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## **Idaho Conservation League**

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USDA Forest Service  
Objection Reviewing Officer  
EMC, RPC-6<sup>th</sup> Floor  
Attn: Judicial and Administrative Reviews  
1601 N. Kent Street  
Arlington, VA 22209

November 25, 2013

### **Subject: Objection to Revised Land Management Plan for the Idaho Panhandle National Forests**

To Whom it May Concern:

Since 1973, the Idaho Conservation League has been Idaho's voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in protecting human health and the environment.

On behalf of the Idaho Conservation League and its supporters, I am filing an objection to the Revised Land Management Plan ("LMP") for the Idaho Panhandle National Forests. As outlined in the enclosed objection, we are concerned that the Revised LMP allocates an existing recommended wilderness area to a management area category devised exclusively for snowmobile use. While existing snowmobile use occurs in the southern portion of the upper Pack River, the northern half of this management area is currently closed to all motorized use. This change represents a net expansion of snowmobile use into an area that is suitable for wilderness and encompasses habitat for threatened and endangered wildlife.

This management area allocation also violates the Northern Rockies Lynx Management Direction, which provides that snowmobile use should not be expanded into an area that was closed when the direction was adopted.

We are also concerned that the Revised LMP fails to include a single management standard to ensure the viability and recovery of the endangered woodland caribou herd that inhabits the Selkirk Mountains. The LMP contains extensive direction related to grizzly bears and lynx, but no comparable direction for caribou may be found in the Revised LMP.

Finally, while the Revised LMP retains existing management direction that limits motorized access within the grizzly bear recovery zones during the snow-free months, it does not resolve conflicts between snowmobiles and bears when they are emerging from hibernation. Recovery is premised upon providing secure core habitat during the active bear year. Because the Revised LMP does not prohibit snowmobile use within core habitat after bears emerge from hibernation, it falls short of the necessary measures needed to recover the species.

After several long years of planning, we share the Forest Service's desire to implement a plan that reflects current management needs. Please contact me to schedule a formal resolution meeting at your earliest convenience so that we may attempt to resolve these matters.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Brad Smith".

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# Objection to the Revised Land Management Plan for the Idaho Panhandle National Forests

## Notice of Objection

Pursuant to 36 CFR § 219, Subpart B, the Idaho Conservation League objects to the Revised Land Management Plan (“LMP”) and Final Environmental Impact Statement (“FEIS”) for the Idaho Panhandle National Forests (“IPNF”). The responsible official is the Northern Regional Forester, Faye Krueger.

A legal notice was published in the Coeur d’Alene Press on September 27, 2013. Parties with standing are permitted to file objections to the LMP and FEIS within 60 days of the publication of the legal notice in the newspaper of record. Objections must be filed no later than November 26, 2013. Thus, this objection, dated November 25, 2013, has been filed in a timely manner.

## Statement of Reasons

### **1. The FEIS fails to take the requisite “hard look” at the effects of the Revised LMP to an existing recommended wilderness area.**

The 1987 LMP for the IPNF recommended approximately 26,658 acres of wilderness in the Selkirk Mountains. The Selkirk Recommended Wilderness Area (“RWA”) extended from Fault and McCormick Lakes near the southern end, north to the headwaters of Long Canyon. The RWA incorporated much of the upper Pack River, including Gunsight Peak, Chimney Rock, Beehive Lake, and Harrison Lakes. There were also two “arms” or “lobes” that branched out near the north end, incorporating West Fork Lake, the Lion’s Head, Trout Lake, Pyramid Lake, and Ball Lakes.

While the 1987 LMP was silent on the matter of non-conforming uses in RWAs, restrictions were later implemented in the Selkirk RWA to protect threatened and endangered wildlife. For example, all of the trails in the Selkirk RWA were closed to motorized vehicles in order to provide grizzly bear habitat security.

Similarly, in 1994, the Forest Service implemented a closure in the Selkirk Crest to reduce conflicts between snowmobile use and endangered caribou. This closure included approximately 14,724 acres (U.S. Forest Service 2004) and extended from the West Branch Pack River drainage, north to Myrtle Lake, incorporating much of the upper Pack River and the Selkirk RWA. As a result of the closure, places like Chimney Rock, Beehive Lake, Harrison Lakes, Two Mouth Lakes, and Myrtle Peak were off-limits to snowmobiles. This closure also benefited

wildlife other than caribou, such as grizzly bear, lynx, and wolverine. Grizzly bears and lynx are listed as threatened under the Endangered Species Act (“ESA”). Wolverine is a candidate for threatened status.

These closures also protected and enhanced the wilderness character of the Selkirk RWA by restricting non-confirming uses. They promoted solitude, primitive and unconfined types of recreation, and natural sights and sounds. Consequently, the “capability” and “availability” of the Selkirk RWA to support wilderness were enhanced, with the exception of the McCormick Creek Drainage. There are no restrictions on snowmobile use in that drainage. Snowmobile use has steadily expanded there as the sport has grown and technological advancements have made that allow rider to more easily access to the high country.

Unfortunately, the Revised LMP would significantly harm the resource values of the upper Pack River, in the area currently closed to snowmobiles. Alternative B Modified would allocate the upper Pack River to Management Area 1e – Primitive Lands (“MA1e”), which is a management area devised exclusively for snowmobile use. Guidelines MA1e-GDL-AR-01 and MA1e-GDL-AR-02 specifically permit snowmobiles in this management area (Revised LMP, Pages 53 and 54). This allocation would reverse the existing closure in the upper Pack River, opening places like Chimney Rock, Beehive Lake, and Harrison Lakes to snowmobiles.

Consequently, threatened and endangered wildlife species that inhabit the Selkirk Mountains would be harmed due to the reduction in available security habitat. For example, Kinley and Apps (2007) found that some of the best caribou habitat in the U.S. portion of the caribou recovery area was centered on Harrison Peak. Snowmobile use in this area, if approved, would further reduce the availability of suitable and secure habitat for candidate, threatened, and endangered species.

The allocation of MA1e also irretrievably closes the door on the possibility of wilderness in the upper Pack River. The Selkirk Inventoried Roadless Area (“IRA”) was rated “high” with regard to the area’s “availability”, “capability”, and “need” for wilderness designation (FEIS Appendix C, Pages 108-109, 122, and 133-131). If the upper Pack River is allocated to MA1e, then the availability of the area to be designated as wilderness will greatly decline. Once motorized use has become established in an area, it is highly unlikely that the Forest Service will ever consider recommending that area for wilderness again. More importantly, Congress is extremely unlikely to designate an area as wilderness if it is not recommended by the agency and non-confirming uses are established there.

Despite all of these concerns, the Forest Service failed to take a “hard look” at the environmental consequences of withdrawing its’ wilderness recommendation for the upper Pack River. Regulations implementing the National Environmental Policy Act (“NEPA”) provide that agencies must discuss “any adverse environmental effects which cannot be avoided should the

proposal be implemented.” 40 CFR § 1502.16. The FEIS includes a cursory one-paragraph summary of the environmental effects of the action alternatives to the Selkirk IRA (FEIS Appendix C, Page 179). However, it fails to describe the site-specific effects to the wilderness characteristics of the upper Pack River, such as solitude, opportunities for primitive and unconfined types of recreation, naturalness, etc. Similarly, the wildlife analysis fails to detail how opening the upper Pack River to snowmobiles will affect wildlife habitats located there.

Instead, the Forest Service explains that the Revised LMP is a programmatic document and not a travel management decision, and therefore, the plan results in no ill effects to wilderness character and listed wildlife species. Specifically, the FEIS states, “[t]he northern portion of MA1e is within the snowmobile closure for caribou and does not change that closure. The northern portion was allocated to MA1e to preserve the opportunity to allow snowmobiling, after site-specific NEPA and ESA consultation, if the closure was lifted.” (FEIS Appendix G, Page 491). The omission of site-specific analysis related to allocating the upper Pack River to MA1e instead of recommended wilderness is precisely what the Forest Service will need to correct in order to satisfy NEPA.

In making our case, we point to a seminal environmental ruling involving the Forest Service’s second Roadless Area Review and Evaluation (“RARE II”), where the agency proposed to allocate roadless areas across the National Forest System to three management categories. These categories included (1) recommended wilderness, (2) non-wilderness, and (3) further planning. The State of California brought suit against the Forest Service, contending that the agency failed to examine the site-specific environmental consequences of allocating certain roadless areas to the non-wilderness category. *California v. Block*, 690 F.2d 753-781 (9<sup>th</sup> Cir.1982). As with the Revised LMP, the Forest Service countered that the type of detailed analysis normally contained in an EIS for a narrowly focused project was unwarranted. The agency explained that the non-wilderness designation meant only that the areas would not be considered for wilderness during the first generation of forest management plans required by the National Forest Management Act (“NFMA”).

The 9<sup>th</sup> Circuit has ruled that a full disclosure of site-specific environmental effects is not required until a “critical decision” has been made to act on site development. *Sierra Club v. Hathaway*, 579 F2d 1162, 1168 (9<sup>th</sup> Cir. 1978). A critical threshold is reached when, as a practical matter, the agency proposes to make an “irreversible and irretrievable commitment of the availability of resources” at a particular site. *Id.* At 1168. In *California v. Block*, the 9<sup>th</sup> Circuit Court of Appeals held that this threshold was met when the Forest Service allocated specific roadless areas to non-wilderness because “[f]uture decisions concerning these areas will be constrained” by RARE II. 690 F.2d 762 (9<sup>th</sup> Cir.1982). As in *California v. Block*, allocating the upper Pack River to MA1e instead of recommended wilderness constrains the Forest Service’s ability to recommend the area for wilderness in the future even if the agency ultimately

chooses not to open the northern half of the area to snowmobiles. For this reason, the Revised LMP will result in a “critical decision” about the upper Pack River, requiring an examination of the site-specific environmental consequences.

The congruence between the Revised LMP’s lack of site-specific analysis regarding MA1e and the non-wilderness category in RARE II is even more eerie when you consider that the IPNF promises future “site-specific NEPA and ESA consultation” before a travel management decision affecting the upper Pack River is made. (FEIS Appendix G, Page 491). In RARE II, the Forest Service similarly promised that site-specific NEPA analysis would be conducted before approving any projects in the roadless areas allocated to non-wilderness uses. However, the 9<sup>th</sup> Circuit characterized such promises as “meaningless if later analysis cannot consider wilderness preservation as an alternative to development.” *California v. Block*, 690 F.2d 763 (9<sup>th</sup> Cir.1982). In the very same way, the Revised LMP shuts the door on wilderness in the upper Pack River because the agency will have already decided not to recommend the upper Pack River for wilderness regardless of the outcome of the future travel management planning process.

While the FEIS acknowledges that effects to wilderness character will occur, there is no detailed discussion about how the action will affect the primary attributes of wilderness as described in Section 2(c) of the Wilderness Act. Similarly, there is no detailed discussion in the wildlife section about how MA1e will affect threatened and endangered species or their habitats. Taking a “hard look” involves “a reasonably thorough discussion of the significant aspects of the probable environmental consequences.” *California v. Block*, 690 F.2d 753, 761 (9<sup>th</sup> Cir. 1982). The hard look doctrine bars “[g]eneral statements about ‘possible effects’ and ‘some risk’ ...absent a justification regarding why more definitive information could not be provided.” *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9<sup>th</sup> Cir. 1998). Since the Forest Service failed to take a “hard look” at the environmental consequences of allocating the upper Pack River to MA1e instead of recommended wilderness (MA1b), the FEIS does not satisfy NEPA.

## **2. The management area direction for MA1e is contrary to the Northern Rockies Lynx Management Direction.**

Canada lynx was listed as a threatened species in 2000. It is one of the few species to be listed under the ESA due to the inadequacy of existing regulatory mechanisms. In response, several national forests amended their forest plans by adopting management direction to conserve lynx. This management direction is known as the Northern Rockies Lynx Management Direction (“NRLMD”), and is consistent across the national forests that have adopted it.

The 1987 IPNF LMP was one of the plans that were amended to include the NRLMD. The Revised LMP also retains the NRLMD, which consists of a set of management goals, objectives,

standards, and guidelines, all of which are intended to contribute to the recovery of lynx. The NRLMD is found in Appendix B of the Revised LMP.

Among others, the objectives of the NRLMD are to:

- Maintain the lynx's natural competitive advantage over other predators in deep snow, by discouraging the expansion of snow-compacting activities in lynx habitat.
- Manage recreational activities to maintain lynx habitat and connectivity.

(Revised LMP, Page 162).

In order to meet these objectives, the NRLMD prescribes a number of management standards and guidelines. Among others, Guideline HU G11 requires that:

- Designated over-the-snow routes or designated play areas should not expand outside baseline areas of consistent snow compaction, unless designation serves to consolidate use and improve lynx habitat. This may be calculated on [a lynx analysis unit ("LAU")] basis, or on a combination of immediately adjacent LAUs.

(Revised LMP, Page 163).

"Areas of consistent snow compaction" are defined in the Glossary on Page 165 of the Revised LMP:

- An area of consistent snow compaction is an area of land or water that during winter is generally covered with snow and gets enough human use that individual tracks are indistinguishable. In such places, compacted snow is evident most of the time, except immediately after (within 48 hours) snowfall. These can be areas or linear routes, and are generally found in or near snowmobile or cross-country ski routes, in adjacent openings, parks and meadows, near ski huts or plowed roads, or in winter parking areas. Areas of consistent snow compaction will be determined based on the acreage or miles used during the period 1998 to 2000.

In establishing the baseline areas of consistent snow compaction, the IPNF is required to:

- Map the location and intensity of snow compacting activities and designated and groomed routes that occurred inside LAUs during the period of 1998 to 2000. The mapping is to be completed within one year of this decision, and changes in activities and routes are to be monitored every five years after the decision.

(Revised LMP, Page 164).

ICL requested a copy of the map referenced above. In response, the IPNF indicated that no such map was in their possession, and that they only maintained the information necessary to produce the required map.

Even though the required map apparently does not exist, the closure order that encompasses the Selkirk Crest and the northern half of MA1e was issued in 1994 and remains in effect to this day. Therefore, the northern half of MA1e was closed to all winter motorized use during the NRLMD's baseline period of 1998-2000, and would not have been identified as a baseline area of consistent snow compaction (i.e. there was no snowmobile use there).

The management area direction for MA1e is contrary the NRLMD because snowmobiles use would be expanded into the northern half of MA1e, which was closed during the baseline period of 1998- 2000. Moreover, there is a significant amount of primary and secondary lynx habitat in the Pack River LAU, which is disclosed on page 225 of the FEIS. The majority of this habit is distributed in the West Branch Pack River, Thor Creek, Slide Creek, Beehive Creek, and around Harrison Lake—all of which were closed to snowmobiles during the baseline period of 1998-2000. Opening these areas to snowmobiles is not only contrary to Guideline HU G11, but it is also inconsistent with Objectives HU 01 and HU 02, listed above and on page 162 of the Revised LMP.

Even if the Revised LMP does not make site-specific travel management designations, the NRLMD precludes the Forest Service from authorizing snowmobiles use in the northern half of MA1e in the first place. This includes but is not limited to, approximately 7,579 acres in the Pack River LAU as illustrated in Figure 9 of our comments about the Draft Environmental Impact Statement ("DEIS").

Because the allocation of MA1e is contrary to the NRLMD, which was adopted to protect a species listed as threatened under the ESA, the Revised LMP fails to meet the Act's requirement to protect lynx. Similarly, the allocation of MA1e violates travel management rule criteria that require the Forest Service to minimize "[h]arassment of wildlife and significant disruption of wildlife habitats." 36 CFR § 212.55(b)(2). If the upper Pack River was instead allocated to recommended wilderness, the Revised LMP would be consistent with the NRLMD.

### **3. The Revised LMP fails to ensure the viability and recovery of woodland caribou.**

Regulations implementing the NFMA direct the Forest Service "to maintain viable populations of exiting native [...] vertebrate species in the planning area." 36 CFR § 219.19. Moreover, Section 7(a)(1) of the ESA directs federal land managers to "carry out programs for the conservation of endangered species and threatened species." Examples of native vertebrate wildlife species in the planning area include woodland caribou, grizzly bear, lynx, and wolverine—all of which are also candidate, threatened, or endangered species.

In order to help ensure the viability of listed wildlife populations in the planning area, NFMA's 1982 implementing regulations require the Forest Service to articulate plan objectives "for threatened and endangered species that shall provide for, where possible, their removal from listing [...] through appropriate conservation measures, including the designation of special areas to meet the protection and management needs of such species." 36 CFR § 219.19(a)(7).

The Forest Service's travel management regulations require the agency to give consideration to the effects of recreation to wildlife. In designating roads, trails, or areas for off-road vehicle or snowmobile use, Forest Service decision-makers must minimize "[h]arassment of wildlife and significant disruption of wildlife habitats." 36 CFR § 212.55(b)(2).

The Revised LMP incorporates previous plan amendments, including Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones ("Grizzly Bear Access Amendment") and the NRLMD, both of which provide extensive management goals, objectives, standards, and guidelines intended to promote the recovery of grizzly bear and lynx. However, there is no comparable amendment or management direction for woodland caribou, despite the fact that woodland caribou are the most endangered mammal in the contiguous United States.

Instead, the management direction for woodland caribou is relegated to a short list of hollow forest wide management objectives and guidelines, found on pages 30, 31, and 33 of the Revised LMP. Geographic area-specific guidelines are found on pages 85, 89, and 93, but these guidelines are duplicative when compared to the forest wide management direction.

Unlike the Grizzly Bear Access Amendment and the NRLMD, the Revised LMP does not include a single management standard for woodland caribou. Both the Grizzly Bear Access Amendment and the NRLMD contain standards to ensure that habitat for both species is well distributed. Unfortunately, the Revised LMP contains no comparable management standards to ensure, among other things, that adequate secure winter habitat is available to woodland woodland caribou to promote recovery of the species.

Guidelines FW-GDL-WL-03, FW-GDL-WL-04, and FW-GDL-WL-19 would seemingly provide security habitat for caribou. These guidelines suggest that the Forest Service "should" avoid or minimize motorized access to areas occupied by caribou. However, the only area presently occupied by the species is the Salmo-Priest Roadless Area. The Revised LMP allocates habitat presently occupied by caribou to recommended wilderness, which prohibits motorized and mechanized use on its own. Therefore, these guidelines would only meaningfully contribute to the conservation of caribou if they occupied an area outside of recommended wilderness.

Moreover, limiting habitat security measures to occupied or designated critical habitat fails to ensure recovery of the species. In designating critical habitat for woodland caribou, the Fish and Wildlife Service noted, “a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species.” 77 Fed Reg. 71068. The Forest Service remains obligated to manage habitat within the recovery area for just that—recovery.

In order to recover woodland caribou, motorized use must be prohibited in areas not presently occupied. This is necessary to provide for growth and dispersal of the herd. Caribou are unlikely to expand into areas where snowmobile use is well established:

Increasing levels of winter recreational activities (e.g., snowmobiling) within the southern Selkirk Mountains population of woodland caribou recovery area, which includes the [Colville National Forest] in Washington and IPNF in Idaho, is an emerging threat to the southern Selkirk Mountains population of woodland caribou. The numbers and distribution of recreational snowmobilers has increased over the last 10–15 years, due in part to improved snowmobile technology and the increasing popularity of the sport. Snowmobiling activities have the potential to displace caribou from suitable habitat, resulting in additional energy expenditure by caribou when they vacate an area to avoid disturbance [(Citing Tyler 1991 and Cichowski et al. 2004)]. This results in an effective loss of habitat availability temporarily, and potentially for the long term if caribou abandon areas characterized by chronic disturbance.

77 Fed. Reg. 71070.

Potential measures to address this problem could have been incorporated into the Revised LMP, but the Forest Service chose not to make any substantive changes between the Draft and the Revised LMP.

In order to contribute to the recovery of caribou, the Final LMP must contain three important elements. First, as we recommended in our comments about the Draft LMP, guideline FW-GDL-WL-04 related to avoiding or minimizing disturbance in occupied caribou habitat must be changed to a standard that outright prohibits snowmobile use in occupied habitat.

Secondly, high-quality late winter habitat must be protected from disturbance even if it is currently unoccupied. As mentioned above, the Fish and Wildlife Service cited several studies in the Federal Register indicating that caribou are highly unlikely to use winter habitats with chronic snowmobile use. Protection of occupied habitat must be coupled with protection of high-quality late winter habitat in order to provide accommodations for recovery. Increased secure habitat is needed to grow the herd and provide for dispersal. We recommend prohibiting snowmobile use in all late winter caribou habitat with a suitability score of 0.5 or above (Kinley

and Apps 2007). These authors also mention that the greatest concentration of caribou telemetry locations and predicted high value habitat in all seasons outside the BC portion of the study area is centered on Harrison Peak.

Finally, the LMP must protect caribou movement corridors, which provide landscape-level connectivity between occupied and unoccupied habitats. The Revised LMP expresses only a desire (FW-DC-WL-07) to have “areas for movement” without identifying these areas or prescribing any standards to protect them.

We noted in our comments about the Draft LMP that Terry et al. (2000) suggested conservation of valley bottom forests as travel corridors to help maintain landscape-level connectivity. Specific movement corridors used by woodland caribou are documented in the scientific literature. Freddy (1974) identified caribou movement from Kootenay Pass, British Columbia southward to Snowy Top Mountain, and from Monk Creek and Nun Creek, British Columbia to Continental Mountain via the Upper Priest River drainage. Also, Wakkinen and Slone (2010) modeled travel corridors between areas of high-quality caribou habitat utilizing habitat quality maps developed by Kinley and Apps (2007).

These recommendations are also consistent with the strategy the Forest Service developed in 2004, which states, “[d]uring Forest Plan revision, complete environmental analysis that includes management direction for caribou, caribou habitat and winter recreational activities within identified overlap areas.” (Page 35). The document goes on to suggest that “specific standards and restrictions [are] necessary to protect caribou and their habitat on the IPNF” and that the agency “should identify key caribou habitat and linkage corridors between these habitats, where high levels of human recreational activities are restricted, as well as areas where such activities are appropriate.” (Page 40).

Despite our comments and the Forest Service’s (2004) own recommendations, the Revised LMP fails to designate or protect a single acre of late winter habitat or a single movement corridor. Instead, the agency insists that the Revised LMP is a programmatic document—not a site-specific travel management plan. The Forest Service further explains that the forthcoming winter travel management planning process will address conflicts between winter recreation and wildlife at that time.

However, meaningful sideboards established in land and resource management plans provide the necessary framework for ecologically sound travel management decisions. Unfortunately, the Revised LMP contains no standards for caribou habitat security or the protection of movement corridors. These concerns could have been easily remedied by prescribing standards that restrict disturbance in occupied habitat, high-quality late winter habitat, and movement corridors. At best, the Revised LMP contains only a few toothless guidelines. Consequently, the Revised

LMP fails to ensure the viability and recovery of woodland caribou as required by the ESA and the Forest Service's planning and travel management regulations.

**4. The Revised LMP does not minimize conflicts between snowmobile use and grizzly bears emerging from hibernation.**

The travel management rule requires the Forest Service to minimize “[h]arassment of wildlife and significant disruption of wildlife habitats.” 36 CFR § 212.55(b)(2). This requirement is particularly important when listed species are present, which are negatively affected by motorized vehicles. The Revised LMP incorporates the Grizzly Bear Access Amendment, which limits the amount of motorized access in the Selkirk and Cabinet-Yaak Recovery Areas. However, the Grizzly Bear Access Amendment does not limit or minimize snowmobile use in grizzly bear core habitat.

Unlike vehicles with wheels, the use of snowmobiles often extends off of designated routes, into cirques, meadows, bowls, chutes, forest openings, ridgelines, and other areas that are largely inaccessible to wheeled vehicles. Areas that provide core habitat to grizzly bears during the snow-free months may be accessible to snowmobiles when sufficient snow pack is available. When snowmobile use and spring grizzly bear emergence times overlap, these areas are not providing the core habitat security upon which the recovery of grizzly bears is premised.

Base on den emerge dates amassed by Kasworm et al. (2010), potential conflicts would likely occur in late March and early April. They recorded 62 den emergence dates for collared grizzly bears in the Cabinet-Yaak Ecosystem from 1983 through 2009. Emergence dates ranged from the third week of March to the third week of May. Fifty (81%) emergence dates occurred from the first through fourth weeks of April. Grizzly bears in the Cabinet Mountains generally exited dens at least one week later than bears in the Yaak River drainage. Males generally exited dens earlier than females. Females with cubs appear to exit dens later than other females. While we are unaware of any studies that document emergence dates of grizzly bears in the Selkirk Recovery Area, we are also unaware of any reasons to suspect that the timing of emergence differs significantly between grizzly bears in the two ecosystems.

The Revised LMP acknowledges by inclusion of standard FW-STD-WL-04 that this is a real issue. Standard FW-STD-WL-04 prohibits snowmobile trail grooming in grizzly bear core habitat after April 1. However, the simple act of discontinuing grooming does little to reduce or eliminate snowmobile access to grizzly bear core habitat during spring emergence. By that point in the season, the prisms of groomed routes are well established, such that use may continue even when fresh snow has fallen. Moreover, experienced riders are able to travel to locations where no linear routes exist at all.

The FEIS also fails to put this issue into true perspective. Table 54 (LMP, Page 261) summarizes the agency's estimates of the amount of snowmobile use within the IPNF's share of the two recovery zones. Specifically, the table summarizes (1) the total area where snowmobile use is legally allowed, (2) the mileage of groomed snowmobile routes, and (3) the agency's estimate of actual acres used by snowmobilers. Without providing any maps or documentation to illustrate the areas where the Forest Service believes actual snowmobile use occurs, the agency estimates that it takes place on 19,930 acres in the Selkirk Recovery Zone and 47,740 acres in the Cabinet-Yaak Recovery Zone. However, Table 54 provides no estimates of the amount of core habitat affected. There are no estimates of the amount of use occurring in core habitat or the mileage of groomed routes in core habitat.

Moreover, illegal snowmobile use is regularly observed in grizzly bear core habitat after April 1<sup>st</sup> when Forest Service, Idaho Fish and Game, and conservation groups conduct aerial flights to observe and census caribou. Illegal incursions into Hughes Meadow, upper Grass Creek, Trapper Burn, and the upper Pack River occur frequently. These areas hold persistent spring snow pack well into May, providing late season snowmobile opportunities.

Despite raising this issue in comments about the Draft LMP, no changes were made in the Revised LMP. Controlling and directing motorized access is one of the most important tools in achieving habitat effectiveness and managing grizzly bear recovery (U.S. Fish and Wildlife Service 1993). Limiting motorized access during the active bear year (April 1 to November 15 in the Selkirk Recovery Zone; April 1 to November 30 in the Cabinet-Yaak Recovery Zone) is necessary to minimize interactions with humans, habituation, and ultimately, mortality. Since the Revised LMP permits snowmobile use to occur in core habitat during the active bear year, it fails to comply with the travel management rule and the ESA.

### **Link to Prior Substantive Comments**

All of the issues we have raised in this objection were also raised in our comments about the Draft LMP and DEIS, dated May 4, 2012. For example, on pages 26-36 and 46-47 of our comments, we insisted that the Forest Service must disclose the site-specific environmental impacts of allocating the upper Pack River to MA1e instead of MA1b. The inconsistencies in management direction between MA1e and the NRLMD are discussed on pages 30-32. Comments pertaining to the lack of management standards for woodland caribou may be found on pages 9-13, and our concern about conflicts between snowmobiles and grizzly bears emerging from hibernation was discussed on page 9.

## **Requested Remedies**

**1. In order to address our concern that the FEIS fails to take the requisite “hard look” at the effects of the Revised LMP to an existing recommended wilderness area, we respectfully request the following remedies:**

- a. Case law clearly indicates that the Forest Service is obligated to detail the site-specific effects of withdrawing its existing wilderness recommendation for the upper Pack River and instead allocating the area to non-wilderness uses. Specifically, the FEIS must be revised to include a detailed, site-specific discussion about the effects of allocating the area to MA1e, including impacts to the area’s existing wilderness character as well as threatened and endangered species and their habitats.
- b. Additionally, we remain concerned that Alternative B Modified irretrievably closes the door on wilderness in the upper Pack River, despite the fact that opening the northern half of the area to snowmobiles is contingent upon a future winter travel management planning process. Since the travel plan has not been completed, we propose a remedy that does not foreclose on the possibility of wilderness in the upper Pack River. Specifically, we ask the responsible official to include language in the Record of Decision, stating that if any portion of MA1e is closed to snowmobiles as a result of the winter travel management planning process, then the LMP will be amended at that time by changing the management area allocation for the closed portion from MA1e to MA1b (recommended wilderness).

**2. In order to address our concern that the management area direction for MA1e is contrary to the Northern Rockies Lynx Management Direction, we respectfully request the following remedy:**

- a. We interpret NRLMD Guideline HU G11 to mean that the Forest Service cannot open an area to snowmobile use if it was closed during the baseline period of 1998-2000. Since the northern half of MA1e is encompassed by a closure order dating back to 1994, we believe this direction applies to the area. To remedy this concern, the Forest Service should either agree to allocate the area to MA1b or provide a satisfactory explanation as to why our interpretation of Guideline HU G11 is incorrect. We could find no specific response to this issue in the agency’s response to comments.

**3. In order to address our concern that the Revised LMP fails to ensure the viability and recovery of woodland caribou, we respectfully request the following remedies:**

- a. As stated in this objection, the Revised LMP contains no standards to protect woodland caribou despite the fact that this species is the most endangered mammal in the country. At a minimum, the Forest Service should change Guideline FW-GDL-WL-04 to a standard and reword it as follows:

*Over-snow vehicle use is prohibited December 1 through April 30 in areas occupied by caribou.*

- b. The final LMP must include standards that provide winter habitat security in areas that are currently unoccupied. This is necessary to promote recovery, which will not occur if the Forest Service only protects occupied habitat. In particular, we recommend that the Forest Service prohibit snowmobile use in late winter habitats identified by Kinley and Apps (2007) with a suitability score of 0.5 or higher. Alternatively, the Forest Service might consider prescribing minimum habitat security levels for each of the caribou management units in the IPNF's portion of the caribou recovery area. This approach would be similar to the Grizzly Bear Access Amendment.
- c. To provide connectivity between suitable caribou habitats, the Forest Service must also develop standards that prohibit snowmobile use in designated movement corridors. Freddy (1974) and Wakkinen and Slone (2010) have identified specific corridors that should be protected.

**4. In order adequately minimize conflicts between snowmobile use and grizzly bears emerging from hibernation, we respectfully request the following remedy:**

- a. Grizzly bear recovery in the Selkirk and Cabinet-Yaak Ecosystems is premised upon providing sufficient core habitat during the active bear year. Core habitat is defined as having no motorized access. Therefore, the final LMP should prohibit snowmobile use in grizzly bear core habitat from April 1 to November 15 in the Selkirk Mountains and April 1 to November 30 in the Cabinet Mountains.

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