't there, and this one has not been inventoried in the plan area. The NatureServe guidelines for “historic” populations are just guidelines. They require some discussion, informed by the best available science, of why they should or should not be

applicable to a particular species in a particular area. The NatureServe guidelines generally assume that surveys have been done, so this assumption would not apply in this case.

- Fisher. While it is not necessary to prove that fisher were never present on the Forest, it is necessary to provide a rationale for why they are not now known to occur, supported by the best available science, and that has not been done. That is necessary because they are at the edge of their range (which is expected to expand towards the Forest), but likely within a reasonable dispersal distance, they are difficult to detect and experts expected habitat to support them on the Forest. They are also classified by the Forest Service as a sensitive species on the Flathead, and the EIS includes an analysis of effects on fisher. The fact that an introduced population was apparently trapped out should not be a justification for failing to provide habitat to support them in the future. Regarding the lack of sightings since 1993, the application of the NatureServe guidelines for historic occurrence to this species must be reasonable and explained.
- Western pearlshell mussel. It is also a sensitive species on the Flathead, but it was not included in the Regional Forester's determination matrix at all. While the BE summary of determinations states that it is not known to occur on the Forest, it does not appear that the Regional Forester has made this determination."

Objector's proposed resolution

- The regional forester must provide further analysis and explanation of why the threats identified at the larger scale do not translate into substantial concern for a species' persistence in the plan area.
- The Regional Office should cite best available scientific information that demonstrates there is no threat originating beyond the plan area.
- The list of species of conservation concern should be remanded and withdrawn.

Review Team Response:

The definition of SCC specifies that an SCC must be a species "native to" and "known to occur in the plan area" (36 CFR 219.9(c); FSH 1909.12, Sec 12.52(c)). The Forest Service Handbook clarifies SCC occurrence criteria further:

"A species is known to occur in a plan area if, at the time of plan development, the best available scientific information indicates that a species is established or is becoming established in the plan area. A species with an individual occurrences in a plan area that are merely "accidental" or "transient," or are well outside the species' existing range at the time of plan development, is not established or becoming established in the plan area. If the range of a species is changing so that what is becoming its "normal" range includes the plan area, an individual occurrence should not be considered transient or accidental." (FHS 1909.12, Sec. 12.52c(1))

If new scientific information indicates any of the species discussed below should be identified as SCC, then the process described in FSH 1909.12, Chapter 20, sec. 21.22b should be used to add that particular species to the list.

The following discusses the above mentioned species specifically:

Bighorn Sheep

The Flathead National Forest identifies bighorn sheep in its species list and habitat associations table (FEIS, Appendix 6, 6-19) and identifies it was a RFSS on the Flathead National Forest. FEIS (Volume 1 Part 2, Chapter 3, Wildlife, p. 421) describes "bighorn sheep are observed feeding on grassy slopes in the Bob Marshall Wilderness Complex along the boundary of the Helena-Lewis and Clark National Forests during the summer months but are not yearlong residents." Citing Montana Natural Heritage Program (MNHP) species observation records, the Terrestrial Spreadsheet, row 8, notes bighorn sheep are not

established or becoming established and provides “transient use only” (one observation of 7 rams in the wilderness has been recorded). The Review Team requested clarifying information from the Northern Region Wildlife Biologist and was told there were two observations of bighorn sheep in the Flathead National Forest in 2010 on the same day and in the same area so likely the same animals. The sighting was near the boundary of the Flathead National Forest and the Helena-Lewis and Clark National Forest. Other information from a Montana Fish, Wildlife and Parks wildlife biologist indicated there was potential for sheep movement into the Flathead National Forest, but this would be at the fringe of bighorn sheep range. In addition, Western Association of Fish and Wildlife Agencies (WAFWA) has mapped bighorn sheep range as adjacent to but not overlapping with the Flathead National Forest. The response to comment (FEIS Volume 4, Appendix 8, pp. 8-315 and 316) additionally notes:

“This species is not established or becoming established in the plan area. Only transient use has been recorded, in the Bob Marshall Wilderness by the Sun River herd. The primary threat is disease transmission, but there is no domestic sheep grazing on the Forest.”

Species with individual occurrences in the plan area that are merely transient do not meet the criteria for identification as SCC (FSH 1909.12, Sec 12.52(c)). However, the objector believes there is not enough documentation to support the determination bighorn sheep are “transient.” In particular, bighorn sheep occupy adjacent lands and the FEIS describes them as being found “during the summer months but are not yearlong residents.”

The FEIS statement indicating transient summer use does not indicate the statement is based on one observation in 2010. The Terrestrial Spreadsheet statement that only one observation of use has been documented doesn’t state the date of the observation. *The review team agrees the evidence does not show a population of bighorn sheep occur in the plan area and should not be identified as SCC and believes the record needs to reflect the date and number of observations to further clarify bighorn sheep occurrences in the plan area as “transient use only”.*

Gillette’s checkerspot

Evidence presented in row 21 of the Terrestrial Spreadsheet documents there is no evidence the species is established or will become established in the plan area. There is one observation in the MNHP records from 1978 and there has been very low survey efforts for this species. *The review team found there is insufficient scientific information available to conclude the species is established or becoming established; therefore the species was appropriately not identified as SCC as documented.*

Suckley cuckoo bumblebee

Evidence presented in row 40 of the Terrestrial Spreadsheet shows the Suckley cuckoo bumblebee was last observed in the area at least 30 years ago. The species is historically known to occur in the plan area, but there is no information on abundance, distribution, population trend, habitat or habitat trend, status of host species, or threats. The distribution and abundance in the plan area is unknown. The species is widely distributed in the U.S. and Canada. It may have experienced declines or extirpations in some portions of its range. *The review team found there is insufficient scientific information available to conclude the species occurs or doesn’t occur in the plan area, therefore the species was appropriately not identified as SCC as documented.*

Fisher

The fisher is analyzed in row 19 of the Terrestrial Spreadsheet. There is no recorded evidence fisher occupied the plan area before individuals were deliberately translocated onto the Flathead National Forest in 1959 and 1960. There are no records in the MNHP or Forest Service wildlife observation databases, or published in the literature, that suggest fisher were present in the plan area prior to 1959. There is no reliable evidence since 1993 of fisher occurring in the plan area and beginning in 2006, fisher and other mesocarnivores have been targeted in surveys of the plan area utilizing multiple methods, including DNA

sampling. No fisher have been detected. *Therefore the review team found that it was appropriate not to identify fisher as SCC as documented.*

Western pearlshell mussel

Evidence presented in row 16 of the Aquatic Spreadsheet shows this species has been found in Ashley Creek below the Flathead National Forest boundary. Surveys in recent years by forest personnel and MNHP have failed to identify any populations on Forest. *Therefore the review team found it was appropriate not to identify western pearlshell mussel as SCC as documented.*

Issue 4: The Regional Forester should identify the wolverine as a species of conservation concern.

The following statements come from Wild Earth Guardians' Objection:

“If, prior to completion of the revised Forest Plan and resolution of the objection process, the FWS elects not to list wolverine as a threatened or endangered species and the species is no longer proposed for listing (or a candidate for listing), then the Flathead should – as a fallback – designate and manage wolverine as a species of conservation concern.”

“With respect to wolverine, the best available science reveals the species is unlikely to persist in the contiguous United States due to loss of habitat (and increased habitat fragmentation) from climate change and an extremely small population size (both actual and effective). See *Defenders of Wildlife v. Jewell*, 176 F. Supp. 3d 975 (D. Mont. 2016) (discussing best available science regarding climate change and small population threats); 78 Fed. Reg. 7864 (February 4, 2013)(proposed rule to list wolverine). Designating wolverine as a species of conservation concern is therefore warranted.”

Objectors proposed resolution

Include the Wolverine as a species of conservation concern.

Review Team Response:

The wolverine is currently a proposed species for listing under the Endangered Species Act. The 2012 planning rule at 36 CFR 219.9(c) states, “A species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species” *Therefore the review team found the wolverine was appropriately not identified as SCC by the Regional Forester.*