Northern Rockies Lynx Management Direction Questions and Answers

Why was the lynx listed as a threatened species under the Endangered Species Act (ESA)?

A species may be determined to be threatened or endangered due to one or more of five factors outlined in the ESA (section 4). These five factors include:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;
B. Overutilization for commercial, recreational, scientific, or educational purposes;
C. Disease or predation;
D. The inadequacy of regulatory mechanisms; and
E. Other natural or manmade factors affecting its continued existence.

In its March 24, 2000 listing decision, the United States Department of Interior Fish and Wildlife Service (FWS) found that the "single factor threatening the contiguous U.S. DPS [Distinct Population Segment] of lynx is the inadequacy of existing regulatory mechanisms, specifically the lack of guidance for conservation of lynx in National Forest Land and Resource Plans and BLM Land Use Plans as described in Factor D". FWS reconfirmed this decision in its July 3, 2003 Notice of Remanded Determination. Threats to lynx populations influenced by national forests and BLM land management include timber management and fire suppression. These actions can affect the amount, distribution, and condition of lynx denning and winter snowshoe hare habitat.

Why change management plans for the Canada lynx?

New information about lynx indicates that existing plans may be not lead to conservation and recovery of the species. Lynx was listed as a threatened species primarily because national forest and BLM plans do not provide sufficient direction to constitute "adequate regulatory mechanisms" under ESA.

In 1999, the FS and BLM prepared a BA (Biological Assessment) on 57 national forest land and resource management plans and 56 BLM land use plans. The assessment found the existing plans were likely to adversely affect lynx because they did not contain direction to conserve lynx.

In addition, an interagency team of government biologists developed the Lynx Conservation Assessment and Strategy (LCAS). The LCAS identified risks to lynx and lynx habitat that could affect lynx productivity, mortality, and movement recommended conservation measures for federal lands in the contiguous United States. Most of these measures are not in existing management plans.

Therefore the lynx management direction was developed for the 18 National Forests in the Northern Rockies to conserve and promote the recovery of Canada lynx, by reducing or eliminating adverse effects from land management activities on national forest system lands, while preserving the overall multiple-use direction in existing plans.

In the meantime, while plans where being amended, the FS signed Conservation Agreements with the FWS to consider the LCAS during project analysis, and the FS agreed not to proceed with project determinations of "likely to adversely affect" lynx. The management direction replaces these agreements.

What national forests are involved?

In Montana, Lolo, Kootenai, Flathead, Lewis & Clark, Helena, Bitterroot, Beaverhead-Deerlodge, Gallatin and Custer Nation Forests;
In Idaho, the Idaho Panhandle, Clearwater, Nez Perce. Salmon-Challis and Targhee National Forests;
In Wyoming, the Shoshone, Bighorn and Bridger-Teton National Forests; and
In Utah, the Ashley National Forest.

Within the Northern Rockies amendment area, about half of the NF land, 18 million acres, has been identified as lynx habitat. Over half of the 18 million acres already has been allocated into Congressionally designated wilderness areas or some other non-developmental designation that prohibits most actions identified as potential risks to lynx. So, about 8 million acres of NF land would be affected by the amendment.

Why were some areas included, while others were not?

Eleven National Forests in the Northern Rockies area are not included in this amendment.

The Payette, Boise, Sawtooth, Caribou, Wasatch-Cache, and Unita National Forests have already revised their plans using the LCAS.
The Colville, Umatilla, Wallowa-Whitman, Malheur, and Ochoco NF's will address lynx separately later on.
The BLM units in Idaho, Utah, Montana and Wyoming have already or will address lynx in a separate process. Therefore they are not included in this proposal.

What about other places? What is going on elsewhere?

There are five geographic zones where lynx habitat has been identified, the Cascade Mountains, both the northern and southern Rockies, the Great Lakes, and the Northeast.

In the Cascade Mountains, land management plans will be updated when forests and BLM units revise their plans.
In the southern Rockies, a Final Environmental Impact Statement is expected later in 2007.
In the Great Lakes, the Hiawatha, Ottawa, Chippewa, and Superior National Forests have revise their plants to include lynx management direction.
In the Northeast, the White Mountain NF has also revised the forest plan.

What is the history behind the Management Direction?

May 1998. The Forest Service and BLM established a team of international experts in lynx ecology to collect and summarize scientific data. This effort resulted in the publication of the Ecology and Conservation of Lynx in the United States.

May 1998. Another team of biologists began developing the Lynx Conservation Assessment and Strategy (LCAS). The strategy recommended conservation measures, and was completed in February 2000.

July 1998. The U.S. Fish and Wildlife Service (FWS) proposed listing the lynx as a threatened species.

December 1999. The Forest Service and BLM completed a biological assessment of 57 Forest Service land management and 56 BLM land use plans. The BA determined that the plans were likely to adversely affect lynx because they lacked management direction for lynx.

February 2000. Five Regional Foresters and four FWS Regional Directors signed a conservation agreement to promote the conservation of lynx and its habitat.

April 2000. The FWS listed lynx as a threatened species. They concluded the chief threat to lynx was the lack of guidance to conserve the species in federal land management plans.

August 2000. The BLM also signed an agreement with the FWS. Both agreements require the agencies to review and consider the recommendations in the LCAS in their projects and when amending or revising plans.

October 2000. The FWS issued a biological opinion of Forest Service and BLM plans. The FWS concluded in its opinion that the plans as implemented in conjunction with the LCAS, are not likely to jeopardize the continued existence of the lynx.

September 2001. Northern Rockies Lynx Amendment was proposed for 18 national forests and four BLM units.

January 2003. The FWS issued a Notice of Remanded Determination of Status for the Contiguous Untied State Population of Lynx. In it the FWS reaffirmed its decision to list the lynx as threatened, rather than endangered.

January 2004. FS and BLM issued the DEIS.

May 2005. FS and FWS signed a new Canada lynx Conservation Agreement to replace the expired one signed in 2000. The said the LCAS would only be applied to occupied lynx habitat.

September 2005. FWS issued a Recovery Plan Outline for the Contiguous United State Distinct Population Segment of Lynx.

May 2006. FS and FWS defined occupied lynx habitat.

November 2006. FWS issued the Designation of Critical Habitat of the Contiguous United States Distinct Population Segment of lynx.

December 2006. BLM elected to not be a cooperating agency in the lynx planning process

April 2007. FS issues the FEIS and ROD for the Northern Rockies Lynx Management Direction

What kind of comments were received on the Draft Environmental Impact Statement (DEIS)?

We received well over 5,000 comment letters and emails. Comments on the DEIS were national in scope coming from all 50 states and the District of Columbia. The most comments were received from California (over 700), followed by New York (365 comments) and Florida (334 comments. Approximately 4,500 comments were

considered form letters. A response is considered a form letter when five or more responses with identical text from different people are received. Three different form letters were received.

About 100 comments were received from various federal, states, and county governments, environmental groups, agricultural, timber, and energy interests, as well as a variety of other organizations.

In general the comments fell into five basic groups: 1) telling us what alternative we should pick or not pick; 2) telling us how to modify the alternatives; 3) suggesting new alternatives or management direction; 4) telling us how to supplement, improve, or modify the analysis in the DEIS; 5) making factual corrections to the DEIS; 6) or asking questions. We used the comments in writing the FEIS and in developing Alternative F. We responded to all the comments in Vol. 2 of the FEIS, Response to Comments.

Was there any new information found between the time the DEIS and the Final EIS (FEIS) were sent out to the public?

Yes there was. The FWS designated critical habitat for lynx in the Federal Register in November 2006. No National Forest System lands were included in the designation. On November 9, 2006, FWS published the final rule for the designation of Canada lynx critical habitat (Federal Register, Vol. 71, No. 217, pp. 66008 to 66061). National Forest System lands were not included in the critical habitat designation. There is no adverse modification to designated critical habitat from implementation of Alternative F Scenario 2.

The FWS issued a *Recovery Outline* in 2005 (USDI FWS 2005a). The outline identifies *core, secondary,* and *peripheral* habitat. *Core* areas include areas with the strongest long-term evidence of persistence of lynx populations within the contiguous United States. Core areas have both persistent verified records of lynx occurrence over time and recent evidence of reproduction. All National Forests identified as core are occupied (see Map, FEIS, figure 1-1). The *Recovery Outline* says, "Focusing lynx conservation efforts in these core areas would ensure the continued persistence of lynx in the contiguous United States by addressing fundamental principles of conservation biology." It goes on to say "Recovery of lynx will be achieved when conditions have been attained that will allow lynx populations to persist long term in each of the identified cores areas".

Based on discussions with researchers, the lynx biology team, and FWS, the ID team reaffirmed that denning habitat is found in a variety of forest conditions and these habitat elements are generally found across the landscape, and denning sites are not believed to be a limiting factor for lynx.

Two studies have been completed (FEIS, pp. 175 to 176). Bunnell et al. (2006) in three areas in Idaho, Utah, and Wyoming found the presence of snowmobile trails was a highly significant predictor of coyote activity in deep snow. The vast majority of coyote stayed within 350 meters of a compacted trail, and that snow depth and the density of snowshoe

hare and red squirrel were the most significant variables in determining whether a coyote returned to the snowmobile trail. Bunnell et al. (2006) did not test for, nor find, any evidence of competition between lynx and coyote, since only one of the study areas has any documentation of recent lynx presence. Kolbe et al. (in press) found that coyote traveled compacted snowmobile trails more than expected by random chance, but used them for less than eight percent of their travel. In Kolbe's study snowshoe hare comprised only three percent of coyote feeding sites; the primarily coyote food was scavenged ungulate carrion.

What was changed in the FEIS?

Many small things formatting items were changed from the DEIS to the FEIS, such as typographical errors, updates of numbers, rearrangement of sections, and the like. There were also a few larger changes:

In December 2006, the Bureau of Land Management elected to not be a cooperating agency in this planning process. Instead, BLM will incorporate management direction for lynx into their resource management plans through their regular update schedule. The proposal is now limited to the 18 national forest units in the Northern Rockies. This change necessitated removing of the BLM data from the FEIS. BLM is still discussed in the background discussion in Chapter 1, and is considered in the cumulative effects (see FEIS, Appendix L).

Alternative F Scenarios 1 and 2 were analyzed in the FEIS. Based on the public and agency comments about problems and concerns with Alternatives E in the DEIS we developed Alternative F and analyzed it under two scenarios in the FEIS. For those risk factors found to be a threat to lynx populations' (precommercial thinning and other vegetation management that impacts winter snowshoe hare habitat), management direction is in the form of standards and would apply to individual LAUs. For risk factors found to be a threat only to individuals (such as grazing, minerals, roads, and over-the-snow recreation), management direction is in the form of guidelines. Many comments suggested the management direction should only be applied to occupied habitat.

Therefore, Alternative F is evaluated under two scenarios: (1) management direction would be incorporated into all forest plans and would *apply to all mapped lynx habitat*, whether or not occupied; and (2) management direction would be incorporated into all forest plans but would only *apply to occupied habitat.* Under scenario 2, the direction would be "considered" for unoccupied units, but would not have to be followed until such time as lynx occupy the unit. The Nez Perce, Salmon-Challis, Beaverhead-Deerlodge, Bitterroot, Ashley and Bighorn NFs, and the disjunct mountain ranges on the Custer, Gallatin, Helena and Lewis and Clark NFs are unoccupied based on the best scientific information available at this time (USDA FS, USDI FWS 2006a).

Chapter 2 was reorganized and expanded to include a more in depth decision of the various management directions the public suggested in their comment letters on the

DEIS. The section of Chapter 2 that had been entitled *Management direction considered, but not in detail* in the DEIS was expanded considerably in the FEIS and renamed *Management direction considered.* A discussion of Alternative F was added to Chapter 2 and Alternative F was added to the tables in Chapter 2.

Chapter 3 was expanded and updated based on public comment and new information. It includes more information on each of the resource areas. A completed analysis of Alternative F Scenarios 1 and 2 was added to each resource area. New analyses in Chapter 3 include effects to long term sustain yield and allowable sale quantity in the *Forests* section, and a section on linkage habitat. The tables in Chapter 3 were updated, as needed, and some new tables were added. The discussion of NFMA significant was rewritten. The section on land ownership was clarified. The References section was updated. Alternative F was included in Appendices A and G. Alternative F was substituted for Alternative E in Appendix N. Appendices D, F, H, I, J, K, L, and M were updated. Appendices O and P were added.

What is the decision?

The Regional Foresters (Kathleen A. McAllister for the Northern Region, Rick D. Cables for the Rocky Mountain Region, and Jack G. Troyer for the Intermountain Region) chose Alternative F Scenario 2 modified. Scenario 2 applies the management direction to occupied lynx habitat. Modified refers to the changes in made in the management direction of Alternative F Scenario 2 to comply with the Terms and Conditions given to us by the Fish and Wildlife Service in their Biological Opinion. The modifications add certain monitoring requirements beyond those we already had in place, and set an additional sideboard on each of Standards VEG S1, S5, and S6.

The new management direction can be found in the ROD as Attachment 1.

Why is the decision only applied to occupied habitat?

1) The 2005 Lynx Conservation Agreement between FS and FWS only applied to National Forest System land mapped as occupied lynx habitat. 2) Consultation for lynx is only done on those units where lynx are known to occur. 3) The FWS issued a Recovery Outline in 2005. It identified lynx core, secondary, and peripheral areas. All core areas are occupied by lynx. The Recovery Outline says, "Focusing lynx conservation efforts in these core areas would ensure the continued persistence of lynx in the contiguous United States by addressing fundamental principle of conservation biology." 4) According to FWS the value of secondary habitat is unclear; there is currently not evidence to suggest that unoccupied secondary habitat is considered necessary for a viable population of lynx. 5) A variety of public comments said we should not apply lynx management to those forests that are not occupied. Based on this and other information the decision was made to apply the management direction to occupied lynx habitat.

How does the decision contribute to the conservation and recovery of lynx?
The decision applies management direction to all occupied lynx habitat on National Forest System lands. The FWS Biological Opinion concluded that implementing Alternative F Scenario 2 modified would not jeopardize the continued existence of lynx, it would allow lynx populations to persist on occupied area, and that unoccupied habitat is likely to retain habitat that provides opportunistic foraging habitat and connectivity adequate for dispersal of lynx. The incorporation of the management direction on over 12 million acres of National Forest System land contributes the landscape level direction necessary for the survival and recovery of lynx in the Northern Rockies.

Our decision applies standards to those activities that could impact lynx populations….

Our decision applies to the core areas as identified by FWS because they are occupied lynx habitat (our decision also applies to occupied habitat outside core areas). FWS's Recovery Outline says that focusing lynx conservation efforts in core areas would ensure the continued persistence of lynx in the contiguous United States by addressing fundamental principles of conservation biology, and that recovery of lynx will be achieved when conditions have been attained that will allow lynx populations to persist long term in each of the identified cores areas. Therefore the decision will contribute to the conservation and recovery of lynx (should we use the italic stuff?)

What happens now? What are the next steps in the process?
The management direction has been incorporated into the 18 Forest Plans in the Northern Rockies lynx planning area. Thirty days after publication of the Notice of Availability of the FEIS in the Federal Register the management direction will become effective; that is, the National Forest can use it to make decisions. The decision is subject to review—it can be appealed to the Chief of the Forest Service for 45 days following the date of the legal notice is published in The Missoulian. WHAT MORE DO WE WANT TO SAY?

What is the difference between standards and guidelines?
A standard is a required action in a land management plan specifying how to achieve an objective or under what circumstances to refrain from taking action. A plan must be amended to deviate from a standard. A guideline is a particular management action that should be used to meet an objective found in a land management plan. The rationale for deviations needs to be documented, but amending the plan is not required.

Are there any allowances made for fuel treatments?
Yes. For Alternative F, the vegetation standards would not apply to fuel treatment projects within the Wildland Urban Interface (WUI) as defined by the Healthy Forests Restoration Act, up to a cap of 6 percent of the lynx habitat on each National Forest. Guideline VEG G10, which applies to the WUI, was added to Alternative F. It recommends that fuel treatment projects within the WUI should be designed *considering* Standards VEG S1, S2, S5, and S6.
Even though the vegetation standards do not apply to fuel treatment projects within the WUI, the intent in adding Guideline VEG G10 is for projects within the WUI to still

consider the standards in the development of the proposal. In many cases projects can be designed to reduce hazardous fuels while providing for lynx needs. This guideline ensures lynx are considered in the project design, but allows for the flexibility of not meeting the standards in situations where meeting the standards would prevent the project from reducing the hazardous fuels.

Are there any allowances made to restore tree species in decline?
Yes. As long as less than 30 percent of a Lynx Analysis Unit is in the stand initial structural stage, precommercial confer removal to encourage aspen, precommercial daylight thinning of planted rust-resistant western white pine, and precommercial thinning to resort whitebark pine is allowed.

Are there more protection provided for winter snowshoe are habitat in multistoried forest?
Yes. The Lynx Conservation Assessment and Strategy (LCAS) recognized that multistoried forest may be important to winter snowshoe hare and lynx, but it did not suggest any standard of guidelines for management of those forests. Based on recent research done by John Squires we now understand that mature multistoried forest provides important winter snow shoe hare habitat. Therefore, Standard VEG S6 precludes all vegetation management activities that reduce winter snowshoe hare habitat in multistoried forests, not just precommercial thinning activities as recommended in the LCAS.

How will the management direction affect winter recreation such as snowmobiling and ski areas?
Since neither FWS nor the FS could find any research to confirm that snow compacting activities actually do put lynx populations at risk, human uses, including winter recreation, are covered by guidelines, which allow for more flexibility in designing project and activities that both conserve lynx and meet human needs did not

Snowmobiling: In occupied lynx habitat Alternative F Scenario 2 could result in an increase is designated over-the-snow routes in areas that are part of the established baseline of already compacted snow. Outside of lynx habitat the management direction would not limit routes. Since administrative units would be able to provide more designated and or groomed route and opportunities as demand increase, the recreational user's experience should not change.

Ski areas: In a few locations where ski areas are close to each other the designed of new access roads and lift temini may need to consider lynx security need, which could increase costs associated with expansion or development. Grooming and designation of ungroomed routes could increase under Alternative F Scenario 2; however, following the guidelines may limit growth in some areas. Given the expected increase in demand, the user experience could change, such as encountering more people on trails and at ski lifts, and there could be an increase in safety issues with the increase density of people.

What kind of management direction is applied to those actions found not to be threats to lynx?
For those actions that may have possible adverse affects on individual lynx but were found not to threaten the lynx population we used guidelines. Guidelines are management actions normally taken to meet objectives. We expect guidelines to be followed in most cases, however based on site specific conditions there may be reasons not to follow guidelines in some situations.

I made comments on the DEIS but I do not know how you used them.
We received well over 5,000 comments on the DEIS. We appreciate all the time the public put into reading and commenting on the DEIS. We read all of those comments and used a content analysis process to systematically compile, categorize, and understand the full range of public viewpoints and concerns. We responded to the comments in Volume 2 of the FEIS—Response to Comments. We used the comments to help formulate Alternative F, to help clarify and add to the analysis, to correct errors in the DEIS, and to update the FEIS.

Does a project have to be under the Healthy Forests Restoration Act (HFRA) to follow Guideline VEG G10 and be exempt from the VEG standards?
No. In the lynx management direction, HFRA is use to define what the wildland urban interface is; HFRA is not used to define what a fuel treatment project is. *Fuel treatment* is defined in the glossary attached to the back of the ROD. It states, "A fuel treatment is a type of vegetation management action that reduces the threat of ignition, fire intensity, or rate of spread, or is use to restore fire adapted ecosystems." Any project or portion of a project that is done to treat fuels, and takes place within the wildland urban interface does not necessarily need to meet Standards VEG S1, S2, S5, and S6, up to a cap of 6 percent of the lynx habitat on the Forest. We still expect many of the projects to be able to meet the VEG standards, and we do not expect to approach the 6 percent cap on the majority of National Forests.

Do all the parts of a project have to be for fuel reduction to follow Guideline VEG G10 and be exempt from the VEG standards?
No. *Project* is defined in the glossary attached to the back of the ROD. It states *project* is "All, or any part or number of the various activities analyzed in an Environmental Impact Statement, Environmental Analysis, or Decision Memo. For example, the vegetation management in some units or stands analyzed in an EIS could be for fuel reduction, and therefore those units or stands would fall within the term *fuel treatment project* even if the remained of the activities in the EIS are being conducted for other purposes, and the remainder of those units or stands have other activities prescribed in the them. All units in an analysis do not necessarily need to be for fuel reduction purposes for certain units to be considered a *fuel reduction project*."

What is the Wildland Urban Interface (WUI)?

The definition of WUI is found in the Healthy Forests Restoration Act. The full text can be found at HFRA § 101. Basically, the wildland urban interface is the area adjacent to an at-risk community that is identified in the community wildfire protection plan. If there is no community wildfire protection plan in place, the WUI is the area 0.5 mile from the boundary of an at-risk community; or within 1.5 miles of the boundary of an at-risk community if the terrain is steep, or there is a nearby road or ridgetop that could be incorporated into a fuel break, or the land is in condition class 3, or the area contains an emergency exit route needed for safe evacuations. (This is condensed from HFRA. For the full text see HFRA § 101.)